

(DO NOT FILE THIS INSTRUCTION SHEET WITH THE LOCAL LAW.)

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code

One Commerce Plaza, 99 Washington Avenue
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Local Law Filing

Albany, NY 12231-0001

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

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of MORIAH

Local Law No. 1 _____ of the year 20 19 _____

A local law entitled, "Hamlet of Port Henry Development Review Law"
(Insert Title)

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Moriah as follows:

Full Text of Law Is Attached Hereto

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 19 of the (County)(City)(Town)(Village) of _____ Moriah was duly passed by the _____
Town Board on March 26 20 19, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____
_____ on _____ 20 _____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer*)
on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____
_____ on _____ 20 _____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20 _____.
(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.) I hereby certify that the local law annexed hereto, designated as _____ of _____ of _____

the (County)(City)(Town)(Village) of _____, and was (approved)(not

(Name of Legislative Body)

(repassed after disapproval) by the _____ on _____ 20 _____. Such local
(Elective Chief Executive Officer*)

law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 20 _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

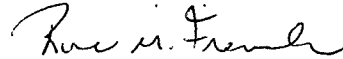
I hereby certify that the local law annexed hereto, designated as local law No. _____, having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____, State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 3/26/19

Local Law 1 of 2019

Town of Moriah

Hamlet Development Review Law

Article I

1.1 Enactment

- (A) The Town Board of the Town of Moriah, Essex County, New York, does hereby enact this Law pursuant to the authority and provisions of Section 10 of the Municipal Home Rule Law and Section 274-a of the Town Law.

1.2. Short Title

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

1.3. Intent and Purpose

- (A) Orderly and well-planned development is declared to be of importance to the general well being of the inhabitants of the Town of Moriah and to the maintenance and continued development of the economy of the Town. Since the hamlet of Port Henry is the cultural, social and economic hub of the Town it is of primary importance to the Town to promote quality development in the hamlet of Port Henry.
- (B) The maintenance and conservation of the hamlet's existing historic and architectural character is also deemed essential to the continued development of the economy of the entire Town. Inharmonious development could destroy irretrievable historic and architectural resources.
- (C) The shoreline along Lake Champlain represents a significant natural resource with enormous economic potential for the hamlet and Town. Shoreline development must be supervised to ensure the protection and enhancement of this area.
- (D) 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 hamlet by establishing a site plan review process within the hamlet through review and approval of development plans. It is intended that this control of development within the hamlet will achieve the following general objectives:
- (1) Preserve and improve the historic character of the hamlet.
 - (2) Ensure and enhance adequate public access to Lake Champlain both now and in the future.
 - (3) Improve the visual quality of major streets in the hamlet.
 - (4) Ensure that new development does not adversely affect traffic and public services in areas suitable for development in the hamlet.
 - (5) Protect residential areas in the hamlet from undue 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 hamlet as well as the economy.
 - (7) Ensure that new development is in keeping with adjacent uses, neighborhood character and hamlet 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 hamlet 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 siting and performance standards and guidelines set forth in Article 2 hereof.

1.4. Definitions

- (A) The definitions of the terms as set forth below are to be used for purposes of this 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 and that customarily accompanies or is associated with such principal land use. One example is 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) "Hamlet of Port Henry" means that area designated as a hamlet and labeled 'Port Henry' as mapped by the Adirondack Park Agency and shown on the Adirondack Park Land Use and Development Plan Map and State Land Map – March 2018 Edition.
 - (4) "Historic structure" means a structure that is at least 50 years old.
 - (5) "Home Occupation" means a business activity resulting in a product or service for financial gain, conducted wholly or partly within a dwelling or accessory structure as a non-residential use that is secondary and subordinate to the use of the dwelling for living purposes and which does not change the residential character of the dwelling or vicinity. The enterprise is conducted by an owner/operator who must reside on the premises and does not employ more than four persons, in addition to the owner/operator and other family members in the home occupation who reside on the premises.
 - (6) "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.

- (7) "Minor Site Plan" means a use or combination of uses on a lot or a series of adjoining lots that requires site plan review pursuant to this Law and that does not exceed any of the following limits:

Alteration of existing commercial structures or expansion of such commercial structures by no more than one thousand (2,500) square feet.

Conversion of existing commercial structures totaling three thousand (3,000) square feet or less to another use.

No water/sewer mainline extensions are required

Not adjacent to residential occupied property

Improvements do not require significant access changes, road improvements; internal circulation changes, changes to parking areas, or a stormwater pollution prevention plan from the NYSDEC

Site has existing site improvements

Site improvements require no buffering or screening

- (8) "Shoreline" means the mean 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.

- (9) "Site Plan" means a rendering, drawing, or sketch prepared to specifications and containing necessary elements as set forth in this local law which shows the arrangement, layout and design of the proposed use of a single parcel of land as shown on the site plan.

- (10) "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 external fixtures, additions and alterations thereto.

1.5 Authorization of Town Board.

- A. The Town Board is hereby authorized to review and approve, approve with qualifications or modifications, or disapprove site plans for new land use activities within the Hamlet as described in and in accordance with the standards and procedures set forth in this local law. The Town Board shall serve as the administrative body for this local law until such time as a Planning Board or other administrative board is appointed as per Town Law 271.

Article II Applicability

2.1 Applicability of Site Plan Review.

- A. All new land use activities shall require site plan review and approval except for the uses listed in paragraph C, below. Uses that do not require site plan review shall meet all other requirements and standards of other local, county, New York State or federal laws and regulations including, but not limited to, the New York State Building Code prior to receiving a building permit issued by the Code Enforcement Officer.
- B. Residential structures converted to commercial use, except for home occupations shall require site plan review.

C. A site plan review and approval is not required for:

- (1) Construction of, renovation of, or additions to a one- or two-family dwelling and ordinary residential accessory structures.

Article III Site Plan Review Process

3.1 Preliminary Sketch Plan Review

- A. Prior to submission of an application for site plan review, a Preliminary Sketch Plan Review conference with the Town Board is required during the conceptual design process to reduce the review time of formal consideration of proposed site plans where possible. The sketch plan review conference shall take place at a regularly scheduled and noticed Town Board meeting, and is subject to all New York State rules on open meetings. The first meeting between the applicant and the Town Board shall consist of an informal conference to review the conceptual site design (sketch) plan. The Town Board's preliminary consultation shall review the basic concept of the proposal to identify areas of concern or resolve issues or satisfaction of requirements set forth in this Law which might occur during formal consideration and to determine what application materials will be required for commencement of the site plan review process. The Town Board may, if appropriate, determine that the project meets the definition of a minor project and initiate the Minor Site Plan Review Process detailed in below.
- B. The applicant shall provide the Town Board with sufficient data regarding the proposed development to clearly illustrate the intention of the applicant. This shall include a map or aerial photograph 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 appropriate, the site may also be visited by the Town Board.
- C. At the pre-application conference, the Town Board shall determine if the project is a minor or major project. The Town Board shall make its determination based upon review of the project's scope and the basic land use and site design concept, as shown by a sketch plan drawn to scale and accompanying statements provided by the applicant, and describing, at a reasonable level of detail, what is proposed.
- D. At the pre-application conference, the Town Board shall take one of three actions:
 - (1) Determine that the project is a minor project. Applications that are deemed major site plans are not eligible to be reviewed through a minor site plan process. If a project is deemed a minor site plan, the Town Board shall follow Section 3.3 of this Law. The Town Board shall also determine at the time of the pre-application conference if the minor site plan application requires an environmental review pursuant to SEQR Part 617.
 - (2) Determine that the project is a major project and that it does require full review under this Article, based upon the project's scope and/or land use, site and building design characteristics, and advise the applicant of site plan submission requirements in accordance with this local law.

- (3) Require additional sketch plan information prior to making a determination regarding the applicability of the site plan review and approval procedure.

3.2 Application Requirements

- A. Applications shall consist of the following, unless specifically waived by the Town Board at the sketch plan phase:

- (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 Town Board's discretion if it is of sufficient detail and accuracy):
 - (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.
 - (g) The appropriate environmental assessment form ("EAF") with Part 1 completed and signed by the applicant pursuant to the requirements of the State Environmental Quality Review Act ("SEQRA").
- (2) Accompanying data, to include the following:
 - (a) Application form, and fee as determined by the Town Board.
 - (b) Name and address of applicant and any licensed professional consultants.
 - (c) Copy of deed to the property in question, if requested by the Town Board.
 - (d) Authorization of owner of the property which is the subject of the site plan application 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 federal, state and county permits, if any.
 - (h) Lighting plans shall be submitted for all proposed exterior lighting drawn at 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.
 - (i) 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.
 - (j) Such additional information as the Town Board may reasonably require to assess the proposed project.
- B. Waiver. The Town Board may waive any of the submission requirements set forth in section 3.2 above if it finds that certain submission requirements or standards of this Section are not requisite in the interest of the public health, safety or general welfare as applied to a particular project or application. Waivers shall be explicitly requested by the applicant in writing, and expressly granted only by the Town Board. In granting waivers, the Town Board may, in its sole discretion, incorporate such reasonable conditions as will in its judgment substantially secure the objectives of the requirements so waived.

3.3 Minor Site Plan Review

- A. The Town Board shall, at the first regularly scheduled meeting held after determining that an application is a minor site plan begin the review process provided a complete application and accompanying fee has been submitted prior to such meeting. Incomplete applications shall be returned to the applicant, without prejudice, with a letter stating application deficiencies.
 - B. Once a complete application has been received, the Town Board shall conduct its abbreviated review and render a decision within 31 days from the first meeting where a complete application has been submitted unless an extended time frame is mutually agreed upon. No public hearing shall be required if the application is deemed a minor site plan review. The Town Board's action shall be in the form of a resolution stating whether the minor site plan is approved, disapproved or approved conditionally with modifications. Any modification required by the Town Board shall be considered a condition for issuance of a building permit. If the minor site plan is disapproved, the Town Board's resolution will contain the reasons for such decision. In such a case, the Town Board may recommend further study of the site plan and resubmission to the Town Board after it has been revised or redesigned.
- (1) Approval. Upon the Town Board's approval of the minor site plan and payment by the applicant of all fees due, the Town Supervisor, or other official as authorized by the Town Board, shall endorse its approval on a copy of the site plan and shall, within five (5) business days of its decision, file a copy of the approved resolution approving the minor site plan with

the Code Enforcement Officer. A copy of the written statement of approval shall be mailed to the applicant. Upon approval of the minor site plan, the applicant shall be eligible to apply for a building permit.

- (2) Approval with Modifications. The Town Board may approve the minor site plan and require that specific modifications or conditions be made. A copy of the resolution of approval containing the modifications required by the Town Board shall be provided or mailed to the applicant and filed with the Town Clerk and the Code Enforcement Officer. The Code Enforcement Officer shall not issue a building permit until the modified minor site plan has been reviewed and certified by the Code Enforcement Officer that the plan includes the specific modifications as required by the Town Board.
- (3) Disapproval. The Town Board shall make a resolution if its decision is to disapprove the application. The resolution shall set forth the reasons for the Town Board's decision not to approve the application. Upon disapproval of the site plan, the Town Board shall, within five (5) business days, file the resolution with the Hamlet Clerk and Code Enforcement Officer and provide or mail a copy to the applicant. No building permit shall be issued when an abbreviated site plan has been disapproved.

3.4 Major Site Plan Review and Decision

- A. An application for a major project site plan approval shall be made in writing to the Town Board and shall be accompanied by information drawn from the items from Section 3.2 of this Law as determined necessary by the Town Board at the sketch plan conference.
- B. The Town Board shall meet all environmental review requirements pursuant to NYCRR Part 117 (SEQRA) prior to approval of any site plan.
- C. The Town Board's review shall include, as appropriate to the application, the following:
 - (1) Consistency with the general review criteria of Article IV of this Local Law.
 - (2) Adequacy, arrangement, and grade of vehicular traffic access and circulation.
 - (3) Location, arrangements, safety, appearance and sufficiency of off-street parking and loading.
 - (4) Adequacy of stormwater and drainage facilities.
 - (5) Adequacy of water supply and sewage disposal facilities.
 - (1) Adequacy of landscaping.
 - (7) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
 - (8) The Town Board may review such site design features 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.

- (9) In the case of a commercial facility or any facility designed for use by the general public, 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.
 - (10) Adequacy of the site landscaping plan including appropriate screening and buffers.
- D. Within sixty-two (62) days of the Town Board's determination that an application is complete, the Town Board shall either render a decision or hold a public hearing if it determines that a hearing is warranted. In the event that a public hearing is held pursuant to Section 3.6 below, the Town Board shall render a decision within sixty-two (62) days of the public hearing. If no decision is made with that sixty-two (62) day period, the site plan shall be deemed to be approved. The time period in which the Town Board must render its decision can be extended by mutual consent of the applicant and Town Board.
- (1) Approval. Upon approval of the site plan and payment of all fees and reimbursable costs due to the Town, the Town Supervisor, or other official as authorized by the Town Board, shall endorse its approval on a copy of the site plan and shall file it with a written statement of approval within five business days with the Town Clerk and forward such copy to the Code Enforcement Officer. A copy of the written statement of approval shall be provided or mailed to the applicant by certified mail, return receipt requested.
 - (2) Approval with Modifications. The Town Board may conditionally approve the site plan provided certain specified modifications are made to the plan. The Town Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed site plan. Upon its conditional approval of said site plan, any such modifications and conditions must be met in connection with the issuance of building or other permits by the Town. A copy of a written statement containing the modifications required by the conditional approval shall be provided or mailed to the applicant. After adequate demonstration to the Town Board that all conditions have been met, and payment by the applicant of all fees and reimbursable costs due the Town, the Town Supervisor, or other official as authorized by the Town Board, shall endorse its approval on a copy of the site plan and shall file it within five business days with the Hamlet clerk and a written statement of approval shall be mailed to the applicant by certified mail, return receipt requested.
 - (3) Disapproval. Upon disapproval of the site plan, the Town Board shall file a written statement describing the Town Board's reasons for disapproval with the Town Clerk within five business days and a copy mailed to the applicant. In addition, the Town Board shall send a copy to the Code Enforcement Officer and the Code Enforcement Officer shall deny a building permit to the applicant.
- B. The Town 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 Town Board may include reasonable conditions or modifications to further the ends of this local law.

3.5 Consultant and Professional Review

- A. The Town 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 Adirondack Park Agency, the Department of Environmental Conservation and the Department of Health as it deems necessary in connection with its review of any development plan.

3.6 Public Hearing Notice and Conduct

- A. 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 Town at least 10 days prior to the date of the hearing, and notices sent to any adjacent municipality within 500 feet of the property which is the subject of the site plan. 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 200 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 Hamlet.
- B. Any hearing may be continued by motion of the Town 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 continuation, the time and date when the hearing is to be resumed shall be announced. No further notice or publication will be necessary.

3.7 Extension of Time Period

- A. Time frames may be extended by mutual agreement by both the Town Board and the applicant.

3.8 Required Referral

- A. Where applicable, the Town Board shall refer the plan to the Adirondack Park Agency and the County Planning Agency for Essex County for advisory review and report in accordance with Section 239-m of the General Municipal Law and the Adirondack Park Agency, if required. Any proposed site plan affecting real property within 500 feet of the boundary of the Town of Moriah, the boundary of any existing or proposed County or State park or other recreational area, the right-of-way of any existing or proposed County or State roadway, the boundary of any existing or proposed right-of-way for a stream or drainage channel owned by the County for which the County has established channel lines, or the boundary of any existing or proposed County or State-owned lands on which a public building or institution is situated shall be referred to the Essex County Planning Board.

3.9 Appeal of Town Board Decision

- A. Any person aggrieved by a site plan decision of the Town 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 Town Clerk.

3.10 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 resolution of the Town Board and posted in the Town Hall.

3.11 Reimbursement of Costs

- A. In addition to fees and costs chargeable pursuant to the State Environmental Quality Review Act, costs incurred by the Town Board for consultation fees or other extraordinary expenses in connection with the review of a proposed development plan shall be charged to the applicant.

Article IV Development Standards and Guidelines

4.1 Signs

- A. Signs not Requiring Review. Signs meeting the following criteria are exempt from Town Board review. Signs that are part of a project being reviewed by the Town Board for site plan approval shall be evaluated as part of that process. Signs that are planned to replace existing signs shall meet the requirements of this section but shall not require site plan approval before issuance of a building permit.

Small Signs. Non-lighted signs that are equal to or less than 4 square feet in size.

Property Sale or Rental Signs. One sign that advertising the sale or rental of the premises upon which the sign is located.

Contractor Sign. One sign advertising the architect, engineer or contractor working or responsible for a project on the premises upon which the sign is located.

Home Business Sign. One professional or trade name plate, or home business sign.

Directional or Hazard Signs. Signs that mark property boundaries, give directions, prohibit trespassing, hunting, fishing or off-road vehicles or warn of hazards.

- 6) Historic Markers. Historic markers, memorial signs or plaques, or names of buildings and dates of erection.
- 7) Residential Address Signs. Signs giving the name of the residents of a dwelling or its address.
- 8) Temporary Signs. Temporary signs relating to garage, lawn or other individual, non-recurring sales, for the sale of produce grown or harvested by the property owner, or for a political campaign. Such temporary signs must be removed within three days of the termination of the event being advertised. 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. 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.
- 9) Government Signs, Flags: 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.

- B. Preferred Sign Standards. Signs shall be consistent with the character of the neighborhood and shall not be sized or placed to impede any site distances or vehicular or pedestrian traffic flow. The following sign design and placement guidelines are encouraged to be incorporated for signs:

No more than 2 signs may be erected or maintained on any given lot to advertise or relates to a single business or activity not exceeding 30 square feet in total size each.

Not more than 1 freestanding sign may be erected or maintained upon any single premises not

exceeding 10 feet in overall height.

For signs on properties where more than one business activity is being conducted, such as at a shopping center 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. One individual wall or awning sign no more than 24 square feet in sign area may be erected for each separate principal activity, such as a shop or store.

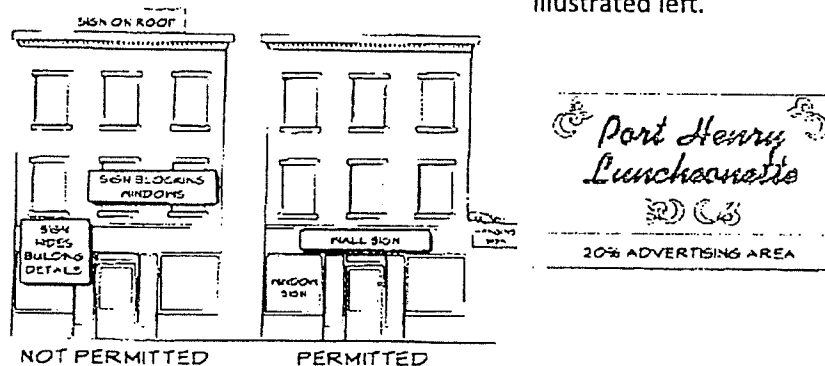
Signs should be designed and have a color scheme that is consistent with the character of the hamlet and contain a minimal number of components so as to enhance readability and aesthetics. Signs for all businesses or activities on the premises should reflect a reasonable uniformity of design, size, lettering, lighting and material.

(5) No sign should be illuminated by or contain flashing intermittent, rotating or moving light(s).

(6) No sign should be placed upon or be supported by any water body or any tree, rock or other natural object rather than the ground.

(7) No sign shall be erected or maintained upon the roof of any building or structure.

(8) Wall signs should be placed in a manner that complements the architecture of buildings as illustrated left.



(9) No motor vehicle on which is placed or painted any sign intending to advertise the premises should be parked or stationed in a public parking space.

(10) No freestanding sign should be erected or maintained within the right-of-way of a public road.

(12) No sign should be erected or maintained more than 200 feet from the business or activity with which it is principally associated.

Portable Signs should not be more than 6 square feet in area and should be placed so that they do not restrict public access to sidewalks or parking lots.

Temporary Signs for Businesses may be placed for a period of 60 days or until the installation of a permanent sign, whichever is less.

4.2 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. The location, size and intensity of the proposed activity shall be consistent with the style and character of the neighborhood.
- B. 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.

- C. 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.
- D. In areas of mixed uses, adequate setbacks shall be provided and screening shall be used as appropriate to protect neighboring properties.

4.3 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.

4.4 Existing Topography and Vegetation

- A. Existing vegetation, topography and careful siting methods shall be utilized to minimize the visual impact of the proposed development. Existing vegetation shall be retained along roads in sparsely developed areas.
- B. Hillside cuts for roads and other site development shall be stabilized and vegetated with native species to avoid erosion and highly contrasting unnatural landforms.
- C. Street trees removed during construction shall be replaced. Any new parking lot shall have new deciduous trees planted along the street between the parking lot and street or between the sidewalk and the street.

4.4 Highway Corridors

- A. The aesthetic character of the hamlets highway corridors shall be preserved or enhanced to the maximum extent possible. Siting of buildings placed within high quality views or in the foreground view of highway corridors shall utilize vegetation and topographic screening and landscaping techniques to minimize their intrusion on the character of the area.

4.5 Unique Historical/Geological Forms

- A. Unique historical, natural or geologic features shall be preserved to the extent possible.
- B. Demolition of unique structures should be avoided. Rehabilitation, renovation and adaptive reuse of structures should be considered and demolition shall be proposed only when the existing structure cannot practically be used for a new or expanded land use activity.

4.6 Scenic Views

- A. In areas where the scenic views are an important component of the value of property, new uses that require Town Board review shall be evaluated carefully in terms of their effect on these scenic views. Potential scenic views from public roads and public properties shall be protected to the maximum extent feasible.

- B. Methods to mitigate impacts on scenic views such as but not limited to use of vegetation screening, placement of structures along the edge of an open field instead of in the middle, use of natural colors, and placement of buildings below the crest of or ridgeline of hills to preserve a natural topographic and vegetative profile are encouraged. Roads, utility rights-of-way and other linear alterations shall follow topographic patterns to avoid forms which tend to stand out against the rolling mountainous terrain of the Adirondacks.

4.7 Construction Activities, Erosion, and Drainage

All earth moving activities shall be planned in such a manner as to minimize the amount of land area disturbed. Any commercial development that disturbs more than 1 acre of land, and a residential development that disturbs more than 5 acres of land shall also be required to prepare a Stormwater Pollution Prevention Plan pursuant to New York State Department of Environmental Conservation stormwater requirements. The applicant shall conform to the latest published New York Standards and Specification for Erosion and Sediment Controls (August 2005) and the New York State Stormwater Management Design Manual (January 2015), found at the NYS DEC Website at <http://www.dec.ny.gov/chemical/8694.html>.

Natural features such as topography, waterways and similar resources shall be preserved.

Wherever possible and feasible, surfaces for driveways, parking areas and similar areas shall be of permeable material.

4.8 Roads and Parking

New streets, sidewalks and parking areas shall be consistent with the Port Henry Complete Streets Plan, and new road and driveway standards, as may exist.

Any new building and any conversion of an existing structure to multi-family housing shall provide for adequate off-street parking.

During site plan review, the Town Board may require interconnection of adjacent parking lots and shared parking lots or incorporation of traffic calming measures including but not limited to pavement marking or textured crosswalks to improve safety and accessibility.

Good site distances shall be maintained.

Necessary traffic signalization and other safety controls, devices and facilities shall be given proper consideration and be duly provided wherever appropriate or warranted.

Access should be restricted to discrete points of entry and exit and shall not be along the entire road frontage of the project.

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.

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.

Adequate erosion control and drainage shall be provided for all roads, and especially those constructed on steep slopes. 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.

All cleared banks, expose borrow areas, and cut and fill slopes, including ditch banks, shall be revegetated in a manner suited to site conditions.

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.

Road and private drive grade shall not be excessive.

4.9 Water Supply

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

4.10 Emergency Access

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

4.11 Impact on Municipal Services

- A. The Town Board shall take into account the ability of the municipality 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 municipality to respond to additional requirements generated by the use or project.

4.12 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. 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.
- C. Any storage of petroleum products, or petroleum products use facilities (whether a marina, boat service-facility or other use) shall meet all design, construction and maintenance requirements for fuel tanks and petroleum storage from NYS DEC regarding such uses. For new projects under review by the Town Board, site plans and structural designs shall ensure that leaks shall be prevented and that any leak, rupture or spill will be contained and not be introduced into or affect the adjacent waterway.

- D. Any paved or otherwise improved parkway, loading or service area along the 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.
- E. Adequate safety and traffic control devices shall be provided to ensure controlled safe ingress and egress of boats.
- G. Public access within the setback from the shoreline shall be encouraged, except where such access would present a hazard to public safety.

4.13 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 during the site plan review by the Town Board.

4.14 Historical Property

- A. The Town encourages preservation of those features of the property which are significant to its historic, architectural and cultural values.
- B. The Town encourages use of the United States Secretary of the Interior Standards for Rehabilitation whenever historic structures are to be rehabilitated. Local 3 of 1990 (Historic Preservation) shall be followed.

4.15 Non-Residential Structure Design Standards

Purpose. The purpose of this section is to promote large-scale development that is designed to fit harmoniously into the historic character of the hamlet. The goal is not to recreate historic buildings, but rather to encourage development of new buildings that complement rather than overwhelm or change their neighborhood.

Building Design. Large buildings should employ varying setbacks, heights, roof treatments, window openings and other structural or decorative elements to reduce the apparent size and scale of the building. One or more of the following are methods to accomplish this:

- (1) Buildings that have more than 40' in width along Main Street can have facades broken by periodic setbacks, façade breaks, and rooflines should include offsets and changes in pitch. Other design features such as porches or cupolas, window bays, separate entrances and entry treatments, or the use of sections that may project or be recessed may also be used.
- (2) Roof shapes, slopes and cornices should be consistent with the prevalent types in the area.
- (3) Buildings should maintain the rhythm of building spacing along the street and shall have building scale, facades, and windows similar with traditional types within the area.
- (4) Materials, textures, and colors should be similar, with natural and traditional building materials preferred to complement the districts architecture. The use of high intensity, metallic or fluorescent colors, or black on facades shall be discouraged.
- (5) Site details (porches, entrances, signs, landscaping, lighting, screened parking and mechanical systems) should complement traditional examples in the area.
- (6) Franchise or formula-based businesses should also incorporate the design standards to be consistent with the character of the hamlet.

- (7) Have no blank walls facing the street.
 - (8) Ground floor facades that face public streets can use arcades, display windows, entry areas, awnings or other such features to break up large areas of horizontal length.
 - (9) Public entryways should be clearly defined and highly visible on the building's exterior design.
- E. Building Style. The building's architecture should reflect the traditional building forms exemplified by the historic commercial, public and other monumental buildings in the hamlet. Free-standing accessory structures (ATMs, gas pump canopies, sheds, etc.) should also be treated as architectural elements and have the same design standards as the principal structure(s) on the site.
- F. Lighting. Any proposed lighting shall be appropriate for the intended use. The Town Board shall consider the hours of operation, characteristics of the neighborhood and the specific activities proposed in making its determination.
 - (1) All lighting fixtures shall be fully shielded and directed downwards to prevent glare and light pollution. No light shall be created that causes glare onto streets, sidewalks, or adjacent properties. Light levels at property lines shall not exceed 0.1 foot-candles.
- G. Landscaping. Landscaping shall be considered an integral part of the approved project.
 - (1) Use of native plant materials is preferred.
 - (2) Street trees are encouraged and should be planted 1 for every 30 feet of road frontage along all public streets within a green buffer strip of appropriate size to ensure tree growth.
 - (3) Parking lots should have landscaping around the edges.
- H. Parking. Parking areas shall provide safe, convenient and efficient access for vehicles and pedestrians.
 - (1) Parking areas should not be located between the front facade of the principal building and the primary abutting street.
 - (2) Provision shall be made for snow storage and/or removal. Snow storage areas shall be identified on the site plan.
- I. 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) Gates and fencing may be used for security and access, but not for screening. Chain link, wire mesh or wooden stockade-style fencing is generally not consistent with the character of the hamlet and should not be used. Use of stonewalls, similar to the historic walls found throughout the hamlet, is preferred.
- J. 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. Sidewalks shall be constructed of such dimension to meet Federal Americans with Disability Act requirements.

- (1) Sidewalks shall be provided to connect the building entrance, parking lot, if any, and public sidewalks.
 - (2) 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.
 - (3) Bicycle racks are encouraged to be placed to encourage bicycle use.
- K. Outdoor Sales. Areas for outdoor sales of products may be permitted by the Town Board 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 facade.
 - (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.
 - (5) Outdoor storage of products for sale in an area where customers are not permitted is prohibited.

Article V. Miscellaneous Provisions.

5.1 Intent to Supersede Town Law

To the extent that this Law is in conflict with the provisions of Town Law § 274-A(2) in that the Town Board rather than a planning board or other administrative board shall have jurisdiction and authority to review and approve or deny site plans, it is the intent of this Law to supersede said section, if necessary, in order to have the Town Board retain such administrative jurisdiction and authority as provided herein.

5.2 Interpretation, Conflict With Other Laws:

In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare and protection of the environment. Whenever the requirements of this Local Law are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or local laws, the more restrictive provisions or those imposing the higher standards shall govern.

5.3 Separability:

Should any section or provision of this Local Law be decided by a court by a court of competent jurisdiction to be unconstitutional or otherwise 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.

5.4 Effective Date:

This Law shall be effective immediately upon filing with the New York State Secretary of State.

March 27, 2019

STATE OF NEW YORK
COUNTY OF ESSEX } SS.:
TOWN OF MORIAH

77. **ON MOTION** by Councilman Anderson, seconded by Councilwoman Carpenter, the following resolution was

APPROVED	Ayes	Salerno, Anderson, Carpenter, Brassard
	Nays	0
	Absent	Scozzafava

RESOLVED a Resolution of the Town Board of the Town of Moriah
Adoption of Local Law No. 1 of 2019

At a meeting of the Town of Moriah Town Board, duly noticed and held on the 26th day of March, 2019, the following Resolution was presented:

WHEREAS, in accordance with the recommendations contained in the Village of Port Henry Dissolution Plan dated February 2016, the Town of Moriah has identified seven laws needing to be adopted by the Town of Moriah to incorporate former village regulations into the Town's Local Laws; and

WHEREAS, at its regular meeting held on February 14, 2019, the Town Board formerly introduced seven proposed local laws including proposed Local Law No. 1 of 2019 - Development Review Law which establishes a site plan review process for commercial development in the hamlet of Port Henry; and

WHEREAS, the proposed Local Law has been referred to the Essex County Planning Department for its recommendation. pursuant to the General Municipal Law and that Department issued a notice that local consideration shall prevail: and

WHEREAS, a public hearing on proposed Local Law No. 1 of 2019 was duly noticed and held on March 21, 2019, and the hearing was closed prior to the introduction of this Resolution; and

WHEREAS, the Town Board, prior to the introduction of this Resolution, has completed the SEQRA review relative to the proposed Local Law and determined that the adoption of Local Law No. 1 of 2019 will not have a significant adverse impact on the environment; and

WHEREAS, all procedural requirements of SEQRA and the legal procedures for the adoption of the proposed Local Law having been completed to date; the Board has reviewed Part 1 of the

EAF prepared by its planning consultant and has reviewed completed Parts 2 and 3 of the EAF; and this meeting having been duly noticed, the Town Board is prepared and able to vote on the adoption of proposed Local law No. 1 of 2019; and

WHEREAS, the proposed Local Law has not been changed subsequent to the public hearing and has been in final form and provided to each Town Board member in its final form since its introduction on February 14, 2019;

NOW, THEREFORE, BE IT RESOLVED as follows:


1. The public hearing on proposed Local Law No. 1 of 2019 has been duly noticed, held and closed and those who wished to be heard regarding said proposed law have had a full and fair opportunity to be heard.
2. The Town Board has completed the environmental review process pursuant to the State Environmental Quality Review Act (SEQRA).
3. The Town Board hereby adopts Local Law No. 1 of 2019 of the Town of Moriah, entitled, "Hamlet of Port Henry Development Review Law" which establishes a site plan review process for commercial development in the hamlet of Port Henry.
4. The Town Board hereby directs that the Village Clerk to prepare said Law for filing and that it be filed with the Office of the Secretary of State within five (5) business days of the effective date of this Resolution.

This Resolution shall take effect immediately.

CERTIFICATION

I, Rose M. French, Town Clerk, the duly qualified and acting Clerk of the Town of Moriah, New York, do hereby certify that the attached resolution was adopted at Special Meeting of the Town Board of the Town Moriah on Tuesday, March 26, 2019 at 10:00am and is on file of record and that said resolution has not been altered, amended or revoked and is in full force and effect.

SEAL



Rose M. French
Town of Moriah
Town Clerk

*Rose M. French, Town Clerk
Town of Moriah
38 Park Place, Suite 2
Port Henry, NY 12974
(518) 546-3341 Fax (518) 546-3342*

March 26, 2019

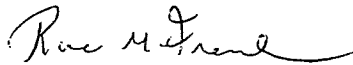
NYS Department of State
Division of Corporation, State Records and
Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231

To Whom It May Concern:

Enclosed please find Local Law #1 of 2019 for the Town of Moriah to be filed in your office.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rose M. French".

Rose M. French
Town of Moriah
Town Clerk

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

April 10, 2019

Rose M French
Town Clerk
38 Park Place, Suite 2
Port Henry NY 12974

RE: Town of Moriah, Local Law 1 2019, filed on March 29 2019

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**