

Draft

Zoning Law

Hamlet of Crown Point

Essex County New York

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SECTION 1 - INTRODUCTORY PROVISION, OBJECTIVES AND PURPOSES

1.01 Introductory Provisions.

This local law shall be known as the Zoning Law of the Hamlet of Crown Point, Essex County, New York. The Hamlet of Crown Point is hereinafter referred to as the "Hamlet."

1.02 General Objective and Legal Context

a. The general objective of this local law is to establish comprehensive controls for the use and development of land within the Hamlet portion of the Town in order to promote and protect the public health, safety and general welfare of the community at large, while protecting the property owner's rights to use their property by imposing as few restrictions as required to obtain these goals.

b. This local law is adopted pursuant to the Municipal Home Rule Law of the State of New York and Article 16 of the NYS Town Law. The requirements herein adopted are made in accordance with the Town's Comprehensive Plan, are designed to serve the purposes set forth in Section 263 of the NYS Town Law

and are made with consideration of the character of each Zone into which the Hamlet is divided, and are made with a view to encouraging the most appropriate use of land throughout the Hamlet portion of the Town.

1.03 **Specific Purposes.** In addition to the general objective and the purposes referred above, this local law is adopted for the following related and more specific purposes:

- a. To retain the special character of the hamlet, while providing for moderate and carefully distributed new development.
- b. To plan for a stable economic base by providing for land use areas attractive to industry but not detrimental to the character and environment of the community.
- c. To preserve and protect agricultural, forestry and mineral resource lands within the Hamlet.
- d. To recognize the limitations upon development posed by natural conditions such as soils, slopes and hydrology and to limit development according to the capability of natural systems to absorb it without adverse environmental impact.
- e. To preserve the unique visual character of the Hamlet through the protection of open spaces and scenic vistas, the location of new development primarily in areas where it can be visually absorbed, and the control of signs.
- f. To minimize water pollution.
- g. To minimize flood damage.
- h. To minimize the need to establish or extend public utilities and services in areas where their provision is uneconomical.
- i. To provide for the growth and development of zones within the Hamlet in a manner compatible with the character of each zone.
- j. To preserve identified buildings of historic or architectural significance throughout the Hamlet.
- k. To provide detailed guidelines within the Hamlet Center.
- l. To serve as a component of an approved local land use program under the Adirondack Park Agency Act.

1.04 **Area of Jurisdiction.** This local law regulates the use and development of land designated as "Hamlet" on the Adirondack Park Land Use and Development Map issued by the Adirondack Park Agency.

1.05 **Application of Regulations.** After the effective date of this local law, no project shall be undertaken, and no use shall be maintained, except in accordance with all applicable provisions of this local law.

1.06 **Governing Provisions.** Where this local law is more restrictive than covenants or agreements between parties or other rules or regulations or ordinances or the Adirondack Park Agency Act, the provisions of this local law shall control.

1.07 Severability. The provisions of this local law are severable. If any article, section, subsection, or provision of this local law shall be invalid, such invalidity shall apply only to the article, section, subsection, or provisions adjudged invalid, and the rest of this local law shall remain valid and effective.

1.08 Procedure Upon Adoption; Effectiveness. Within five days after the adoption of this local law by the Town Board, certified copies hereof shall be filed with the Town Clerk and in the office of the Secretary of State, as provided in Section 27 of the Municipal Home Rule Law. This local law shall take effect upon filing with the NYS Secretary of State.

SECTION 2 - REGULATORY FRAMEWORK AND ADMINISTRATION

2.01 Applicability. This local law provides procedures and criteria for the review and approval of land uses and development. It applies to any construction or other activity which materially changes the use or appearance of land or a structure or the intensity of the use of land or a structure. This local law does not apply to interior alterations, repair, maintenance, landscaping, grading, or excavation undertaken in conjunction with an existing use where that use is not expanded or changed.

2.02 Establishment of Zones

The Town of Crown Point Hamlet Center is hereby divided into 4 zones. These zones are described in Section 11, which delineate permitted uses and uses that require special permits in each zone.

2.03 Structure of this Local Law and Overview.

- a. This local law contains general provisions and procedures applicable throughout the Hamlet Portion of the Town, provisions applicable only within specific zones and definitions.
- b. Project Permit. All new land uses or activities listed herein require a Project Permit from the Code Enforcement Officer unless specified otherwise.
- c. Certificate of Compliance Once a Project has been completed, a Certificate of Compliance must be issued by the Code Enforcement Officer before the project can be occupied or used. A Temporary Certificate of Compliance with conditions may be issued by the Code Enforcement Officer.
- d. Permitted Uses. All uses which require either no Town of Crown Point permits or only a Project Permit, are listed as "Permitted Uses" in the applicable zone regulations. These uses do not require Planning Board review. Uses not listed as "Permitted Uses" are Prohibited Uses unless a variance is obtained from the Zoning Board of Appeals, or a Special Use Permit is obtained from the Planning Board.
- e. Special Permitted Uses. Some uses require both a Project Permit from the Code Enforcement Officer and a Special Use Permit from the Planning Board. These are called "Special Permitted Uses." In addition to fulfilling the Project Permit requirements, an applicant must also comply with the criteria for issuance

of a Special Use Permit which are contained in Section 5. Special Permitted Uses are by nature potentially incompatible with their surroundings and are therefore only permitted if they can satisfy the compatibility criteria.

f. Prohibited Uses. Uses which are not allowed as either Permitted or Special Permitted Uses in a particular zone are prohibited in that zone.

g. Regional Project Review. Uses which are classified as Class A or Class B Regional Projects (see NYS Executive Law §110) are additionally subject to the requirements for Adirondack Park Agency Permits.

h. Zoning Maps. A zoning map entitled "Crown Point Hamlet Zoning," dated the effective date hereof, is hereby incorporated into and made a part of this local law. The official zoning maps shall be kept on file in the Office of the Town Clerk and currently accurate copies thereof, bearing the date of the most recent amendment, shall be kept in the Office of the Code Enforcement Officer.

i. Adirondack Park Land Use and Development Plan Map. The boundaries within the town of the land use areas established by the Official Adirondack Park Land Use and Development Plan Map, as may be from time to time amended, pursuant to subdivision 2 of Section 805 of the Adirondack Park Agency Act, are indicated by the separate map entitled "Adirondack Park Land Use and Development Plan Map published by the Adirondack Park Agency.

g. Interpretation of Zone Boundaries. The following rules govern the interpretation of zone boundaries:

1. Where the indicated zone boundary approximately follows a highway, street, road, trail, or stream, then said boundary shall be construed to be the center line of such highway, street, road, trail, or stream.
2. Where the indicated zone boundary approximately follows a lot line, then said boundary shall be construed to be such lot line.
3. Where the indicated zone boundary approximately follows a shoreline, then such boundary shall be construed to be the shoreline; and, in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.
4. When the indicated zone boundary approximately follows a tree line, a substantial change in slope or another linear natural feature, then said boundary shall be construed to be such natural feature.
5. Where the location of a zone boundary is not indicated pursuant to (a), (b), (c), or (d) above, then the location of such boundary, unless the same is indicated by dimensions shown on the Zoning Map, shall be determined using the scale appearing thereon.
6. In the event, that none of the above rules is applicable, or in the event further clarification or definition is considered necessary or appropriate the location of the zone boundary shall be determined by the Zoning Board of Appeals.

2.04 Land Use Intensity, Subdivision Calculation, and Recording. This local law regulates intensity of land use by intensity designations expressed as the number of acres (or fractions thereof) required for each principal building or dwelling unit. This allows flexibility in the use of land by varying lot sizes, while at the same time protecting vulnerable natural and cultural resources by limiting the overall intensity of development.

2.05 Records. The original or certified copies of all decisions, approvals, rulings, project permits and certificates of occupancy of any board under this local law, or of the Code Enforcement Officer, shall be promptly furnished by the Code Enforcement Officer to the Town Clerk for retention as a permanent public record.

2.06 Fees, Escrow Accounts and Performance Guarantees

- a. The Town Board, by resolution, shall establish and amend a schedule of fees for the applications and permits required or contemplated by this local law intended to cover the routine costs of administrating this law, and a current schedule shall be on file with the Code Enforcement Officer and with the Town Clerk. Payment of the required fee must be made in order for an application to be complete or to be reviewed.
- b. The Planning Board is hereby authorized to require that an applicant proposing a project, permit amendment, variance or other activity requiring the board's approval pay into an escrow account funds sufficient to cover the actual costs of the technical and legal services associated with the board's review, including review of the application and inspections of the project site and of the project as it is undertaken and after completion. Such escrow funds shall not be used for any purposes other than those associated with the subject project. Upon issuance of a determination and/or a permit or a Certificate of Compliance, or upon withdrawal of the application, any unspent funds shall be returned to the applicant. The applicant shall have the right to review any records of expenditures from the escrow account to ascertain that the funds have been properly expended.
- c. The Planning Board is also authorized to require an applicant to post a performance bond or other security to guarantee the satisfactory completion of certain improvements associated with an approved project in accordance with §§ 274-a, 274-b and 277 of the Town Law.
- d. Additional Fees. In addition to the other fees provided herein, the Code Enforcement Officer, Planning Board or Zoning Board of Appeals may charge an additional fee to developers of projects requiring legal and/or technical review. The fee charged to the project developer shall reflect the actual costs of reasonable and necessary legal and technical assistance and costs of a public hearing. Such fees shall be paid in advance and held in

an escrow fund, with applicants receiving itemized statements from the professional providing services to the Town.

2.07 Conflict of Interest.

No member of the Town Board, Planning Board, or Board of Appeals shall participate in any board decision in which he/she has a special pecuniary or other personal interest, whether arising out of ownership of real property, business, or family interests, or otherwise.

SECTION 3 - PROJECT PERMIT AND CERTIFICATE OF COMPLIANCE

3.01 General

No person shall undertake a project for which a Project Permit is required except pursuant to a valid Project Permit issued by the Code Enforcement Officer. A Project Permit will be issued only when the Code Enforcement Officer has determined that there is adequate access for emergency vehicles, adequate parking, and that all requirements of this local law and of all other applicable local and state laws and regulations are satisfied.

3.02 Project Permits and Exemptions.

- a. The following uses or activities require a project permit from the Code Enforcement Officer unless exempted by Section 3.02(b).
 - 1. The construction, enlargement, or change of use of a building.
 - 2. The commencement, enlargement, or change of use of or on a tract of land.
 - 3. Any alteration or other action enumerated herein with respect to a designated landmark building.
 - 4. A Class A or Class B Regional Project.
 - 5. The erecting of any sign other than a sign allowable without a permit pursuant to Section 9 hereof.
 - 6. In flood-prone areas, any alteration of topography, dredging, filling, channel encroachment, the construction of any structure, or any other activity which may affect the flow of water through the floodplain.
 - 7. Disturbance of more than one acre of soil.

- b. The following uses and structures do not require a project permit but are subject to all other applicable requirements of this local law.
 - 1. A Class A Regional Project subject to Adirondack Park Agency jurisdiction at such time as an APA-approved and locally adopted local land use program is in effect in the Town of Crown Point; until then, both a town and APA permit are required.
 - 2. Any accessory use allowed by right, other than a home occupation.

3. Any accessory structure meeting all setback and height requirements having less than 100 square feet of land coverage on lots of one acre or less or 144 square feet on lots larger than one acre, except a sign requiring a permit pursuant to Section 9.
4. Agricultural and forestry uses, provided that such uses do not involve clearcutting.
5. Agricultural and forestry use structures and accessory structures meeting all set-back and height requirements, unless such structures are within 200 feet of a residential property belonging to someone other than the owner of the proposed Agricultural or Forestry Use principal or accessory structure.
6. Non-commercial outdoor recreation uses, except those that involve substantial physical improvements subject to this Chapter.
7. The sale of products grown or raised on the land and the construction, alteration and maintenance of agricultural fences, roads, drainage systems, and produce sales stand, or other nonresidential building or structure customarily found with agriculture.

3.03 Application Procedure.

- a. Meeting with Code Enforcement Officer. Any person intending to engage in an activity that may be subject to this local law shall confer with the Code Enforcement Officer or his/her deputy as early as possible to determine which permits, if any, may be required.
- b. A person desiring a Project Permit shall file with the Code Enforcement Officer three copies of an application, together with the appropriate fee. The application shall be submitted on forms provided for such purpose by the Code Enforcement Officer and shall include a plot plan drawn to scale showing the actual dimensions of the land to be built on or otherwise used, the size and location of all buildings or other structures or other uses to be built or undertaken, the distances from one another and the property lines, and such other information as may be necessary in the evaluation of the application and the administration of this local law. Within 10 days following receipt of an application, the Code Enforcement Officer shall notify the applicant of any additional information required to make the application complete. If no such notice is timely given, then the application shall be deemed complete as filed. When all additional information is received, the Code Enforcement Officer shall acknowledge the same in writing. Neither a survey nor architectural drawings need be submitted unless required by the Code Enforcement Officer.
- c. Not later than 10 working days after receiving a completed application, the Code Enforcement Officer shall mail or deliver to the applicant his determination that either:

1. The proposed project complies with the requirements of this local law and all other applicable and local laws and regulations and requires no other approvals and, accordingly, a Project Permit is issued; or
 2. The proposed project is inconsistent with one or more specified requirements of this local law or other applicable local law or regulation, and a Project Permit is denied (This ruling may be appealed to the Board of Appeals, or a variance may be sought from the Board of Appeals); or
 3. The proposed project requires one or more specified other approvals before a project permit can be granted. The proposed project may, for example, be for a use allowable by Special Use Permit requiring approval of a special permit by the Planning Board; or the project may be a Class A Regional Project, requiring approval by the Adirondack Park Agency.
- d. The Code Enforcement Officer shall advise the applicant of the requirements for other approvals needed and, to the extent compatible with his other responsibilities, will provide information, advice and assistance in the preparation of the required application. When the required approvals have been obtained, and all other requirements of local and State law or regulation are met, the Code Enforcement Officer shall issue a Project Permit.

3.04 Issuance and Posting. It shall be the duty of the Code Enforcement Officer to issue a Project Permit, provided he or she is satisfied that the project conforms with all requirements of this Chapter, including, where applicable, the requirements of regional project review, and all other applicable state and local laws and regulations. All project permits shall be issued in duplicate and one copy shall be kept conspicuously on the premises affected and protected from the weather whenever construction work is being performed thereon. In conjunction with the issuance of a project permit, one copy of the approved plans, bearing the notation "Approved," the signature of the Code Enforcement Officer and the date, shall be returned to the applicant. No person shall perform any construction or otherwise undertake a project of any kind unless a Project Permit covering such project is displayed as required above, nor shall any person perform such activities after notification of the revocation of a project permit.

3.05 Revocation. If it shall appear at any time to the Code Enforcement Officer that an application or accompanying plans are in any material respect false or misleading, or that work being done upon the premises differs materially from that in the Project Permit, he or she may forthwith revoke the Project Permit and it shall then be the duty of the person holding the same to surrender the Project Permit and all copies thereof to the Code Enforcement Officer. Where a project permit has been revoked, the Code Enforcement Officer may, at his or her discretion, before issuing a new Project Permit, require the applicant to file a bond in the favor of

the Town securing compliance with this local law and all other applicable laws and regulations and in a sum sufficient to cover the cost of removing the use if it does not so comply. All Project Permit revocations may be appealed to the Zoning Board of Appeals, which shall use its best efforts to hear the appeal promptly. The Code Enforcement Officer shall be present for all such appeals and answer questions from the Zoning Board of Appeals and the appellant.

- 3.06 Lapse and Renewal. A Project Permit shall lapse one year following the date it was granted if the project has not been commenced. The Code Enforcement Officer may renew a Project Permit for a period terminating not later than one year from the date it would have originally lapsed if he or she finds that the facts upon which the project permit was granted have not substantially changed.
- 3.07 Site Inspection. The submission of an application for a Project Permit, or for any other approval or variance subject to this Chapter, shall constitute consent to the Code Enforcement Officer and to members or designates of the bodies with authority to grant the required approvals or variance, including the Adirondack Park Agency, to conduct such examinations, tests, and other inspections of the site as such persons deem necessary and appropriate for the purposes of this local law, both interior and exterior.
- 3.08 Certificate of Compliance. No use for which a Project Permit or Building Permit was issued or required under this Chapter shall be maintained, except pursuant to a Certificate of Compliance issued by the Code Enforcement Officer. The Code Enforcement Officer, within 10 working days after receipt of request for inspection of a project, shall inspect the same and shall issue a Certificate of Compliance where he finds that the project has been completed in compliance with all terms of the project permit and with all applicable provisions of this Chapter and all other applicable State and local laws and regulations. Such Certificate of Compliance shall constitute permission for the maintenance of the use and shall precisely state the authorized use.
- 3.09 Recording and Expiration of Permits for Class B Regional Projects. A project permit issued for a Class B Regional Project shall expire within 60 days from the date thereof unless within such sixty-day period such permit shall have been duly recorded by the project sponsor in the Adirondack Park Agency Regional Project Permit Book in the office of the clerk of the county wherein the project is proposed to be located. This requirement is in addition to that imposed on the Code Enforcement Officer under this Law.

SECTION 4 - NONCONFORMITY, NONCOMPLIANCE

4.1 Nonconformity

4.01 Continuanace. Subject to the provisions of this Section, a nonconforming use may be continued and maintained in reasonable repair but may not be enlarged, unless such use is unsafe or in violation of law or regulation as determined by the Code Enforcement Officer. A determination by the Code Enforcement Officer that a use is unsafe or in violation of law or regulation¹⁰ may be appealed to the Zoning Board of Appeals, but such use shall be discontinued pending the outcome of the appeal.

4.02 Discontinuance. If a nonconforming use is discontinued for a period in excess of one year, further use of the property shall conform to this local law.

4.03 Change. If a nonconforming use is replaced by another use, the new use shall conform to this local law, unless a variance or special use permit allowing that new use has been obtained.

4.04 Damage or Destruction. If a building housing a nonconforming use is damaged or destroyed by any unintentional cause (e.g., fire, flood) it may be rebuilt by the person owning the building at the time of the casualty and the use continued, provided that construction is begun within 12 months after the casualty.

SECTION 5 - SPECIAL PERMITS

5.01 Purpose and Applicability. It is the policy of the Town of Crown Point to allow a variety of uses of land, provided that such uses do not adversely affect neighboring properties, the natural environment, or the rural and historic character of the Town. Certain uses are therefore permitted only upon issuance of a Special Permit by the Planning Board in order to ensure that these uses are appropriate to their surroundings and satisfy performance criteria. Accessory uses or structures used in connection with a Special Permit use shall be subject to the same Special Permit approval requirements as the principal structure or use. No Special Permit shall be required for any Special Permit use which is also a Class A Regional Project, or which is a Class B Regional Project proposed prior to the approval of the Crown Point Local Land Use Program by the Adirondack Park Agency, local enactment of such program, and Agency transfer of Class B regional project jurisdiction.

5.02 Required Plans. Because the impact of Special Permit uses varies greatly, the information required to be submitted for a Special Permit will vary depending upon the scale of the proposed use, i.e., whether it is a Major or Minor Project as defined in Parts Two or Three.

5.03 Major Projects. An applicant for a Major Project shall submit:

- a. A Major Project application form.

- b. A Site Plan, as described in this Section and Review of Site Plans.
 - c. A narrative report describing how the proposed use will satisfy the criteria set forth in 5.14 of this Section, as well as any other applicable requirements relating to the specific use proposed.
 - d. A long-form Environmental Assessment Form or Draft Environmental Impact Statement.
 - e. The Major Project application fee, as established by the Town Board, and any required escrow deposit for review costs, as required by the Planning Board.
- 5.04 Minor Projects. An applicant for a Minor Project Special Permit shall submit:
- a. A Minor Project application form.
 - b. A plot plan drawn to scale with accurate dimensions providing information sufficient to enable the Board to make an informed decision.
 - c. A brief narrative describing the proposed use.
 - d. A short-form Environmental Assessment Form (EAF) (unless the Planning Board determines that the proposed Special Permit is a Type I action, in which case a long-form EAF shall be required).
 - e. The Minor Project application fee as established by the Town Board, and an escrow deposit (if required).
- 5.05 Application.
- a. Application for a Special Permit shall be made to the Planning Board, on forms prescribed by the Planning Board.
 - b. If an application is for a parcel or parcels on which more than one use requiring a Special Permit is proposed, the applicant may submit a single application for all such uses. The Planning Board may grant the application with respect to some proposed uses and not others and may attached reasonable conditions thereto as described in 5.038 below. For purposes of determining whether the application is a Major or Minor Project (and for SEQRA compliance) all proposed uses on a single parcel or on contiguous parcels shall be considered together.
- 5.06 Informal Meeting. Before filing an application, an informal meeting with the Planning Board is recommended to discuss the nature of the proposed use and to determine the information that will need to be submitted.
- 5.07 SEQRA Compliance. Upon receipt of application materials, it deems complete, the Planning Board shall initiate the New York State Environmental Quality Review process by either circulating the application and Environmental Assessment Form to all involved agencies (if coordinated review is undertaken) or by issuing its determination of significance within 20 days. Where the proposed action may have a significant effect on the environment, the Planning Board shall issue a positive declaration and require the submission of a Draft

Environmental Impact Statement (DEIS). No time periods for decision making in this Local Law shall begin to run until either acceptance of a DEIS as satisfactory pursuant to NYCRR Section 617.8(b)(1) or the issuance of a negative declaration.

5.08 Referral to County Planning Board.

- a. Upon receipt of application materials it deems to be complete, the Planning Board shall refer to the Essex County Planning Board any application for a Special Permit affecting real property within 500 feet of the boundary of the Town of Crown Point, the boundary of any existing or proposed County or State park or other recreational area, the boundary 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, the boundary of any existing or proposed County or State-owned land on which a public building or institution is situated, or the boundary of a farm operation within an agricultural district as defined in Article 25AA of the Agriculture and Markets Law, pursuant to General Municipal Law, Article 12-B, Sections 239-l and 239-m, as amended.
- b. No action shall be taken on applications referred to the County Planning Board until its recommendation has been received, or one month has elapsed after its receipt of the complete application, unless the County and Town agree to an extension beyond the one month requirement for the County Planning Board's review.
- c. County Disapproval. A majority-plus-one vote of the Planning Board shall be required to grant any Special Permit which receives a recommendation of disapproval from the County Planning Board because of the referral process specified above, along with a resolution setting forth the reasons for such contrary action.

5.09 Notice and Hearing. The Planning Board shall hold a public hearing on a complete Special Permit application within 31 days for a Minor Project and within 62 days for a Major Project. The applicant shall give public notice of such hearing by causing publication of a notice of such hearing in the official newspaper at least five days prior to the date thereof.

5.10 Action.

- a. The Planning Board shall grant, deny, or grant subject to conditions the application for a Special Permit within 62 days after the hearing for a Major Project and within 31 days for a Minor Project, absent a request for or consent by an applicant for additional time. Any decision on a Major Project shall contain written findings explaining the rationale for the decision in light of the standards contained in this Local Law.
- b. In permitting the development, undertaking, reconstruction, enlargement or substantial alteration of a use allowable by special permit, the Planning

Board may impose any conditions which it considers necessary to protect the health, safety and welfare of the Town and its present and future citizens and the best interests of the surrounding property, the neighborhood or the Town as a whole. These conditions may include increasing dimensional or area requirements, specifying location, character and number of vehicle access points, requiring landscaping, planting and screening, requiring clustering of structures and uses in order to minimize the burden on public services and facilities, and requiring action by the applicant, including the posting of performance bonds and furnishing of guarantees to insure the completion of the project in accordance with the terms and conditions applicable thereto.

5.11 Expiration, Change of Use, Revocation, and Enforcement.

- a. A Special Permit shall expire if the Special Permit use or uses cease for more than 24 consecutive months for any reason, if the applicant fails to obtain the necessary Project Permit or fails to comply with the conditions of the Special Permit within 18 months of its issuance, or if its time limit expires without renewal.
- b. A Special Permit shall apply to the use for which it has been granted, as well as to any subsequent use of the property which complies with all terms and conditions of the Special Permit (as determined by the Code Enforcement Officer in issuing a Certificate of Compliance) and which does not involve any new construction, enlargement, exterior alteration of existing structures, or changed use of outdoor areas. Any other change to a use allowed by Special Permit shall require the granting of a new Special Permit or a Special Permit amendment.
- c. A Special Permit may be revoked by the Planning Board if the permittee violates the conditions of the Special Permit or engages in any construction or alteration not authorized by the Special Permit.
- d. Any violation of the conditions of a Special Permit shall be deemed a violation of this Local Law, and shall be subject to enforcement action as provided herein.

5.12 Findings Required. In granting or denying Special Permits, the Planning Board shall take into consideration the scale of the proposed project, the possible impact of the proposed project on the functioning of nearby farm operations, and the rural tradition of freedom of land use where such use does not harm others, as well as any proposed conservation easements, architectural restrictions, or other measures that would tend to mitigate potential adverse impacts and preserve or enhance the scenic and historic character of the Town Hamlet area.

5.13 Minor Projects. A Minor Project shall be presumed to be acceptable if it complies with applicable health laws and other specific provisions of this Local

Law. Before granting a Minor Project Special Permit, the Planning Board shall determine that the criteria for Major Projects listed herein are generally satisfied.

5.14 Major Projects.

Before granting or denying a Major Project Special Permit, the Planning Board shall make specific written findings as to whether the proposed Major Project:

- a. Will comply with all provisions and requirements of this and other local laws and regulations and will be in harmony with the purposes of the land use district in which it is located and with the general intent and purposes of this Local Law and the Town's Comprehensive Plan.
- b. Will not be detrimental to adjacent uses.
- c. Will not adversely affect the availability of affordable housing in the Town.
- d. Will not cause undue traffic congestion, unduly impair pedestrian safety, or overload existing roads considering their current width, surfacing, and condition, will have appropriate parking, and will be accessible to fire, police, and other emergency vehicles.
- e. Will not overload any public water, drainage, or sewer system, or any other municipal facility, or degrade any natural resource or ecosystem.
- f. Will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat, and hydrology, and, if appropriate, its ability to be buffered or screened from neighboring properties and public roads.
- g. Will not result in excessive noise, dust, odors, solid waste, or glare, or create any other nuisances.
- h. Will be subject to such conditions on design and layout of structures, provision of buffer areas, and operation of the use as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic, and scenic resources of the Town.
- i. Will be consistent with the goal of concentrating retail uses in the Business Zone (§11.03), avoiding strip commercial development, and locating non-residential uses that are incompatible with residential use on well-buffered properties.
- j. Will comply with the criteria of this Section 5.14.
- k. Will have no greater overall impact on the site and its surroundings than would full development of uses of the property permitted by right, considering environmental, social, and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, or glare, or any other nuisances.

5.15 Amendments. The terms and conditions of any Special Permit may be amended in the same manner as required for the issuance of a Special Permit, following the criteria and procedures in 5.14. Any enlargement, alteration, or construction of accessory structures not previously approved shall require a Special Permit amendment. An

amendment of a Special Use Permit must be referred to the County Planning Department if the underlying Permit required such review.

5.16 **Review of Site Plan.** The Planning Board shall review Site Plans for all Major Projects and for those Minor Projects which, because of their scale, intensity, or potentially disruptive nature, require careful layout, design, and placement on a site, and for those uses for which a variance was required. The principal purpose of Site Plan review is to ensure compliance of a particular Special Permit use with the purposes and performance criteria contained in this Local Law.

5.17 **Required Information for Major Project Site Plan.** An application for Site Plan approval shall be accompanied by plans and descriptive information sufficient to clearly portray the intentions of the applicant. Site Plans shall be prepared by a registered professional engineer, architect, or landscape architect, and shall include the following:

- a. Name of the project, boundaries, date, north arrow, and scale of the plan.
- b. Name and address of the owner of record, developer, and seal of the engineer, architect, or landscape architect.
- c. A vicinity map drawn at the scale of 2,000 feet to the inch or larger that shows the relationship of the proposal to existing community facilities which affect or serve it, such as roads, shopping areas, schools, etc. The map shall also show all properties, subdivisions, streets, and easements within 500 feet of the property. Such a sketch may be superimposed on a United States Geological Survey map of the area.
- d. A Site Plan drawn at a scale of forty feet to the inch (1" = 40 feet) or such other scale as the Planning Board may deem appropriate, on standard 24" x 36" sheets, with continuation on 82" x 11" sheets as necessary for written information.
- e. The location and use of all existing and proposed structures within the property, including all dimensions of height and floor area, all exterior entrances, and all anticipated future additions and alterations.
- f. The location of all present and proposed public and private ways, offstreet parking areas, driveways, outdoor storage areas, sidewalks, ramps, curbs, paths, landscaping, walls, and fences. Location, type, and screening details for all waste disposal containers shall also be shown.
- g. The location, height, intensity, and bulb type (sodium, incandescent, etc.) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
- h. The location, height, size, materials, and design of all proposed signs.
- i. The location of all present and proposed utility systems including:
 - 1 Sewage or septic system;
 - 2 Water supply system;
 - 3 Telephone, cable, and electrical systems; and

- 4 Storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, end walls, hydrants, manholes, and drainage swales.
- j. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table, and flooding of other properties, as applicable.
- k. Existing and proposed topography at five-foot contour intervals, or such other contour interval as the Planning Board shall specify. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the parcel is within the 100-year floodplain, the area will be shown, and base flood elevations given. Areas shall be indicated within the proposed site and within 50 feet of the proposed site where soil removal or filling is required, showing the approximate volume in cubic yards.
- l. A landscape plan showing all existing natural land features that may influence the design of the proposed use such as rock outcrops, single trees eight or more inches in diameter, forest cover, and water sources, and all proposed changes to these features including sizes and types of plants. Water sources include ponds, lakes, wetlands and watercourses, aquifers, floodplains, and drainage retention areas.
- m. Land Use District boundaries within 500 feet of the site's perimeter shall be drawn and identified on the Site Plan, as well as any Overlay or Floating Districts that apply to the property.
- n. Traffic flow patterns within the site, entrances and exits, and loading and unloading areas, as well as curb cuts on the site and within 100 feet of the site. The Planning Board may, at its discretion, require a detailed traffic study for large developments or for those in heavy traffic areas, which shall include:
 1. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels.
 2. The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site;
 3. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels and road capacity levels shall also be given.
- o. For new construction or alterations to any structure, a table containing the following information shall be included:
 1. Estimated area of structure to be used for particular uses such as retail operation, office, storage, etc.;
 2. Estimated maximum number of employees;
 3. Maximum seating capacity, where applicable; and

4. Number of parking spaces existing and required for the intended use.
- p. Elevations at a scale of one-quarter inch equals one foot (1/4" = 1 foot) for all exterior facades of the proposed structure(s) and/or alterations to or expansions of existing facades, showing design features and indicating the type and color of materials to be used.
- q. For large or environmentally intrusive developments, the Planning Board may request soil logs, percolation test results, and storm runoff calculations.
- r. Plans for disposal of construction and demolition waste, either on-site or at an approved disposal facility.
- s. Long-form Environmental Assessment Form or Draft Environmental Impact Statement.

5.18 **Waivers.** In the case of Major Projects that are likely to have a minimal impact on the surrounding area, the Planning Board may waive information requirements as it deems appropriate.

5.19 **Criteria.** The Planning Board, in reviewing Site Plans, shall consider the criteria set forth below. The Planning Board may adopt or recommend illustrated design guidelines to assist applicants in complying with this Section. a.

Layout and Design

1. All structures in the plan shall be integrated with each other and with adjacent structures, shall have convenient pedestrian and vehicular access to and from adjacent properties, and shall, wherever possible, be laid out in a pattern consistent with the traditional forms found in the Town of Crown Point.
2. Individual structures shall be compatible with each other and with traditional structures in the surrounding area in architecture, design, massing, materials, and placement, and shall harmonize with traditional elements in the architectural fabric of the area.
3. Where appropriate, setbacks shall maintain and continue the existing setback pattern of surrounding properties.
4. The Planning Board shall encourage the creation of landscaped parks or plazas easily accessible by pedestrians.

b. **Landscaping**

1. Landscaping shall be an integral part of the entire project area, and shall buffer the site from and/or integrate the site with the surrounding area, as appropriate.
2. Primary landscape treatment shall consist of shrubs, ground cover, and shade trees, and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape plants selected should be appropriate to the growing conditions of the Hamlet's environment.

3. Where appropriate, existing trees and other vegetation shall be conserved and integrated into the landscape design plan.
 4. If deemed appropriate for the site by the Planning Board, shade trees at least six feet tall shall be planted and maintained at 25- to 50-foot intervals along roads, at a setback distance acceptable to the Highway Superintendent.
- c. **Parking, Circulation, and Loading**
1. Roads, driveways, sidewalks, off-street parking, and loading space shall be safe, and shall encourage pedestrian movement.
 2. Vehicular and pedestrian connections between adjacent sites shall be provided to encourage pedestrian use and to minimize traffic entering existing roads. The construction of service roads and new public streets to connect adjoining properties shall be required by the Planning Board, where appropriate.
 3. Off-street parking and loading requirements of this Local Law shall be fulfilled, and parking areas shall be located behind buildings wherever possible.
 4. Access from and egress to public highways shall be approved by the appropriate Highway Department, including Town, County, State, and Federal, to the extent that said Highway Department or Departments have jurisdiction over such access.
 5. All structures shall be accessible by emergency vehicles.
- d. **Miscellaneous Standards**
1. Materials and design of paving, light fixtures, retaining walls, fences, curbs, benches, etc., shall be attractive and easily maintained.
 2. The light level at the lot line shall not exceed two-tenths (0.2) footcandle, measured at ground level. To achieve this, luminaires shall be shielded to prevent light from shining beyond the lot lines onto neighboring properties or public ways. Where residential uses adjoin commercial uses, light standards shall be restricted to a maximum of 20 feet in height.
 3. Drainage of the site shall recharge ground water to the extent practical, and surface waters flowing off-site shall not adversely affect drainage on adjacent properties or public roads.
 4. Additional Site Plan requirements and standards for review set forth in other Sections of this Local Law shall be fulfilled.
 5. Requirements for proper disposal of construction and demolition waste shall be fulfilled, and any necessary permits or agreements for off-site disposal shall be provided to the Planning Board.
- e. **Rural Siting Guidelines**

SECTION 6 - APPEALS AND VARIANCES

6.1 Zoning Board of Appeals

6.01 Establishment

- a. The Town Board shall appoint a Zoning Board of Appeals (ZBA), shall designate its chairperson, and shall provide for such expenses as may be necessary and proper. In the absence of a chairperson, the Zoning Board of Appeals may designate a member to serve as acting chairperson. A member of the Board of Appeals shall not at the same time be a member of the Town Board. The Town Board shall have the power to remove any member of the Zoning Board of Appeals for cause and after public hearing.
- b. Members, except for those appointed to the first Board, shall serve terms of five years. Such terms shall expire at the end of the calendar year. In the creation of the new Zoning Board of Appeals, the appointment of members of the Board shall be for terms so fixed that one member's term shall expire at the end of the calendar year in which such member was initially appointed. The remaining members' terms shall be so fixed that one member's term shall expire at the end of each year thereafter. At the expiration of each original member's appointment, the replacement member shall be appointed for a term which shall be equal in years to the number of members of the Board.
- c. If a vacancy occurs other than by the expiration of a term, it shall be filled by the Town Board for the period of the unexpired term.

6.02 Conduct of Business

- a. The Zoning Board of Appeals may employ such clerical or other staff or consulting assistance as may be necessary, provided that it shall not incur expenses beyond the amount of appropriations made available by the Town Board for such purposes.
- b. The Zoning Board of Appeals shall have the power to promulgate written rules of procedure, by-laws, and forms in order to fulfill its responsibilities under this Local Law.
- c. All meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the Board may determine. The chairperson or, in his or her absence, the acting chairperson may administer oaths and hear witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The concurring vote of a majority of all members shall be necessary to take action on any matter before it, except as otherwise provided by law.
- d. The Zoning Board of Appeals shall keep minutes of its proceedings showing the vote of each member on every decision. If a member is absent or fails to vote, the minutes shall so indicate. Every rule and regulation, every amendment or repeal thereof, and every order,

requirement, decision, interpretation, or determination of the Zoning Board of Appeals shall immediately be filed in the office of the Town Clerk and shall be a public record.

6.03 Powers. The Zoning Board of Appeals shall perform all the duties and powers prescribed by the Laws of New York State and by this Local Law in connection with appeals to review any order, requirement, decision, interpretation, or determination made by an administrative official charged with the enforcement of this Local Law, generally the Code Enforcement Officer. An appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the Town.

6.04 Appeals of Orders, Requirements, Decisions, Interpretations, or Determinations. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation, or determination appealed from, and shall make such order, requirement, decision, interpretation, or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of this Local Law. In so doing, the Zoning Board of Appeals shall have all the powers of the administrative official from whose order, requirement, decision, interpretation, or determination the appeal is taken.

6.05 Appeals for Variance. Where there are practical difficulties or unnecessary hardships imposed by the strict letter of this Local Law, the Zoning Board of Appeals shall have the power, upon appeal from a determination by the Code Enforcement Officer and after public notice and hearing, to vary or modify the application of any of the provisions of this Local Law relating to the use, construction, or alteration of structures or the use of land, so that the spirit of this Local Law is observed, public safety and welfare secured, and substantial justice done.

- a. All applications for Variances shall be accompanied by three copies of a plot plan, drawn to scale with accurate dimensions, showing the location of all existing and proposed structures on the lot. The Board may require a current survey of the Subject Property.
- b. Any Variance which is not exercised within one year of the date of issuance shall automatically lapse without further hearing by the Zoning Board of Appeals.

6.06 Use Variances.

- a. The Zoning Board of Appeals, on appeal from a decision or determination of the Code Enforcement Officer, shall have the power to grant Use Variances, authorizing a use of the land which otherwise would not be allowed by this Local Law.
- b. No Use Variance shall be granted without a showing by the applicant that applicable zoning regulations and restrictions, as applied to him or her, have caused unnecessary hardship. In order to prove unnecessary hardship the applicant shall demonstrate that for each and every permitted

use under this local law for the district in which the applicant's property is located:

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 2. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 3. The requested Use Variance, if granted, will not alter the essential character of the neighborhood; and
 4. The alleged hardship has not been self-created.
- c. The Zoning Board of Appeals, in granting Use Variances, shall grant the minimum Variance that it deems necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

6.07 Area Variances

- a. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Code Enforcement Officer, to grant Area Variances from the area or dimensional requirements.
- b. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the Variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community of such grant. In making such determination the Board shall also consider:
 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance;
 2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an Area Variance;
 3. Whether the requested Area Variance is substantial;
 4. Whether the proposed Variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 5. Whether the alleged difficulty was self-created, which shall be relevant to the decision of the Board, but which shall not necessarily preclude the granting of the Area Variance.
- c. The Zoning Board of Appeals, in the granting of Area Variances, shall grant the minimum Variance that it deems necessary and adequate, while preserving and protecting the character of the neighborhood and the health, safety, and welfare of the community.

- 6.08 **Imposition of Conditions.** The Zoning Board of Appeals shall, in granting Use Variances and Area Variances, impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Local Law and shall be imposed for the purpose of minimizing any adverse impact the Variance may have on the neighborhood or community.
- 6.09 **Application and Procedures.** Appeals shall be taken by filing a written notice of appeal and any required plans with the Code Enforcement Officer and the Zoning Board of Appeals, within 60 days after the filing of the order, requirement, decision, interpretation, or determination that is being appealed, on forms prescribed by the Zoning Board of Appeals. Such application shall refer to the specific provision of this Local Law involved and shall specify the grounds for the Variance requested, the interpretation claimed, or for the reversal of an order, requirement, decision or determination of an administrative official. The Code Enforcement Officer shall forthwith transmit all the papers constituting the record of the appeal to the Zoning Board of Appeals. In the case of any variance application a shoreline restriction, the zoning board of appeals shall submit a copy of the application to the Adirondack Park Agency, together with such pertinent information as the Agency reasonably shall deem necessary.
- 6.10 **Referral to County Planning Board.**
- a. Requests for Variances affecting real property within 500 feet of the boundary of the Town of Crown Point, the boundary of any existing or proposed County or State park or other recreational area, the boundary 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, the boundary of any existing or proposed County or State-owned land on which a public building or institution is situated, or (if a Use Variance) the boundary of a farm operation within an agricultural district as defined in Article 25AA of the Agriculture and Markets Law shall be referred to the Essex County Planning Board pursuant to General Municipal Law, Article 12-B, Sections 239-1 and 239-m, as amended.
 - b. No action shall be taken on Variances referred to the County Planning Board until its recommendation has been received, or 30 days have elapsed after its receipt of the full statement of the proposed Variance, unless the County and Town agree to an extension beyond the 30-day requirement for the County Planning Board's review.
 - c. **County Disapproval.** A majority-plus-one vote shall be required to approve any Variance which receives a recommendation of disapproval from the County Planning Board because of the referral process specified

above, along with a resolution setting forth the reasons for such contrary action.

6.11 Hearing and Public Notice.

- a. The Zoning Board of Appeals shall give notice of a public hearing within fifteen (15) days of receipt of a complete application for a variance.
- b. At least five days prior to the date of such hearing, the Zoning Board of Appeals shall give public notice by causing the publication of a notice of such hearing in the official newspaper and by mailing a notice thereof to the Planning Board, to any other property owners in the affected area that the Zoning Board of Appeals may require to be notified, and to the regional park commission having jurisdiction over any State park or parkway within 500 feet of the property affected. A copy of said notice of hearing, together with a description of the application, shall be sent by the Board of Appeals to the County Planning Board and, if required under 6.041 above, to the Adirondack Park Agency simultaneously with the giving of notice under this Section.
- c. At the hearing, any party may appear in person or by agent or by attorney. In cases where notice is required to be given to it, the Adirondack Park Agency shall be a full party of interest, withstanding to participate as a party in any and all proceedings under this Section.
- d. The Zoning Board of Appeals may adjourn the hearing for a reasonable period in order to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in the appeal.

6.12 Action. The Zoning Board of Appeals may, in conformity with the provisions of this Local Law, reverse, affirm, or modify, wholly or in part, the order, requirement, decision, interpretation or determination of the Code Enforcement Officer in accordance with the provisions of this Chapter.

- a. Any such action shall be decided within 62 days after the final hearing, except that additional time may be used at the request of the applicant.
- b. Every decision of the Zoning Board of Appeals shall be approved by vote of a majority of the members by resolution which contains a full record of the findings of the Zoning Board of Appeals in the case.

6.13 Filing. Every order, requirement, decision, interpretation, or determination of the Zoning Board of Appeals shall be filed immediately in the office of the Town Clerk, and shall be a public record.

6.14 Re-hearing and Review of Prior Decisions. Upon motion initiated by any member and adopted by the unanimous vote of the members present, the Zoning Board of Appeals shall review at a re-hearing held upon notice given as upon an original hearing, any order, requirement, decision, interpretation, or determination of the Zoning

Board of Appeals not previously reviewed. Upon such re-hearing, and provided it shall then appear that the rights vested prior thereto in persons acting in good faith in reliance upon the order, requirement, decision, interpretation, or determination reviewed will not be prejudiced thereby, the Zoning Board of Appeals may, upon the concurring vote of all the members then present, reverse, modify, or annul its original order, requirement, decision, interpretation, or determination.

6.15 Court Review of Board Decisions. Any person or persons, jointly or severally aggrieved by any decision of the Zoning Board of Appeals, may apply to the Supreme Court for review by a proceeding under Article Seventy-eight of the Civil Practice Law and Rules and Section 267-c of the Town Law.

6.16 Expiration of Appeal Decision. Unless otherwise specified by the Zoning Board of Appeals, a decision on any appeal shall expire if the appellant fails to obtain any necessary Project Permit within six months of the date of such decision.

6.17 Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Code Enforcement Officer certifies for the Zoning Board of Appeals, after the notice of appeal has been filed, that such a stay of proceedings would, in his or her opinion, cause imminent peril to life or property by reason of facts stated in the certificate. In such a case, proceedings shall not be stayed except by a restraining order granted by the Zoning Board of Appeals or by the Supreme Court on application, on notice to the Code Enforcement Officer for due cause shown.

6.18 Grant of Variance. The grant of a variance shall serve as authorization for the Code Enforcement Officer to issue a project permit, provided that the project complies with all applicable provisions of this local law and other applicable regulations.

SECTION 7 - ENFORCEMENT

7.1 Code Enforcement Officer.

This local law shall be enforced by the Code Enforcement Officer and the Town Board.

7.10 Complaints of Violations.

Whenever a violation of this local law occurs, any person may make a complaint in regard thereto. All such complaints shall be in writing and signed by the complainant, and shall be made to the Code Enforcement Officer who shall properly record such complaint and immediately investigate and report his findings thereon to the Town Board. The Code Enforcement Officer shall have authority to serve upon any person owning, leasing, controlling or managing any building, structure or land in which a violation of this local law exists an order to cease or remove such violation.

7.11 Penalties. Any person owning, leasing, managing or otherwise controlling any building, structure, or land in which a violation of this local law shall exist or is committed and any person who commits or assists in the commission of any violation of this local law or any conditions imposed in any project permit or certificate of compliance, or who undertakes any project contrary to the plans or specifications submitted to the Code Enforcement Officer and on the basis of which a project permit shall be given; any person who shall omit, neglect, or refuse to do any act required by this local law, and any such person who, having been served with an order to cease or remove such violation, shall fail to comply with such order within 10 days after such service, shall be guilty of an offense and subject to a fine as authorized in Section 268 of the Town Law. Every such person shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue.

7.12 Person. For the purposes of this Section 7, where a "person" is an entity other than an individual, the principal executive officer or partner or agent or manager of such entity may be considered to be such person.

7.12 Injunctive Relief. In case of any violation or threatened violation of any of the provisions of this local law, or conditions imposed in any project permit or certificate of compliance, the Town may, by resolution of the Town Board, institute an action for injunctive relief to prevent, restrain, correct or abate such violation.

7.13 Misrepresentation. Any project permit or approval granted under this local law which is based upon or is granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstance known, by or on behalf of an applicant, shall be void.

SECTION 8 - REGIONAL PROJECT REVIEW

8.1 Purpose and Intent of this Section. The purpose and intent of this Section is to establish requirements and administrative procedures for the review of Regional Projects by the Planning Board or the Adirondack Park Agency, and to set forth the Town's role when Regional Projects are reviewed by the Adirondack Park Agency.

8.10 Special Permit Uses. Upon approval of a Regional Project, the Town Planning Board shall review the same and disapprove or approve with reasonable conditions and restrictions. No person shall undertake a Regional Project unless and until the Adirondack Park Agency has reviewed and approved, or approved subject to conditions.

8.11 Use Variances. If the Regional Project permit involves a use variance, the applicant must apply to the Zoning Board of Appeals and be granted a variance in order to institute

the use, regardless of whether this local law has been approved by the Adirondack Park Agency.

SECTION 9 - SIGNS

Signs are accessory uses which may be erected and maintained in accordance with the following regulations.

9.01 Definitions

For purposes of this Section, the following terms shall have the meanings indicated below.

Erect: To build, construct, alter, enlarge, relocate, attach, hang, place, affix, or maintain any sign, and includes the painting of wall signs.

Luminous sign: Any incandescent or other sign which gives forth its own light, or any transparent or translucent sign through which artificial light is emitted, including, without limitation, any neon sign, fluorescent sign or advertising light display.

Indirectly illuminated sign: Any sign illuminated by a lighting device and reflecting the light thereof, but not emitting any light and therefore not a luminous sign. **Level of natural ground:** 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.

Off-premise sign: Any sign advertising or calling attention to any business, activity, product, or service not located or available on the same parcel as the sign.

Sign: Any writing (including letter, word, or numeral), pictorial representation (including illustration, decoration, emblem, symbol, or trademark), flag (including banner and pennant), bulletin board, statue, three dimensional figure, symbolic or representational structure, or any other visually communicative or expressive device which:

- a. Is a structure or any part thereof or is attached to, painted on, or in any other manner is represented on or within a building or other structure, and
- b. Is used to announce, direct attention to, or advertise, and
- c. Is visible from a public highway or a water body or water course trafficked by the public. The term shall 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 hold a sign.

The term shall not include:

- a. Signs of a duly constituted governmental body, including traffic or similar regulatory devices, street identification signs and legal notices.

- b. Flags or emblems of a political, civic, philanthropic, educational, or religious organization.
- c. Signs specified or required to be maintained by law or governmental order, rule, or regulation.

Sign area: The total area of all faces or surfaces of a sign anywhere upon which writing or other expressive matter appears, or, in cases where writing or other 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 expressive matter. The sign area of a sign having more than one face or surface on which writing or other 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.

9.02 Location on Premises. A sign, other than an off-premises sign allowable by special permit pursuant to Section 9.04 hereof, shall be erected and maintained only on the same parcel of land where the subject of the sign is located, and not more than 200 feet from the principal location thereof. For purposes of this regulation, the principal location of the subject of a sign shall be deemed to include the principal private access road connecting the subject with a public highway.

9.03 Signs Not Requiring Project Permit. The following signs may be erected and maintained without a Project Permit, provided that they are less than 4 square feet in sign area and are non-illuminated (except as indicated below):

- a. Signs advertising the sale or rental of the premises upon which the sign is located, limited to two per property.
- b. Signs denoting the architect, engineer, or contractor where construction, repair, or renovation is in progress, limited to one per property.
- c. Professional and trade name plates and home business signs. Such signs may be illuminated by external white light only and shall be limited to one per person or business.
- d. Signs which mark property boundaries, give directions for roads or trails, prohibit trespassing, hunting, fishing, or off-road vehicles, or warn of hazards.
- e. Any sign erected by the federal, state, county, or town government or any department or agency thereof. Such signs are not limited in size.
- f. Signs giving the name of the residents of a dwelling and/or its address. Such signs may be illuminated by external white light only and shall be limited to one per dwelling.
- g. Temporary signs, including banners or pennants, relating to garage, lawn, or other individual, non-recurring sales, or for a church bazaar, political campaign, fund drive, parade, fair, fireman's field day, or other event or undertaking conducted by a political, civic, religious, charitable, or educational organization. Such signs may be erected 30 days prior to the event and shall be removed by the sponsor

within 7 days after the close of the event. Such temporary signs are not limited in size.

- h. A sign placed temporarily to advertise a garage sale or the sale of produce grown or harvested by the property owner where the subject sign is located, limited to one per principal location of the subject of the sign. Such temporary signs shall be removed 14 days after the termination of the activity being advertised.
- i. Not more than four advertising signs located on and parallel to the walls, windows, or sides of a building or other structure of a commercial enterprise. Such signs may be internally illuminated.
- j. Temporary signs, customarily of paper or cardboard, placed in the windows of retail stores.

9.04 Signs Allowable by Project Permit. The following signs may be erected and maintained only upon the issuance of a Project Permit by the Code Enforcement Officer. The Code Enforcement Officer shall issue a Project Permit upon a proper application showing compliance with all the applicable provisions of this Section.

- a. A freestanding or attached and projecting advertising sign, being perpendicular or approximately perpendicular to the line of a public highway from which it is intended to be seen. No such sign shall exceed 20 square feet in sign area. There shall be not more than one such sign for any commercial enterprise or for any group of enterprises located on a parcel of land under single ownership.
- b. An advertising sign located on and parallel to a wall of a building housing the enterprise advertised. No such sign shall exceed 40 square feet in sign area. There shall be no more than one such sign for any commercial enterprise.
- c. The total sign area for advertising signs must be limited to a maximum of 60 square feet, including those allowed in 10.030i above.
- d. One pole sign may be erected or maintained upon the premises of any gasoline or other automobile service station, at a maximum sign area of 15 square feet, subject to the other limitations of this chapter.
- e. A sign, including a bulletin board, customarily used by places of worship, libraries, museums, social clubs, and societies, provided that there shall be no more than one such sign per establishment or organization, and that no such sign shall exceed ten square feet in sign area.

9.05 General Sign Regulations. The following regulations apply to signs throughout the Town:

- a. 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, except in the case of digital street clocks and temperature indicators. No luminous sign shall exceed 15 square feet of sign area. LED lights dimmed at night if allowed.
- b. No luminous sign, indirectly illuminated sign, or lighting device shall be placed or directed so as to cause beams of light to be cast upon any public

highway, sidewalk, or adjacent premises, or otherwise to cause glare or reflection that may constitute a traffic hazard or nuisance. No sign shall contain any mirror or mirror-like surface, nor any day-glow or other fluorescent paint or pigment.

- c. No sign relating to a permanent commercial enterprise, with the exception of traditional barber poles, shall contain or consist of any banner, pennant, ribbon, streamer, spinner, or other similar moving, fluttering, or revolving device. No sign or part thereof may rotate or move back and forth, except that a sign may be suspended and swing, though not rotate, in the wind.
- d. No permanent sign shall extend more than 15 feet above the natural ground elevation or be located upon or higher than the roof of the associated establishment, without a permit.
- e. All signs shall be constructed of durable materials and maintained at all times in good repair.
- f. No advertising sign shall be maintained with respect to an enterprise which, for a period of one year, conducts no business or with respect to a product or service which is no longer offered by the enterprise maintaining the sign.
- g. No sign shall be erected or maintained within a municipal right-of-way nor within 10 feet of the roadbed of any public highway. Such minimum setback shall not to any signs located on and parallel to a wall of a building entirely housing the business or activity with which the signs are principally associated.

9.06 Off-Premises Signs. The Planning Board, in accordance with the Special Permit procedure set out in Section 5 hereof, may grant approval for an off-premises sign. As a condition to approval of an off-premises sign, the Planning Board shall find that the sign:

- a. Meets all the applicable requirements of this Section other than onpremises location.
- b. Will be useful in providing information not otherwise reasonably available to the public.
- c. Will be visually compatible with its surroundings.
- d. Will not pose a traffic hazard or otherwise endanger the health, safety, or welfare of the public.

9.07 Abandoned or Illegal Signs. In the event that a sign is (a) unlawfully erected after the effective date of this local law, (b) is a non-complying sign maintained in violation of this Section, or (c) is maintained in violation of this Section, then the Code Enforcement Officer shall mail to the owner of said sign, if known, at his last known mailing address and to the owner of the parcel of land upon which such sign is situated, at his last known mailing address, an order that the violation be cured within 30 days after the date of the order. If after such date the violation is not cured, the Code Enforcement Officer may enter upon the land and remove and discard the sign, without liability to the Town or its agents.

9.08 Non-Complying Signs. A sign in existence as of the effective date of this local law which does not comply with the sign regulations hereof shall be brought into compliance or removed by its owner at his cost and expense not later than January 1, 2023.

SECTION 10 - CONSTRUCTION OF LANGUAGE AND DEFINITIONS

10.01 Construction of Language. The following rules of construction apply to the text of this local law:

- a. The particular shall control the general.
- b. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- c. Words used in the present tense shall include the future; words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- d. A "building" or "structure" includes any part thereof.
- e. The word "used," when employed in the phrases "used to," "used for" or "used as" includes the following words when employed in similar phrases: "designed," "intended," "maintained," "occupied."
- f. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 2. "Or" indicates that, the connected items, conditions, provisions, or events may apply singly or in any combination.
 3. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- g. The word "includes" shall not limit a term to the specified examples but is intended to extend its meaning to all other instances or circumstances of like kind or character.

10.02 Definitions. The interpretation of these definitions is the duty of the Code Enforcement Officer, appeals from whom shall be heard by the Zoning Board of Appeals. Definitions not set forth herein shall be as set forth in the NYS Residential Code, Chapter 2.

ACCESSORY USE

A use, building or other structure, clearly incidental or subordinate, but customary to the principal use, located on the same lot with the principal use. Accessory uses include, but are not limited to, pools, garages, sheds and driveways.

ACCESSORY APARTMENTS see IN-LAW APARTMENTS

ACRE

43,560 square feet

AGRICULTURE

The cultivation of food, fiber or horticultural crops or the raising of livestock or poultry. The retail sale of agricultural products produced on the premises, and private or public stables, are agricultural uses.

ANIMALS, DOMESTIC

Household pets, including but not limited to, dogs, cats, birds and fish, but excluding traditional farm animals such as pigs, poultry or goats.

AREA, TOTAL FLOOR

The sum of the gross horizontal area of the several floors of the principal building on a lot, excluding the area of porches and patios, covered or uncovered, and excluding cellar and basement floor area not devoted to residential use. All dimensions shall be measured between exterior faces or walls.

ASSISTED LIVING FACILITY

A housing facility for people with disabilities or for adults who cannot or who choose not to live independently.

AUTO BODY SHOP

The use of an area or portion of any lot or plot, whether inside or outside a building, for the repair or painting of a motor vehicle body or vehicle designed to be towed by a motor vehicle.

AUTOMOBILE SERVICE STATION

Any building, land area or other premises or portion thereof used or intended to be used (1) for the retail dispensing or sales of vehicular fuels, and including, as an accessory use, the sale and installation of lubricants, tires, batteries and similar accessories and/or (2) for repairing motor vehicles.

AUTOMOTIVE SALES/LEASING

Establishments primarily engaged in the retail sale of new and/or used motor vehicles, or for the lease or rental of motor vehicles, where service and repairs are incidental to the use.

BED-AND-BREAKFAST

A dwelling in which tenants are provided breakfast.

BOARD OF APPEALS

The Zoning Board of Appeals of the Town of Crown Point.

BUILDING

A structure wholly or partially enclosed within exterior walls or within exterior and party walls and a roof, affording shelter to persons, animals or property.

BUILDING, ALTERATION OF

Any change in supporting members of a building, any addition to a building which alters its footprint, or any change in use as defined in this local law.

BUILDING CODE

The current Uniform Fire Prevention and Building Code of the State of New York.

BUILDING COVERAGE

The percentage of a parcel covered by the building area, including houses, sheds, pavement, patios, pools and solar panels.

BUILDING, HEIGHT OF

The height of a building as measured from its lowest to its highest point.

BUILDING LINES

(1) BUILDING FRONT LINE

The line extended to each side lot line from the outermost point of any part of a building and parallel to the street line.

(2) BUILDING SIDE LINE

The line extended to the building front line and building rear line from the outermost point in any part of the building and parallel to the side wall.

(3) BUILDING REAR LINE

The line extended to the side lot lines and parallel to the building front line from the outermost point of any part of the rear of the building.

(4) DOUBLE FRONTAGE LOT

A lot with the rear and front lot lines abutting existing or proposed streets.

BUILDING OR STRUCTURE, NONCONFORMING

An established building or structure, lawful prior to and at the time of the adoption of this chapter, or any amendment thereto affecting such building which, because of its use, location and/or size, does not conform to the provisions of this chapter for the district in which it is located.

BUILDING, PRINCIPAL

A building in which is conducted the principal use of the parcel on which it is situated.

BUILDING INSPECTOR; CODE ENFORCEMENT OFFICER

The person appointed by the Town Board to interpret and enforce the Building Code and/or his designee.

CAR WASH

An area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles.

CENTER LINE OF STREET OR ROAD

With respect to a street or road by use, a line midway between and parallel to the edges of the portion used for driving motor vehicles. With respect to a street or road located on a subdivision map or plan, a line midway between the edges of that street or road as located on that map or plan.

CERTIFICATE OF COMPLIANCE

A document issued by the Building Inspector allowing the occupancy or use of a building and certifying that the structure or use has been constructed and can be used in compliance with the Building Code.

CHURCH

A structure the principal use of which is the gathering of persons of similar religious faith for the purpose of group worship.

CLASS A REGIONAL PROJECT

Projects defined in Paragraph 1 of Section 810 of the NYS Executive Law, as that section is from time-to-time amended. Permits for Class A regional projects are always issued by the APA.

CLASS B REGIONAL PROJECT

Projects defined in Paragraph 2 of Section 810 of the NYS Executive Law, as that section is from time-to-time amended. Permits for Class B regional projects are issued by the APA or by individual towns pursuant to APA approved local land use programs.

CODE ENFORCEMENT OFFICER

COMMERCIAL USE

Any use designed primarily to earn a financial return. Examples include sales of professional services, retail sales and rentals.

COMMUNITY RESIDENCE

A residence for a dependent population, sponsored by a charitable, religious or government agency, providing a homelike environment and supervision for the housing and care of dependent persons in a setting that is integrated within the community, established similar to a single-family residence with shared living area, kitchen and bathroom facilities. The definition includes group homes, halfway houses and supervised living facilities.

CONSTRAINED LAND

Those portions of a parcel's acreage that includes surface water bodies, NYS-regulated freshwater wetlands, federally regulated wetlands, one-hundred-year floodplains, floodways, and lands with slopes 20% or greater (measured over a fifty-foot horizontal distance) or which otherwise may not be built upon due to NYS or Federal prohibitions. This definition does not prohibit waivers from such restrictions issued by NYS or Federal Government.

COVERAGE/COVERAGE

That portion of a Lot covered by buildings, pavement and accessory structures.

DAY-CARE CENTER

A place other than an occupied residence, providing or designed to provide day care for any number of individuals, or an occupied residence providing or designed to provide day care for seven or more individuals, and which meets the criteria contained in Part 418 of Title 18 of the New York Code of Rules and Regulations.

DENSITY

The percentage of the Unconstrained portion of a Lot Covered by buildings, pavement and accessory structures.

DWELLING

A house, apartment building or other building designed or used primarily for human habitation. The word "dwelling" shall not include tourist homes, motels, hotels or other structures designed or used for transient residence. A Dwelling is a Residence.

DWELLING, MULTIFAMILY

A permanent building containing three or more dwelling units.

DWELLING, ONE-FAMILY

A permanent building containing only one dwelling unit.

DWELLING, SEMIDETACHED

A detached building containing two dwelling units separated by a party wall, each having one side yard.

DWELLING, TWO-FAMILY

A building having two side yards and accommodating but two families, with one family living over the other.

DWELLING UNIT

One or more rooms for ownership, lease or rent, designed, occupied or intended for occupancy by one family and physically independent of any other groups of rooms or dwelling units which may be in the same structure, containing independent cooking, sanitary and sleeping facilities.

ESTABLISHMENT

A building or structure in which or at which one or more businesses, trades, professions or occupations or any combination thereof is (are) conducted. Each office or room in such a building or structure or each section of such building or structure devoted to a business, trade, profession or occupation shall not be considered an establishment.

FAMILY

One or more persons who live together as a single housekeeping unit and maintain a common household, and who do not pay rent to another inhabitant, as distinguished from a person or group occupying a boardinghouse, lodging house, club, fraternity or hotel. A family may consist of a single person or of two or more persons, whether or not related by blood, marriage or adoption, and may also include domestic servants and gratuitous guests.

FARM

Any parcel of land which is used in the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used, storage of produce and processing and sale of farm produce. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels.

GARAGE, PRIVATE

Any enclosed space for the storage of one or more motor vehicles and within which space no business activity or industry connected directly or indirectly with motor vehicles is conducted nor space therein for more than one car is leased to a nonresident of the premises.

GARAGE, PUBLIC

Any garage other than a private garage, used for storage and housing of vehicles or where such vehicles are equipped for operation or kept for remuneration, hire or sale.

GROSS FLOOR AREA

The sum of the gross horizontal area of the several floors of all buildings on the parcel, including the area of porches or patios, covered or uncovered.

HEAVY COMMERCIAL

An establishment or business that generally uses open sales yards, outside equipment storage or outside activities that generate noise or other impacts considered incompatible with lessintense uses. Typical businesses in this definition are lumber yards, construction specialty services, building contractors, or retail nurseries.

GROUP HOME

See COMMUNITY RESIDENCE

GUEST HOUSE

An accessory use comprised of a separate structure used for temporary occupancy for guests of the owner or tenant for which no remuneration is received and which does not have separate kitchen facilities. There shall be one on-site parking space for each guest room. Such parking shall be located substantially behind or to the side of the principal building

24.015

HOME DAY-CARE

Day Care conducted for profit in an individual's Dwelling.

HOME OCCUPATION

Any occupation or a profession which:

- (1) Is customarily carried on in a dwelling;
- (2) Is carried on only by a member(s) of the family residing in the dwelling;
- (3) Is clearly incidental and secondary to the use of the dwelling for residential purposes and does not occupy more than 10% of the total floor area thereof used for residential purposes; and
- (4) Conforms to the following additional conditions:
 - (a) The occupation or profession shall be carried on wholly within the dwelling and not in any structure accessory thereto.
 - (b) There shall be no exterior display, no exterior sign, no exterior storage of materials and no other exterior indication of the home occupation and no exterior variation from the residential character of the dwelling.
 - (c) No offensive odor, noise, vibration, smoke, dust, heat, light or glare shall be produced.
 - (d) Machinery or equipment not customary in a dwelling shall not be permitted.
 - (e) No parking of or storage of commercial vehicles related to the occupation or profession shall be permitted unless the vehicle is used by the person(s) residing in the dwelling and unless the vehicle is stored within a completely enclosed building.
 - (f) The entrance to the space devoted to such occupation shall be only from within the dwelling.
 - (g) No employee(s), whether or not compensated, other than a member(s) of the family residing in the dwelling, shall conduct or participate in the occupation or profession in the dwelling.
 - (h) No more than two customer motor vehicles shall be parked on-site or off-site at any one time.

HOME OCCUPATION

Any occupation or a profession which:

- (1) Is customarily carried on in a dwelling;
- (2) Is carried on only by a member(s) of the family residing in the dwelling;
- (3) Is clearly incidental and secondary to the use of the dwelling for residential purposes and does not occupy more than 10% of the total floor area thereof used for residential purposes; and
- (4) At which on-site parking is available for all customers, clients and visitors.

HOTEL

A building in which lodging is provided in Dwelling Units and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office, supervised by a person in charge at all hours. The Dwelling Unit shall consist of a room arranged or designed to be available for use as sleeping quarters for transient guests on a daily or weekly basis. The term "hotel" does not include Boardinghouse.

INDIVIDUAL

A human being.

IN-LAW APARTMENT

Any room or suite of rooms comprising one complete housekeeping unit with its own cooking and its own bathing and toilet facilities wholly within the sub-room, or suite of rooms, occupied by family members or caregivers.

JUNKYARD

See to the Town of Crown Point Ordinances Regulating Junk Yards and Salvage Yards within the Town of Crown Point.

KENNEL

A business for the lodging and/or breeding of dogs.

LIGHT COMMERCIAL

A business generating other than household waste (e.g., RV parks, medical clinics, bars not serving food).

LOT

A piece, parcel or plot of land bearing a single tax map identification number.

LOT, CORNER

A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street, forming an interior angle of less than 135°. A lot abutting upon a curved street or streets shall be considered a "corner lot" if the tangents to the curve at its points beginning within the lot or at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135°. A corner lot has no rear lot line but has at least two front lot lines.

LOT, INTERIOR

A lot other than a corner lot.

LOT LINE

A property line dividing one lot from another.

LOT LINE ADJUSTMENT

A lot line adjustment is the realignment of property lines between two or more existing adjacent lots.

LOT LINE, FRONT

The lot line separating a lot from a street.

LOT, NONCONFORMING

A lot, the area or dimension of which was lawful prior to the adoption, revision or any amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

LOT LINE, REAR

The lot line opposite and most distant from the front lot line. A corner lot has no rear lot line but has at least two front lot lines.

LOT LINE, SIDE

Any lot line other than a front or rear lot line.

LOT WIDTH

The distance between side lot lines at the required minimum front yard depth measured along a line parallel to a line connecting the end points of the front lot line.

MAJOR PROJECT

A Class-A Regional Project; a Class B Regional Project; sub-division of a Lot into more than four Lots; a construction project estimated to cost in excess of one million dollars to complete (including all related materials, wages, professional fees, studies and insurance, other than the cost of the real property).

MANUFACTURING

The mechanical or chemical transformation of materials or substances into products, including the assembling of component parts, the manufacturing of products and the blending of materials.

MARINA

A facility for storing, servicing, fueling, berthing and securing, or any combination thereof, pleasure boats.

MEDICAL FACILITY

An establishment for temporary occupation by the sick or injured for the purpose of medical diagnosis and treatment, including sanitariums, and shall be limited to the treatment or other care of humans.

MINIMUM AREA OF LOT

The smallest lot area established by this chapter on which a use or structure may be located in a particular zoning district.

MINOR PROJECT

A Project not meeting the definition of a Major Project.

MOBILE HOME/MANUFACTURED HOME

As defined in Chapter 2 of the NYS Residential Code under the heading "Manufactured Home", as that definition may from time-to-time be amended.

MOBILE HOME PARK

Any tract of land where two or more Mobile/Manufactured Homes are parked or which is used or held out for the purpose of supplying to the public a Parking Space for two or more Mobile Homes.

MOTEL

A building in which lodging is provided in Dwelling Units and offered to the public for compensation and in which ingress and egress to and from all rooms are made to a parking lot or courtyard, supervised by a person in charge at all hours. The Dwelling Unit shall consist of a room arranged or designed to be available for use as sleeping quarters for transient guests on a daily or weekly basis. The term "hotel" does not include boardinghouse.

NONCONFORMING USE

The use of a building, structure or use of land, existing at the time of enactment of this chapter or amendment thereto, which does not conform to the regulations of the district or zone in which it is situated.

NURSING HOME

A residential facility designed and operated to provide residential and medical care and services.

OFF STREET PARKING

Parking space for a motor vehicle other than on the side of a public road.

OFFICE

A building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations.

PARCEL

A tax map parcel as determined by the Essex County Assessor's Office.

PARKING SPACE

The area required for parking one motor vehicle, but not less than 10' by 20'.

PARK UNIT

The lot or space in a mobile home park which is assigned to, or used and occupied by, any one Mobile Home.

PERSON

Any individual, company, corporation, partnership, church or other religious institution. Other than as set forth herein, an unincorporated association is not a person.

PERSONAL SERVICE ESTABLISHMENT

A retail business with the primary purpose of providing work done or duties performed for individual consumers, such as shoe repair, dry cleaning, laundromat, barbershop, beauty parlor or tailor shop.

PLACE OF WORSHIP

Any structure or area used for worship or religious instruction, including but not limited to a church, chapel or synagogue, and including administrative rooms accessory thereto.

PLANNED DEVELOPMENT DISTRICT

An independent, freestanding zoning district, where the use of land shall be in accordance with a local law enacted by the Town Board for the creation of such a district and subsequent final site plan and/or subdivision plan approved by the Town Planning Board. The area within such district may contain a grouping of residential, commercial, and/or industrial buildings, together with accessory structures and facilities that are developed in a flexible manner so as to achieve the goals of the comprehensive plan.

PLANNING BOARD

The Planning Board of the Town of Crown Point.

PRIVATE CLUB

A facility operated by a corporation, association or group of people for the social, educational or recreational intent of the members and their guests, but not operated for profit or to render a service which customarily is carried on as a business. Commercial organizations, such as but not limited to, dues-paying tennis clubs, racquet clubs and physical fitness clubs, shall not be considered private clubs.

PROHIBITED USES

Uses not permitted directly or as a special permitted use in a given Zoning District.

PROJECT

A proposed use of land or a proposed alteration to land or the structures thereon.

PROJECT PERMIT

A Permit issued pursuant to Chapter 3 of this Local Law.

PUBLIC UTILITY STRUCTURES

Public utility structures and facilities, such as electric lines and poles, gas mains, water mains and telephone and telegraph lines and poles.

REGIONAL PROJECTS

Class A and Class B Regional Projects as defined in NYS Executive Law §810.

RESEARCH LABORATORY

A building or structure built, altered and/or equipped for experimental or scientific study or testing and analysis for experimental research in the natural, physical or social sciences or engineering and development as an extension of investigation with the objective of creating end products, analyses or publications, including the limited construction of pilot or test models and materials, and which does not emit or pass off sound, vibration, light, odors, smells, smokes or other noxious or bothersome products beyond the boundaries of the structure.

RESIDENCE

A Dwelling.

RESTAURANT

Any premises where food and/or beverages are commercially sold for on-premises consumption to patrons seated at tables or counters and where table service is provided.

RESTAURANT, DRIVE-IN OR FAST-FOOD

Any facility without table service or providing parking lot service to cars where the food is to be eaten outside of the structure and/or off the premises.

RETAIL ESTABLISHMENT

A use devoted primarily to the retail sale of commodities directly to consumers.

ROADSIDE STANDS/STALLS

a Retail Establishment located at the side of a road selling goods to the public, and which does not provide sit-down service or rest rooms.

SCHOOL, PRIVATE

An institution, not owned by a public agency, which offers to its students formal education and is chartered by the Board of Regents of the University of the State of New York or the NYS Education Department, and which charges tuition.

SCHOOL, PUBLIC

An institution under the jurisdiction of a school district or other public agency and legally constituted by the State of New York to offer free formal education to residents of the district.

SCREENING

Fences, shrubs or trees or other natural and/or artificial material which conceals a building or use of land.

SELF-STORAGE FACILITIES

A facility providing private units for lease for the sole purpose of storing personal property.

SEQRA

The State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law, as amended, and the regulations promulgated thereunder (e.g., 6 NYCRR Part 617).

SETBACK, FRONT

The required minimum distance between the front line of a building and the related front lot line or, if the building fronts on a road, from the center line of the road.

SETBACK, REAR

The required minimum distance between a rear lot line and the rear of a building. The building rear line shall be measured from any bay windows, covered porches, whether enclosed or unenclosed, or any projections thereof, which are over 50 square feet in area.

SETBACK, SIDE

The required minimum distance between a side lot line and the closest side of a building. The building side shall be measured from any bay windows, covered porches, whether enclosed or unenclosed, or any projections thereof which are over 50 square feet in area.

SHED

A free-standing, fully enclosed structure which is not a dwelling or a garage, and which is not specifically defined in this Local Law.

SHORT TERM RENTAL

Rental to an individual of a dwelling space for a period of less than thirty days.

SHOPPING CENTER

A group of stores, shops, retail establishments and similar entities, occupying adjoining structures, sharing a common parking facility.

SOIL-DISTURBING ACTIVITY (SDA)

Any activity which directly or indirectly disturbs more than one acre of soil and, therefore, requires a Project Permit. This does not include soil disturbance for emergencies, household gardening, governmental activities and customary agricultural or single lot, single-family residential activities which are exempt.

SOLAR ARRAY, GROUND- OR POLE-MOUNTED

Any solar collector, controls, solar energy storage device, heat exchangers, or solar-thermal energy system which is directly installed on the ground and not affixed to an existing structure. Solar power facilities are regulated by Local Law #3 of 2022 of the Town of Crown Point.

SOLID WASTE MATERIAL

All putrescible and non-putrescible solid wastes, including tree stumps, branches and other wood debris products, garbage, rubbish, ashes, incinerator residue, street cleanings, dead animals, demolition and construction debris, abandoned vehicles, offal, agricultural, commercial and industrial wastes, hazardous and toxic waste and wastes from domestic and municipal sewer systems and treatment facilities, including sludges of any kind.

SPECIAL PERMIT or SPECIAL USE PERMIT

A Permit for a Special Permitted Use issued by the Planning Board.

SPECIAL USE

A specified use of property that is deemed appropriate to a given district if certain conditions are satisfied, including compatibility with adjacent uses, but which may be incompatible within the district if conditions are not satisfied and a permit for such use issued by the Town.

STABLE

Any structure or building for the sheltering and/or feeding of horses.

STABLE, COMMERCIAL

Any stabling of animals for a fee.

STREET

Any public way dedicated to public travel by motor vehicles. The word "street" has the same meaning as the words "road" and "highway".

STREET LINE

The right-of-way line of a street as indicated by dedication or by deed of record.

TENANTS

A Person renting a Dwelling Unit or Furnished Room.

TOWN BOARD

The Town Board of the Town of Crown Point.

UNCONSTRAINED LAND

A parcel's remaining acreage after constrained land is subtracted. Unconstrained land shall be the basis for calculating maximum allowable density.

VARIANCE

Permission by the Zoning Board of Appeals to use land for a use, or in a configuration, which is not in accordance with this Local Law.

VARIANCE, AREA

Permission by the Zoning Board of Appeals to construct or alter a structure in a manner otherwise inconsistent with the yard, height or other dimensional requirements of this Local Law.

VARIANCE, USE

Permission by the Zoning Board of Appeals to use a parcel for a use which is otherwise prohibited by this Local Law.

WAREHOUSING

Storage of goods for eventual sale or transport on a command basis.

WETLAND

Land areas meeting either Federal Clean Water Act (Section 404) or New York State Environmental Conservation Law (Article 24) definition of a wetland.

WHOLESALE ESTABLISHMENT

A building or buildings used as a wholesale distribution center and/or nonretail sales.

YARD, FRONT

An open space extending across the entire width of the lot between the building line of a principal building and the front lot line and into which space there shall be no extension of building parts other than steps, open porches, eaves, cornices and similar fixtures.

YARD, REAR

An open space extending across the entire width of the lot between the rear wall of the principal building and the rear lot line, unoccupied except for accessory buildings and open porches which, in the aggregate, shall occupy not more than 35% of the area.

YARD, SIDE

An open, unobstructed space on the same lot with a principal building between the principal building and the side line of the lot and extending through from the front yard to the rear yard, into which space there shall be no extension of building parts other than eaves with an overhang of not more than two feet, rainwater leaders, windowsills and other such fixtures and open steps for a distance not exceeding four feet.

ZONING BOARD OF APPEALS

The Zoning Board of Appeals of the Town of Crown Point.

ZONING DISTRICT

A finite area of land, designated by its boundaries on the Official Map, throughout which certain Uses are permitted as of right, or permitted with a Special Use Permit, and common area restrictions are imposed.

SECTION 11 - TOWN DISTRICT REGULATIONS

The provision of this Section apply only to the use and development of land designated as "Hamlet" on the Adirondack Park Land Use and Development Map issued by the Adirondack Park Agency, as it may be from time-to-time amended.

11.010 Residential I Zoning District.

- a. Permitted Uses:
 - i One-Family Dwelling (including Mobile Home) and Accessory Uses, ii Home Occupation,
 - iii Agriculture (no livestock or poultry),
 - iv Road-side Stall, v Home Day Care, and vi In-Law Apartment.
- b. Uses allowable by Special Permit:
 - i Two-Family Dwelling,
 - ii Agriculture (including livestock or poultry),
 - iii Kennel, iv Community Residence, and v Public Utility Structures.

11.02 Residential II Zoning District.

- a. Permitted Uses:
 - i All Uses Permitted in District Residential I Zoning District,
 - ii Two-Family Dwelling and Accessory Uses, iii Place of worship, iv Public park, v Church, and vi Library.
- b. Uses allowable by Special Permit:
 - i Retail Establishment, ii Nursing Home, iii Community Residence; iv Day-Care Center, v Office, vi Marina, vii Hotel, viii Motel, ix Multi-Family Residence, x Personal Service Establishment, xi Private club, xii Restaurant, xiii Private school, xiv Public school, xv Short-Term Rental, xvi Agriculture (including livestock or poultry),

- xvii Kennel, xviii
Commercial Stables, xix
Medical Facility, xx
Mobile Home Park, and
- xxi Public Utility Structures.

11.03 Business Zoning District.

- a. Permitted Uses:
 - i All Uses Permitted in Residential I Zoning District, ii
All Uses Permitted in Residential II Zoning District,
 - iii Multifamily Dwelling, iv
Light commercial use, v
Drive-in/Fast Food Restaurant,
 - vi Short-Term Rental, vii
Wholesale warehouse, viii
Research laboratory, ix
Retail establishment, x
Shopping center,
 - xi Office, xii Fire
station, xiii Kennel,
and xiv Marine
base.
- b. Uses allowable by Special Permit: i Group home,
and ii Public Utility Structures.

11.04 Industry Zoning District.

- a. Permitted uses: i Heavy commercial use,
ii Manufacturing, iii Heavy equipment
facility, and iv Railroad station and
Accessory Uses thereto.
- b. Uses allowed by Special Permit: i Self-
storage facility, and ii Public
Utility Structures.

**Table of Bulk Regulations for Uses
Pursuant to Section 11 of the Crown Point Zoning Law**

District	Principal Uses	Minimum Lot (square feet)	Minimum Frontage Width (feet)*	Off-Street Parking - not less than	Maximum Percent Coverage	Minimum Setbacks			Maximum Height (feet from lowest ground to highest point)
						Front **	Side	Rear Depth	

RES-1	Principal Structure	7,500; No more than 1 Principal Structure per 1.5 acres	75*	2 spaces per dwelling unit	25 %	50**	25	25	40
	Accessory Structures ****					50**	25	25	40
RES-2	Principal Structure	7,500; No more than 1 Principal Structure per ½ acre***	75*	2 spaces per dwelling unit	35 %	50**	25	25	40
	Accessory Structures ****					50**	25	25	40
BUS	Principal Structure	7,500; No more than 1 Principal Structure per ¼ acre***	—*	2 spaces per dwelling unit + 1 space per transient dwelling unit + 1 space per 200 sf of Business space		50**	25	25	40
	Accessory Structures ****					50**	25	25	40
IND	Principal Structure	N/A	—*	1 space per 1,000 sf of non-residential building space		50**	25	25	40
	Accessory Structures ****					50**	25	25	40

*A Special Use Permit may be obtained for lesser frontage if in keeping with the character of the neighborhood.

** A Special Use Permit may be obtained in developed areas for lesser frontage where, among the existing adjacent Buildings there is an established set-back pattern of less than 50 feet, and if doing so is in keeping with the character of the neighborhood.

***There may be one Short Term Rental dwelling unit for each 1/10 acre.

****Sheds must adhere to front set-back requirements, but may be placed within 10' of rear or side lot lines.

SECTION 12 - SHORELINES

Regulation of shorelines shall be mandated by the Adirondack Park Agency, as its regulations may be from time-to-time amended, including regulations controlling clustered residential development, common shoreline, buffers, building setbacks and removal of vegetation.

SECTION 13 - MISCELLANEOUS REGULATIONS

13.01 Travel Trailers. No travel trailer shall be parked or located overnight within any Village except with the consent of the property owner.

13.02 Motor Vehicle Storage. No more than one unregistered and inoperative motor vehicle, as such term is defined in the Vehicle and Traffic Law, may be stored outdoors within the Village for a period in excess of one year. This regulation shall not apply to the vehicles of persons currently serving in the Armed Forces of the United States, or to vehicles stored on premises by an automobile dealer or garage.

13.03 Abandoned Projects. Where a project, other than a project involving the construction or alteration of a single-family dwelling or involving agriculture, once begun, has had no substantial progress for 12 months or more, then the project shall be deemed abandoned, and the Zoning Inspector may order (1) the premises to be cleared of rubbish, building materials, and any other unsightly accumulations, and (2) any excavation to be filled or completely enclosed by a substantial fence at least 6 feet high.

13.04 Fences and Hedges. Fences may be erected as an accessory use and shall require a permit issued by the Zoning Inspector. Such fences shall be subject to the following regulations:

- a. No fence, free-standing wall or hedge shall be located within the right of way of any public highway. Ver #9 - 12-03-21.5
- b. No fence, free-standing wall or hedge shall be located so that it substantially interferes with the visibility from a public highway of an intersecting public highway, private road, or driveway.
- c. A fence, free-standing wall or hedge proximate to a property line requires a building permit and survey absent consent of the adjacent landowner.

13.05 Automobile Junkyards and Junkyards; Waste Disposal Areas; Exterior Storage Areas. Reference is made to the Town of Crown Point *Ordinances Regulating Junk Yards and Salvage Yards within the Town of Crown Point*.

13.06 Guest Houses. A guest house is an accessory use comprised of a separate structure used for temporary occupancy for guests of the owner or tenant for which no remuneration is received and which does not have separate kitchen facilities. There shall be one on-site parking space for each guest room. Such parking shall be located substantially behind or to the side of the principal building.

13.07 Nursing Homes and Group Homes. Nursing homes and group homes shall have on-site parking sufficient for staff and visitors.

13.08 Accessory Apartments a/k/a In-Law Apartments. The intent of this section is to allow separate living space within an existing single family dwelling to be occupied by family members or caregivers and to ensure that this use is conducted in a manner that protects and preserves neighborhood character and property values. Notwithstanding the

maximum intensity of development and the minimum lot size specified for the particular zoning district, an Accessory Apartment shall be allowed in a single family dwelling in all Hamlet districts except for industrial, provided that the following conditions are found to be satisfied in Site Plan Review by the Planning Board. Approval by the Planning Board of a proposed Accessory Apartment shall require notice to the public and a public hearing conducted under the Site Plan Review procedures and requirements described

- a. The Town will maintain a list of all accessory use apartments in current use.
- b. The landowner, or their his or her agent, is required annually to renew the permission to continue the Accessory Apartment and provide documentation that all provisions of this section are in compliance. Failure to renew the use will result in the termination of the approval for the Accessory Apartment and require the removal of its kitchen facilities.
- c. The owner(s) of the property shall occupy at least one of the dwelling units on the premises as a principal residence.
- d. No more than one Accessory Apartment is permitted on a lot.
- e. Modification to an existing building to accommodate an Accessory Apartment shall comply with all provisions contain in this zoning law except for the density allowance provided in accordance with this section.
- f. An Accessory Apartment shall not exceed 750 square feet in size of the floor space.
- g. If the total habitable floor space of all dwelling structures on the lot exceeds 3500 square feet, no new habitable space may be constructed on the lot.
- h. Off-street parking shall be available for the occupant(s) of the Accessory Apartment and the primary single family dwelling.
- i. Sites within the wastewater district will be connected to the district wastewater system.
- j. Site served by existing on-site wastewater treatment system shall meet all applicable State and Town standards for wastewater systems.
- k. The building containing the Accessory Apartment shall meet all applicable requirements of the NYS Fire Code and NYS Property Maintenance Code (see, especially, Chapter 4 of the NYS Property Maintenance Code).
- l. The property may be served by only one meter for each water and electric utility supplied.
- n. No money may be received by the property owner in exchange for occupancy of the Accessory Apartment.

13.09 Bed-and-Breakfasts and Short-Term Rentals.

a. A Special Use Permit is required to operate a Bed-and-Breakfast or ShortTerm Rental. In addition to the requirements for all Special Use Permits, an applicant must demonstrate and commit that:

1. That the applicant is the owner of the Dwelling Unit which is the subject of the application or is making the application with the owner's written consent. The applicant must provide a local contact person and provide that person's contact information.
2. That all neighbors with real property within 200 feet of the Dwelling Unit have been advised of the Special Permit application.
3. That the grant of a Special Permit will not adversely affect the neighborhood.
4. That the Dwelling Unit has adequate off-street parking capacity.
5. That Tenants will have a bathroom separate and apart from that of the owner.
6. That the Dwelling Unit has been inspected by the Town Code Enforcement Officer who has determined that it meets all requirements of the NYS Fire Code and NYS Property Maintenance Code (see, especially, Chapter 4 of the NYS Property Maintenance Code).
7. That the owner carries liability insurance covering the Tenants against injury in an amount not less than \$500,000.
8. With respect to a Short-Term Rental only, that the period the facility is rented while the owner is not also residing in the facility shall not exceed 180 days in any forthcoming 365 day period.
9. With respect to Bed-and-Breakfast only, that the owner resides in the Dwelling in which the rental take place during the entire period of the tenancy.

b. A Special Use Permit issued under this Article shall be effective for a period of two years.

13.10 Personal Property on the Side of a Road or Public Way. No personal property may be left on the side or edge of a road or public way for a period in excess of ten (10) days.

13.11 PDD Applications. Applications to the Town Board for Planned Development District legislation shall be forwarded by the Town Board to the Town Planning Board, and to the County Planning Department, for their review and recommendation.

SECTION 14 - OFF-STREET PARKING

14.01 Purpose. The purpose of this section is to ensure the provision of adequate parking while minimizing both the burdens placed on property owners to provide on-site parking on small village lots and the negative impacts of excessive parking lot construction.

14.02 Minimum Off-Street Parking Required for Residential Uses

- a. For single-family or two-family dwelling: 2 spaces per dwelling unit.
- b. For multi-family dwelling: One-and-one-half spaces per dwelling unit (fractions shall be rounded up).
- c. These requirements may be reduced for dwelling units with less than 1,000 square feet of floor space, senior citizen housing, mixed-use development, or other appropriate circumstances if the Planning Board determines that such reductions are warranted.

14.03 Parking Requirements for Non-residential Uses. Because non-residential uses vary widely in their need for off street parking, parking requirements shall be based on the specific operational characteristics of each proposed use. The provisional parking standards in Subsection 29.031 below shall be applied and may be varied by the Planning Board to the criteria in Subsection 29.032 below.

14.04 Provisional Parking Standards.

- a. Retail or service business uses: Four spaces per 1,000 square feet of enclosed floor space.
- b. Industrial/warehouse uses: One space per 1,000 square feet of enclosed floor space.
- c. Office uses: Three spaces per 1,000 square feet of floor space.
- d. Transient Accommodation: One space for each bedroom plus one space for each nonresident employee and one space for every 200 square feet of floor space for meetings and functions.
- e. Restaurants, theaters, and other places of public assembly: One space for every three seats.
- f. Uses not listed above: As appropriate to the circumstances.

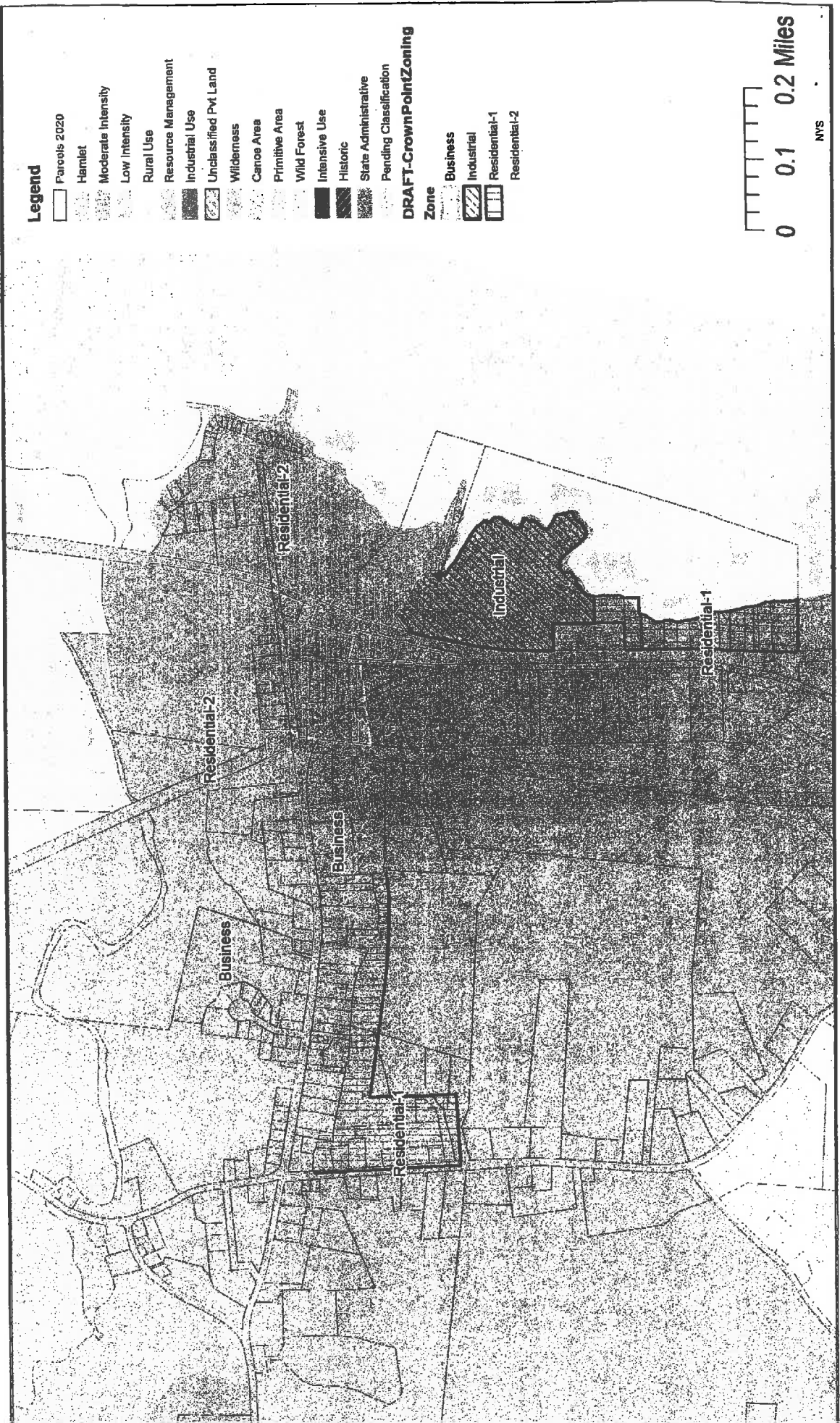
14.05 Criteria for Applying Provisional Standards

In applying or modifying the provisional parking standards for any proposed use, the Planning Board shall consider:

- a. The nature of the previous use of the same property. If the proposed use has no greater parking demand than the previous use, it shall be deemed to require no additional parking spaces. If the new use requires more parking than the previous use, it shall be obligated to provide only the number of spaces by which its parking demand exceeds the demand of the previous use. For example, if a restaurant requiring 10 spaces replaces a retail store that required only 5 spaces, the restaurant would be responsible for either supplying 5 additional spaces or showing that such spaces are not needed or already exist within the Village parking supply.

- b. The maximum number of vehicles that actually be parked at the use at times of peak usage Parking shall be sufficient to satisfy 85 % of the anticipated peak demand. The likelihood of people walking, bicycling, or carpooling to the proposed use shall be taken into consideration. The likelihood that people would park in one place in the Village and visit the proposed use as one of several destinations shall also be taken into account.
- c. The size of the structure(s) and the property.
- d. The requirements for parking for the disabled as prescribed by the Americans with Disabilities Act.

-end-



Town of Crown Point - Essex County, NY

This map is a general description of Land Use areas from the official Adirondack Park Land Use and Development Plan map along with parcel information and other features. It combines information from different map sources and scales. It should not be used to determine whether a specific parcel or lot is within a land use area as depicted. The map should be used for general informational purposes only. Formal and legally binding wetland, land use area and jurisdictional determinations, as well as wetland field determination and delineation appointments can be obtained by contacting the Adirondack Park Agency at 518-891-4050.