

# Zoning Code

Town of Varick  
Seneca County, New York

April 2, 2003

## Table of Contents

ARTICLE I — ENACTMENT AND DEFINITIONS.....	1
Section 101 – Title.....	1
Section 102 – Purpose and Intent.....	1
Section 103 – Interpretation.....	1
Section 104 – Conflict with Other Laws .....	1
Section 105 – Validity and Severability .....	1
Section 106 – Enactment and Effective Date.....	1
Section 107 – Definitions.....	2
ARTICLE II — DISTRICT BOUNDARIES .....	5
Section 201 – Establishment.....	5
Section 202 – Official Zoning Map.....	5
Section 203 – Interpretation of District Boundaries.....	5
ARTICLE III — ZONING DISTRICTS.....	6
Section 301 – Special Flood Hazard Areas.....	6
Section 302 – Open District.....	7
Section 303 – Industrial Zone .....	9
Section 304 – Special Uses .....	9
ARTICLE IV — ENFORCEMENT .....	17
Section 401 – Enforcement.....	17
Section 402 – Duties of the Varick Code Enforcement Officer.....	18
Section 403 – Certificates and Permits.....	18
Section 404 – Application Procedure .....	19
Section 405 – Application Details.....	20
Section 406 – Application Fees.....	21
ARTICLE V — NONCONFORMING USES AND BUILDNGS.....	21
Section 501 – Nonconforming Uses and Buildings .....	21
ARTICLE VI — AMENDMENTS.....	22
Section 601 – Amendments .....	22
ARTICLE VII — BOARD OF APPEALS .....	22
Section 701 – Creation, Appointment and Organization.....	22
Section 702 – Powers and Duties .....	23
Section 703 – Procedure .....	24
Section 704 – Board of Appeals Office.....	24
Section 705 – Notice of Board Hearings .....	24
ARTICLE VIII — VIOLATIONS.....	25
Section 801 – Enforcement.....	25
Section 802 – Penalties.....	25
Section 803 – Continued Violation .....	25
Travel Trailer Ordinance .....	26

## History of the Varick Zoning Code

August 18, 1975:

Zoning established for Varick, original version of this ordinance written under HUD Section 701 program by the Seneca County Planning Dept.\*

September 6, 1988:

Industrial zone designation established (303)  
Mobile home park Special Use established (304.1)

July 2, 2002:

Telecommunications Tower Special Use established (304.2)  
Travel Trailer ordinance added. (appended to Zoning Ordinance)  
Building Inspector changed to Varick Code Enforcement Officer.

September 8, 2002: Zoning code reissued with all amendments incorporated into a single continuous document.

April 1, 2003

Added Notice of intent to building permit application [405.1 (A) 6]  
Raised dollar threshold for definition of Substantial Improvement [107]  
Limited time (3 yrs) for grandfathering destroyed non-conforming building [501.2].

\*Original annotation: The preparation of this report was financially aided through a grant from the U.S. Department of Housing and Urban Development under the Comprehensive Planning and Assistance Program authorized by Section 701 of the Housing and Urban Development Act of 1965 as amended. The report was prepared under the Comprehensive Planning Program for the New York State Division of Community Affairs. It was financed in Part by the State of New York

## **ARTICLE I — ENACTMENT AND DEFINITIONS**

### Section 101 – Title

101.1 This Ordinance shall constitute and be known as the “Zoning Ordinance of the Town of Varick, New York” and may be cited as such.

### Section 102 – Purpose and Intent

102.1 The purpose of this ordinance is to encourage appropriate and orderly physical development; promote public health, safety, and general welfare; classify, designate and regulate the location and use of buildings and structures; and for said purposes may divide the Town of Varick into districts of such number, shape and area as may be deemed best suited to carry out these regulations.

### Section 103 – Interpretation

103.1 In interpreting, construing and applying the provisions of this Ordinance, such provisions shall be held to be the minimum requirements for the protection of the public health, safety and general welfare of the public.

103.2 For the purpose of this Ordinance, all words used in the present tense include the future tense. All words in plural number include the singular number, and all words in the singular number include the plural number. The word “person” includes a firm, association, organization, partnership, trust, company, or individual. The word “shall” is mandatory and directory. The word “may” is permissive. The word “used” includes “designed, intended, or arranged to be used”.

### Section 104 – Conflict with Other Laws

104.1 Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, restrictive or those imposing the higher standards shall govern.

### Section 105 – Validity and Severability

105.1 In case any section or provision of this Ordinance shall be held invalid in any court, the same shall not affect any other section or provision of this Ordinance, except so far as the section or portion so declared invalid shall be inseparable from the remainder of any portion thereof.

### Section 106 – Enactment and Effective Date

106.1 This Ordinance shall take effect immediately after the same shall have been published and posted, as provided by the Laws of the State of New York.

106.2 This Ordinance is adopted pursuant to Article 16, Town Law and Section 130,

## Section 107 – Definitions

Accessory Facility: An accessory facility serves the principal use, is subordinate in area, extent and purpose to the principal use, and is located on the same lot as the principal use. Examples of such facilities include transmission equipment and storage sheds.

Antenna: A system of electrical conductors that transmit or receive radio frequency waves.

Bar: A place or building or portion thereof where beverages, whether or not alcoholic, are sold.

Business: All commercial activities including not for profit activities, designed for and primarily characterized by the sale of goods and/or services. Such activities include, but are not limited to wholesale and retail sales, financial services, general business, computer programming, data processing and similar technology, restaurants, vehicle and machinery repair, storage and distribution facilities, farming, agribusiness, medical centers, and home occupations.

Business, Retail: A commercial activity designed for and primarily characterized by the direct on-premise sale of goods and services to the ultimate consumer, generally involving stock in trade such as are normally associated with department stores, food markets and similar establishments, but also including financial institutions, business and professional offices and services, including on-premise manufacturing, processing, servicing, preparation and wholesale business transactions customarily associated therewith, but clearly incidental thereto. This term shall not include restaurants or home occupations.

Business, Large: Any business that employs the equivalent of ten or more full-time employees and/or has a capital investment in excess of \$1.5 million.

Common Access Site: Any jointly owned land or right-of-way used or intended to be used for recreational purposes.

Flood or Flooding: A general or temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of streams, rivers, or other inland areas of water
- (b) Abnormally rising lake waters resulting from severe storms or hurricanes.
- (c) The unusual and rapid accumulation or runoff of surface waters from any source.

It also includes the collapse or subsidence of land along the shore of a lake or other water body as a result of erosion or under-mining as a result of waves or currents of water suddenly caused by an unusual high water level in a natural body of water accompanied by a severe storm or by an unanticipated force of nature such as flash flood, or by some similar unusual and unforeseeable event which results in flooding.

100 –Year Flood: The highest level of flood that, on the average, is likely to occur once every one-hundred (100) years (i.e., that has a 1 percent chance of occurring each year).

Flood Plain or Flood-Prone Areas: A normally dry land area that is susceptible to flooding.

Special Flood Hazard Area: That area of the flood plain that, on the average, is likely to be flooded once every one hundred (100) years.

Flood Proofing: Any combination of structural and non-structural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

Floodway\*: That portion of the flood plain area or Special Flood hazard Area of community that must be reserved in order to discharge the 100 year flood without cumulatively increasing the water surface elevation more than one foot at any point.

Habitable Floor: Any floor used for living, including working, sleeping, eating, cooking or recreation, or a combination thereof. It shall not include a floor used only for storage purposes.

Home Occupation: An accessory business use conducted entirely within a dwelling by the residents thereof and not occupying more than 30 percent of the gross floor area including garages, basements, cellars, attics, storage sheds and similar areas, and which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such use other than an identification sign of up to two square feet in area and in connection therewith , there is not involved the keeping of a stock in trade nor on-premises sales except as clearly incidental to the home occupation and nominal in scope, nor more than one student in the performing arts within any common period of time. Barbering, hairdressing, cosmetology, restaurants, real estate offices, mortuary establishments, and stores shall not be deemed home occupations.

Large Business: *see Business, Large*

Lot: A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this law.

Lot Width: The width of the lot between side lot lines at the narrowest point.

Mobile Home: A detached, single family dwelling unit with any or all of the following characteristics:

---

\* Floodway area to be designated by the United States Department of Housing and Urban Development in the future.

1. Manufactured as a relocatable dwelling unit intended for year around occupancy and for installation on a site without a basement or a permanent foundation;
2. Designed to be transported, after manufacture on its own chassis, and connected to utilities after placement on a mobile home stand;
3. Designed to be installed as a single-wide or double-wide unit with only incidental unpacking and assembling operations.
4. Designed and manufactured as the type of unit which would require, after January 15, 1974, a seal as provided for in the State Code for construction and Installation of Mobile Homes.

For purposes of this ordinance dwelling units which are pre-built in two parts and transported to, and assembled on , a permanent foundation, are not considered mobile homes.

Mobile home Park: A parcel of land where two or more mobile homes are parked or which is planned and improved for the placement of mobile homes.

Non-Conforming Use: Any use of any building, structure or land existing at the time of enactment of this ordinance which does not conform to the use regulations of the district in which it is situated.

Non-Conforming Building or Structure: A building or structure which in its design or location upon a lot does not conform to the regulations of this Ordinance for the zone in which it is located.

Non-Conforming Lot: A lot of record existing at the date of the passage of this Ordinance (August 18, 1975) which does not have the minimum width or contain the minimum area for the zone in which it is located.

Parking Space: A space measuring 10 feet by 20 feet for the parking of one vehicle.

Retail Business: *see Business, Retail*

Restaurant: A place or building or portion thereof where food and beverages, whether or not alcoholic, are sold to the public for consumption on the premises.

Special Flood Hazard Area: That area of the flood plain that, on the average, is likely to be flooded once every one hundred (100) years.

Structure: Any existing or proposed walled or roofed building that is or is to be affixed to a permanent site.

Substantial Improvement: Any repair, alteration, reconstruction, or improvement of a structure, the cost of which equals or exceeds \$10,000 or 50% of the actual cash value of the structure before improvement, whichever is less. Substantial

improvement is started when the first alteration of any structural part of the building commences.

Telecommunication Special Use: A use which is deemed allowable within a given zoning district but which is potentially incompatible with other uses and, therefore, is subject to special standards and conditions set forth for such use subject to approval by the Planning Board.

Telecommunication Tower: A structure on which transmitting and/or receiving antennae are located (including existing buildings and water tanks).

Telecommunication Tower Accessory Facility: *see Accessory Facility*

Use: The specific purposes for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

## **ARTICLE II — DISTRICT BOUNDARIES**

### Section 201 – Establishment

201.1 The Town of Varick shall be divided into the following types of districts which shall be differentiated according to use and area, and for the purpose hereafter used and developed.

FFO Floodway Fringe Over-Zone

IZ Industrial Zone

OZ Open Zone

### Section 202 – Official Zoning Map

202.1 The above districts shall be located, bounded, and described as shown by the Zoning Map of the Town of Varick which has been designated the Official Zoning Map of the Town, now on file in the office of the Town Clerk, and, together with the boundaries and designations therein, is made part of this zoning Ordinance.

### Section 203 – Interpretation of District Boundaries

203.1 Where boundaries are indicated as approximately following the centerline of streets or highways, such centerlines shall be construed to be such boundaries. Boundaries indicated as following shorelines of streams, lakes, reservoirs or ponds shall be construed to follow such shorelines.

203.2 Where boundaries are so indicated that they approximately follow lot lines or parcels of land, such lot lines shall be construed to be such boundaries.



203.3 Where boundaries do not appear to follow lot lines but do appear to be approximately parallel to street lines or highways, such boundaries shall be construed as being parallel thereto at such distance therefrom as indicated on the zoning map.

203.4 Area boundaries for the Special Flood Hazard Area or for the Floodway Fringe Over-Zone shall be interpreted from the Special Flood Hazard Map provided by Federal Insurance Administrator of the United States Department of Housing and Urban Development, and said Special Flood Hazard Map shall become a part of this ordinance. Until such time as elevation levels of the 100-year flood are provided by the United States Department of Housing and Urban Development, the Special Flood Hazard Areas along the shorelines of Cayuga and Seneca Lakes shall be construed to be that area of land below 451 feet (Barge Canal datum\*) on Seneca Lake and 388 feet (Barge Canal datum\*\*) on Cayuga Lake. Dimensions of other Special Flood Hazard Areas will be scaled from the Special Flood Hazard Map and compared with ground distances between definite natural and man-made points.

\*Barge Canal Datum minus 1.49 feet equals U.S.C.&G.S. datum at Watkins Glen,

\*\*Barge Canal Datum minus 1.30 feet equals U.S.C.&G.S. datum at Mud Lock near Cayuga.

Barge Canal Datum minus 1.48 feet equals U.S.C.&G.S. datum at Ithaca Terminal.

Note: N.Y.S. Department of Transportation daily lake level recordings are on Barge Canal Datum, as is also the City of Geneva Pumping Station. Topographical maps are based on U.S.C.&G.S. Datum.

203.5 In the case of uncertainty as to the true location of flood plain boundary lines or an interpretation of flood plain regulations, the decision of the Board of Appeals is final.

### **ARTICLE III — ZONING DISTRICTS**

#### **Section 301 – Special Flood Hazard Areas**

301.1 Intent. The intent of the Special Flood Hazard Area regulations is to protect the health, safety, and welfare of the inhabitants of the Town of Varick from hazards due to periodic but infrequent flooding. This shall include the protection of persons and property, the preservation of water quality and the minimizing of expenditures for relief, insurance, and flood control projects. This does not imply that areas outside the Special Flood Hazard Area or uses permitted within the Special Flood Hazard Area will be free from flooding or flood damages.

301.2 Floodway Fringe Over-Zone Area (FFO). The purpose of the Floodway Fringe Over-Zone Area is to protect inhabitants from hazards due to a flood of the intensity that would occur as a maximum once in a hundred years (100 year flood). The Floodway Fringe Over-Zone provides additional or overlay regulations to areas zoned in another manner but which are subject to inundation by the 100 year flood. The provision of this zone shall take precedence over any other zoning article, ordinance and code to the extent that the provisions of this Ordinance covering the Floodway Fringe Over-Zone are inconsistent with such other provisions. The Following regulations shall apply to the Floodway Fringe Over-Zone for new construction or substantial improvement:

Buildings must be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure.

Use Construction materials and utility equipment that are resistant to flood damage and locate such equipment so as to minimize or eliminate flood damage.

Use construction methods and practices that will minimize flood damage and provide adequate drainage to reduce exposure to flood hazards.

New or replacement water supply systems and or sanitary sewage systems shall be so designed as to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

On-site sewage disposal systems shall be located so as to avoid impairment contamination from the systems during flooding.

Residential structures shall have the lowest habitable floor elevated to at least one foot above the 100-year flood level.

Any structure built on piling shall be constructed with lowest floor elevated to at least one foot above the 100-year flood level.

Any structure built on solid fill shall be constructed at an elevation of the 100-year flood level with the lowest floor elevated to at least one foot above the 100-year flood level.

### Section 302 – Open District

302.1 Intent. The intent of the Open District Regulations is to protect the health, safety and welfare of local residents and to insure that those areas which have soils of poor permeability for on-site sewage disposal shall generally not be developed to a density exceeding the capacity of the soil to handle it. *It is intended that the Open District be an interim district until more detailed study of the town is done to divide this district into appropriate sub-districts.*

#### 302.2 Permitted Uses

1. Any use, purposes or activity of a building, dwelling unit, structure, lot, land or part thereof pertaining to any residential uses (e.g. Single family dwellings, multiple family dwellings, mobile homes)
2. Any business or commercial or industrial uses which comply with regulations of the New York State Department of Health and the New York State Department of Environmental Conservation
3. Any agricultural recreational, or open space uses
4. Any other use, except Mobile Home Park and Telecommunication Tower

5. All mobile home pads or foundations shall be provided with anchors or tie-downs capable of securing the stability of the mobile home.
6. All mobile homes shall be provided with skirting to screen the space between the mobile home and the ground. Such skirting shall be installed within 90 days of occupancy and shall be of a material which shall provide a finished exterior appearance.

302.3 Special Uses

- (A) Mobile Home Park
- (B) Telecommunications tower

302.4 Dimensional Requirements

- (A) The minimum front yard setback for all structures shall be 75 measured feet back from the center of the roadway.
- (B) All structures shall be located a minimum of 10 feet from the side yard lot line.
- (C) All structures shall be located a minimum of ten feet from the back lot line.
- (D) A lot must be no less than 0.7 acre and the lot width must be no less than 100 feet. (Note: lots in existence prior to the enactment of this Ordinance [1988] are exempted from this requirement.)
- (E) Where public sewerage is not available and sewage disposal is needed, no lot shall be built upon which has insufficient space for a private sanitary waste disposal system, as determined by the New York State Department of Health and the New York State Department of Environmental Conservation or their agents.
- (F) Retail businesses must provide off-street parking for at least five vehicles.
- (G) Bars and restaurants must establish a minimum of 150 feet of green space, not including parking lots, from adjoining properties.
- (H) Bars and restaurants must provide off-street parking for every two persons of maximum occupancy.
- (I) Common access sites must meet the following frontage requirements:

Number of Families Using Site	Minimum Frontage Required (feet)
1-3	100
4-10	150
More than 10	150+15 per family over 10

- (J) Common access sites are limited to a maximum of one structure, storage shed, garage, etc., per 100 feet of frontage. Exception is made on lakeshore areas where one dock per 100 feet of frontage may be erected in addition to the one structure.

### Section 303 – Industrial Zone

Large businesses must be located within the Industrial Zone and must meet all requirements specified by the Town Board.

### Section 304 – Special Uses

304.1 Mobile Home Park- Mobile Home Parks may be permitted where applicable in this Ordinance provided that the following standards and procedures are adhered to:

#### (A) Tract Requirements.

1. A front yard setback of seventy-five (75) feet shall be observed from the center of any roadway bordering the site of any mobile home in the park.
2. A setback of forty (40) feet shall be observed from any adjacent property line.
3. A landscape plan shall be prepared and carried out which will assure the Board of Appeals and Zoning Officer that an appropriate planting of trees and shrubs will be included in the park layout, including screening where necessary.
4. The tract shall be located and laid out so that no mobile home shall be closer than one hundred (100) feet to any existing single family detached or two-family dwelling.
5. All interior roads shall be properly surfaced to minimize dust and mud and be a width of at least twenty-two (22) feet.
6. Entrances and exits shall be so located to provide a minimum sight distance on the adjacent public road in both directions from the interior road at the point of intersection of not less than three hundred (300) feet.
7. Each mobile home park shall have a reserve water supply adequate for fire protection as specified and approved by the County Health Department.
8. Each mobile home park shall set aside ten (10) percent of the total acreage of the site as open space and recreation area. Part or all of such open space shall be in the form of developed recreation areas located in such a way, and of adequate size and shape, as to be usable for active recreational purposes.
9. All open spaces shall be stabilized by grass or other forms of ground cover which will prevent dust and muddy areas.
10. The total number of mobile homes shall not exceed four (4) per gross acre.

(B) Lot Requirements.

1. Each mobile home lot or site shall have an area of at least six thousand (6,000) sq. ft. with a minimum width of sixty (60) feet and a minimum depth of one hundred (100) feet.
2. No mobile home shall be closer than thirty (30) feet to another mobile home or other structure in the park.
3. No more than one (1) mobile home may be placed on any lot or site.
4. Each lot or site shall be provided with an approved system and/or connection for water and sewage in accordance with the regulations of the Seneca County Health department and the New York State Departments of Health and Environmental Conservation. Each lot shall be provided with connections for electricity and telephone.
5. A suitable parking pad shall be provided on each lot or site for one (1) mobile home and one (1) automobile.
6. Each lot or site shall front on an approved interior street, and there shall not be a direct access driveway to a public street or highway.
7. Temporary storage of trash and refuse should be in a manner approved by the Seneca County Health Department and in such a manner as to be shielded from public view.
8. No front or side yard shall be used for storage.
9. No mobile home shall be located less than 25 feet from the pavement edge of an interior mobile home park roadway.
10. The mobile home foundation or pad shall be provided with anchors or tie-downs capable of securing the stability of the mobile home.
11. The mobile home shall be provided with skirting or screen in the space between the mobile home and the ground. Such skirting shall be installed within 90 days of occupancy and shall be of a material which shall provide a finished exterior appearance.

304.2 Telecommunication Towers

(A) Special Use Permit Required:

1. No telecommunications tower shall hereafter be used, erected, moved, constructed, reconstructed, changed or altered except after approval of a telecommunication special use permit in conformity with these regulations. No structure shall be modified to serve as a telecommunication tower or to serve a telecommunication

tower unless in conformity with these regulations. No antenna shall be constructed on an existing telecommunications tower wherein the carrier intends to share the use of the tower with another carrier unless the carrier desiring to share the use of the existing tower applies for and obtains a telecommunication special use permit from the town in conformity with section 304.2 .

2. The regulations set forth in section 304.2 shall apply to all property within agricultural, business, open and industrial zoning districts in the town and all telecommunication towers and accessory facilities or structure shall be sited to have the least practical adverse effect on the environment.
3. Where the provisions of section 304.2 conflict with other laws and regulations of the town, the more restrictive shall apply, except when the application of other laws and regulations of the town are preempted by the 1996 United States Telecommunications Law or other telecommunication acts or regulations.

(B) Exemptions: The following are exempt from the application of this section:

1. The repair and maintenance of existing communications towers and antennas.
2. Antennas used solely for the residential household television and radio reception.
3. Lawful or approved use existing prior to the effective date of this section (July 2, 2002).

(C) Application and Site Plan Requirements:

All applications for a special use permit shall be by written application on forms provided by the town. The applications shall include a site plan setting forth specific site data on a map in acceptable form and content, which shall be prepared to scale and in sufficient detail and accuracy. The application and site plan shall set forth the following information and documents.

1. Documentation on the proposed intent and capacity of use.
2. Adequate and appropriate information concerning the location, size and height of the proposed tower structure, including the number and design of the antennae proposed.
3. Documentation showing justification for any land or vegetation clearing required.
4. A description of all proposed auxiliary fixtures, equipment and structures including information on grade, material, color, lighting, road and parking.
5. A completed environmental assessment form (form to be provided by the town), which shall include a visual environmental assessment.

6. A landscaping plan that includes screening of the tower base and structures in compliance with the standards set forth herein.
7. A copy of the applicant's Federal Communications Commission license.

The application and site plan for towers over 100' shall set forth the following additional information and documents.

8. A certification from a professional engineer licensed by the State of New York certifying that the proposed tower structure, at a minimum, meets all applicable federal and state safety codes and all accepted industry standards for tower design and in connection therewith, the facility meets or exceeds structural requirements for loads, winds, ice and, if applicable, is designed to accommodate shared use (colocation) and/or colositing.
9. The specifics with regard to technology and the technical characteristics of the proposed equipment, including information concerning frequency, transmission and maximum effective radiated power and direction of lobes. The applicant shall also provide a report and certification from a professional engineer licensed by the State of New York showing that the proposed telecommunication tower, when operational, will comply with the standards for radio frequency exposure, including NIER levels as adopted by the Federal Communications Commission.
10. A description of the basis for calculating capacity and design elements together with the applicant's proposed tower maintenance and inspection procedures and records system.
11. A propagation study showing the particular site subject to the application and justifying the proposed height of the telecommunication tower to be constructed on the site, and said propagation study shall show alternative sites utilizing towers of lesser height.
12. A detailed visual analysis based upon the results of the Visual Environmental Assessment from viewpoints within and outside of the municipality as requested by the Varick Code Enforcement Officer, Planning Board, or Zoning Board, a zone of visibility map from viewpoints suggested by the Varick Code Enforcement Officer, a pictorial representation of "before and after" view from key viewpoints both inside and outside the town selected by the Varick Code Enforcement Officer, Planning Board, or Zoning Board, and an assessment of the visual impact of the tower base, guy wires and accessory buildings from abutting properties and streets.
13. A grid or map of all of the applicant's existing telecommunication tower sites within the town and within four miles of the town's corporate boundaries outside the town with a designation of site areas proposed or projected by the applicant and the height of the tower proposed or projected for installation within two years of the date of the application and, if available, any plan of installations beyond two years.

(D) Permitted Location:

1. Telecommunication towers and accessory facilities shall be, in order to comply with the 1996 United States Telecommunications Law, a special permitted use in agricultural, business, open and industrial zoning districts; however, it is the town's preference that the telecommunication towers and accessory facilities be without preference to any zoning district:
  - (a) Colocated on existing telecommunication towers.
  - (b) Cosited with existing telecommunication towers.
  - (c) Sited on compatible municipal or public properties.
  - (d) Sited on other quasi-public property owned by public benefit corporations or public utilities.
2. Telecommunication towers are restricted as to height within zoning district according to the Use Table below.

Use Table for Commercial Antennas/Transmitters

	<b>DISTRICT</b>	
	<b><u>Open</u></b>	<b><u>Industrial</u></b>
Telecommunication tower, height of 100' or less	Special Use	Special Use
Telecommunication tower, height of more than 100' and 300' or less	Special Use	Special Use
Telecommunication tower, height of more than 300'	Prohibited	Special Use

(E) Shared Use (colocation) and Cositing:

1. At all times, shared use (colocation) of existing telecommunication towers or cositing an additional telecommunication tower at an existing telecommunication site shall be preferred to construction of new telecommunication towers at different sites. Additionally, where such shared use (colocation) or cositing is unavailable, location of antenna on pre-existing structures shall be considered. An applicant shall be required to present an adequate report inventorying existing towers within reasonable distance of the proposed site and outlining opportunities for shared use (colocation) or cositing at existing facilities and use of other pre-existing structures as an alternative to a new construction or the creation of a new facility.
2. An applicant intending to share use (colocate) on an existing structure shall be required to document intent from an existing tower owner to share use (colocate). The applicant or owner of the tower shall pay all reasonable fees and costs of adapting an existing tower or structure to a new shared use. Those costs include but are not limited to structural reinforcement, preventing transmission or receiver interference, additional site screening and other charges, including real property acquisition or lease required to accommodate shared use (colocation). The town shall not be responsible to incur any costs whatsoever of adapting an existing tower or structure to a new shared use. An additional shared use requires amending the



permit and approval by the planning board, which will assess the engineering analysis and visual impact of the additional use.

3. An applicant intending to cosite a telecommunication tower on the property occupied by an existing telecommunication tower shall comply with this section and all the telecommunication special use permit standards in the same manner as if the applicant were constructing a telecommunication tower at a new location.
4. In the case of new telecommunication towers, the applicant shall be required to submit documentation demonstrating good faith efforts to secure shared use (colocation) from existing towers in locations technically feasible as well as documenting capacity for future shared use (colocation) of the proposed tower. Written requests and responses, if received, for shared use (colocation) shall be provided. All new telecommunication towers shall be engineered to accommodate shared use (colocation) with other carriers.

(F) Setbacks:

1. Towers and antennae as a minimum shall comply with existing setbacks within the affected zone according to the setback table in section 304.2 E (2). Additional setbacks may be required by the Planning Board to contain on site substantially all ice-fall or debris from tower failure and/or to preserve privacy and/or aesthetics of adjoining properties or property within the neighborhood, and such setbacks shall be otherwise keyed to design of towers and engineering information available. Setbacks shall apply to all tower parts, including guy wire anchors and to any accessory facilities.

2. Telecommunication tower setback table

	<b>DISTRICT</b>	
	<b><u>Open</u></b>	<b><u>Industrial</u></b>
<b>FRONT YARD SETBACKS:</b>		
Telecommunication tower, height of 100 ft or less	100 ft	100 ft
Telecommunication tower, height of more than 100ft and 300ft or less	300 ft	300 ft
Telecommunication tower, height of more than 300 ft	-	500 ft
<b>SIDE YARD SETBACKS:</b>		
Telecommunication tower, height of 100 ft or less	100 ft	100 ft
Telecommunication tower, height of more than 100 ft and 300 ft or less	300 ft	300 ft
Telecommunication tower, height of more than 300 ft	-	500 ft
(Table continues on next page)		

Telecommunication tower setback table (continued)

REAR YARD SETBACKS:

Telecommunication tower, height of 100 ft or less	100 ft	100 ft
Telecommunication tower, height of more than 100 ft and 300 ft or less	300 ft	300 ft
Telecommunication tower, height of more than 300 ft	-	500 ft

(G) Visual Impacts:

1. All towers and accessory facilities shall be sited to have the least practical adverse visual effect on the environment. The applicant shall submit plans for adequate visibility of any guy wires from ground level to a height not less than eight feet, if the tower requires guy wires.
2. Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA) or as provided by this section or as may be required by the Planning Board. Towers shall be a galvanized finish or painted gray above the surrounding treeline and painted gray, green or black below the surrounding treeline unless other standards are required by the FAA. In all cases, freestanding structures shall be preferable to guyed towers. Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements.
3. Accessory facilities shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.

(H) Tower Height:

The tower height shall be determined by the Planning Board upon the applicant's submittal of a propagation study as required in section 5.514.3 or other proof justifying the height of any telecommunication tower and/or antennae. The town generally prefers telecommunication towers of a height that will not require strobe lighting and/or specific painting as required by FAA rules and regulations.

(I) Access and Parking:

A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall be consistent with standards for private roads and shall at all times minimize ground disturbance and vegetation cutting to within the top of fill, the top of cuts or no more than ten feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

(J) Removal of equipment:

If the telecommunication tower, antenna, accessory facility, fences or other appurtenances (all hereinafter referred to as equipment) constructed by the applicant are no longer used for the purpose of transmitting or receiving telecommunications, the applicant shall notify the Town Clerk of the town within 30 days of such termination that it is no longer using the equipment for telecommunication purposes, and within six months of the termination of the use of said equipment, the applicant shall remove the equipment from its site. The applicant shall post performance security in the form of a letter of credit with the Planning Board in an amount equivalent to 150% of the estimated cost of removal of the equipment as determined by the Planning Board and said letter of credit shall be on terms and conditions satisfactory to the Town Attorney. The letter of credit shall be reviewed every five years from the date of issuance of a special use permit by the Planning Board for the purpose of determining whether or not the letter of credit is at least 150% of the estimated cost of the removal of the equipment. The applicant shall increase the letter of credit to 150% of the estimated cost of removal of the equipment as determined by the Planning Board in the event that the letter of credit is deemed by the Planning Board to be less than 150% of the estimated cost of removal. If the applicant assigns its interest in the equipment or by operation of law no longer owns the equipment, the applicant's successors and/or assigns shall be obligated to post performance security with the Planning Board as provided in this subsection as if it was the applicant at the time the special use permit was granted pursuant to this section. In the event that the applicant leases the site on which the equipment is constructed, the applicant shall obtain an irrevocable consent, to be binding upon the landowner's heirs, distributees, successors and/or assigns permitting the applicant to remove the equipment within six months of the date it ceases to be used for telecommunication purposes and permitting the town to enter onto the landowner's land for the purpose of removing the equipment in the event that the equipment is not removed by the applicant within said six-month period. The consent shall be in a form satisfactory to the Town Attorney and shall, upon approval of the Town Attorney, be recorded in the Seneca County Clerk's office. Upon removal of the equipment, the applicant is to restore the site by planting sufficient vegetation to cause the site to blend in with the surrounding area.

(K) Signage:

Telecommunication towers shall be signed with a sign no larger than two square feet to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmit capabilities. The sign shall also contain the name(s) of the owner(s) and operator(s) of the antenna(e) as well as emergency telephone number(s). No other signage, including advertising, shall be permitted on any antenna(e), antenna(e) supporting structure, monopole or antenna tower unless required by federal or state law or regulation.

(L) Maintenance and inspection:

The applicant, its successors, and/or assigns, shall file annually with the town, on the anniversary date of the granting of the special use permit by the Planning Board, a written report certifying that the applicant, its successors and/or assigns are complying with maintenance and inspection procedures and records system, and that the telecommunication tower facility is not a hazard or a threat of a hazard to the health and safety of the public.

(M) Expiration and violation of telecommunication special use permits:

- 1. A telecommunication special use permit shall be deemed to authorize only the particular use applied for and all shall expire if:
  - (a) The telecommunication special use shall cease for more than six months for any reason.
  - (b) All the improvements required by the Planning Board prior to the issuance of the telecommunication special use permit are not completed within 12 months of the Planning Board granting a telecommunication special use permit subject to its issuance upon completion of various improvements, unless prior to that time, an extension has been granted by the Planning Board.
- 2. A violation of any of the terms and conditions of a telecommunication special use permit granted by the Planning Board shall be construed as a violation of this section, the town shall have the right of enforcement as set forth in this law.

(N) Technical consultants:

Upon the submittal by the applicant of the application and site plan, the Planning Board and/or Zoning Board of Appeals shall have the right, if it so chooses, to hire communication engineers, licensed structure engineers, or other technical consultants to assist in analyzing the application and site plan and the applicant shall reimburse for such costs.

**ARTICLE IV — ENFORCEMENT**

Section 401 – Enforcement

401.1 All provisions of this Ordinance shall be enforced by the Town Board of Varick or by such official as may be hereafter appointed by said Board for the purpose of such enforcement. It shall be the duty of such enforcement official, if appointed, and in the absence of such appointment, it shall be the duty of the Town Clerk, to keep a record of all applications for permits and record of all permits issued with notation of all special conditions relating thereto. The Town Board of Varick shall issue no permit for the use of any property not in conformity with the requirements of this Ordinance and all other ordinances of the Town of Varick.

Section 402 – Duties of the Varick Code Enforcement Officer

- 402.1 It shall be the duty of the Varick Code Enforcement Officer or his duly authorized assistants, to cause any plans, buildings, or premises to be examined or inspected to determine that they are not in violation of the pro-visions of this Ordinance.
- 402.2 Where the Varick Code Enforcement Officer, in the course of his duties, determines that any plans, buildings, or premises are in violation of the provisions of this Ordinance, he shall order the responsible party in writing to remedy such conditions. Said written order shall specify the nature of the violation found to exist, the remedy ordered and the time permitted for such action, the penalties and remedies which may be invoked by the Town, and the violator’s rights of appeal; all as provided for by this Ordinance.
- 402.3 On the serving of notice by the Varick Code Enforcement Officer to the owner of any violation of any of the provisions of this Ordinance, the Certificate of Occupancy for such building or use shall be held null and void. A new Certificate of Occupancy shall be required for any further use of such building or premises.
- 402.4 The Varick Code Enforcement Officer shall maintain a permanent record of all matters considered and all action taken by him. Such records shall form a part of the records of his office and shall be available for the use of the Town Board and other officials of the Town available for inspection by the public.
- 402.5 The Varick Code Enforcement Officer shall transmit (1) copy of all approved or denied applications for a Building Permit or Special Use Permit to the Town clerk, one (1) to the Town Tax Assessor, one (1) copy to the Secretary of the Planning Board, where applicable, one (1) copy to the County Planning Board.

Section 403 – Certificates and Permits

- 403.1 The certificates and permits enumerated herein are hereby established for the equitable enforcement and administration of the provisions of this Ordinance. A building Permit or Special Use Permit shall be a prerequisite to the erection, substantial improvement, or change of use of a structure.
- (A) Building Permit: The Varick Code Enforcement Officer is hereby empowered to issue a Building Permit for any plans regarding the construction or substantial improvement of any building or part of any building, or the change in the use of any land or building or part thereof, where he shall determine that such plans are not in violation of the provisions of this Ordinance.
- (B) Special Use Permit: Upon written direction of the Board of Appeals, the Varick Code Enforcement Officer is hereby empowered to issue any Special Use Permit provided for by this Ordinance.
- (C) Certificate of Occupancy: The Varick Code Enforcement Officer is hereby empowered to issue a Certificate of occupancy which shall certify that all provisions

of this Ordinance have been complied with in respect to the location and use of the building, structure, or premises in question. The Varick Code Enforcement Officer is hereby empowered to issue a Certificate of Occupancy which shall certify that all provisions of this Ordinance have been complied with in respect to the location and use of the building, structure, or premises in question. The Varick Code Enforcement Officer is also empowered to issue a Certificate of Occupancy for non-conforming uses provided that the non-conforming use is defined and the sections of non-conformance with this Zoning Ordinance are listed.

#### Section 404 – Application Procedure

404.1 Procedures for a Building Permit: All applications for a Building Permit shall be made to the Varick Code Enforcement Officer in the detail specified in Section 405 of this Article.

- (A) Where the proposed use is a farm-related or a single or two-family residential use, the Varick Code Enforcement Officer shall carefully consider the application for compliance with this Ordinance and either issue or deny the Building Permit applied for.
- (B) When the application is for any other permitted use, except large business, in any Zone, the Varick Code Enforcement Officer shall submit one (1) copy of such plans, drawings, and statements to the Planning Board for its review.

The Planning Board shall, within thirty (30) days after the receipt of said material, make its report to the Varick Code Enforcement Officer. After careful consideration of the application for compliance with this Ordinance, the Varick Code Enforcement Officer shall either issue or deny the Building Permit applied for.

- (C) When the proposed use is a large business, the Varick Code Enforcement Officer shall submit one (1) copy of such plans, drawings, and statements to the Town Board for its review.

The Town Board shall, within thirty (30) days, conduct a public hearing on applications for large businesses referred to it by the Varick Code Enforcement Officer. Within sixty (60) days from the date of such public hearing, and following a report back by the County Planning Board when applicable, the town Board shall by resolution either approve or disapprove the application so heard. In approving the application, the board may impose any modification or conditions it deems prudent to protect the health, safety or general welfare of the public.

1. If an application is approved by the Town Board, the Varick Code Enforcement Officer shall be furnished with a copy of the approving resolution of the Town Board and he shall issue the permit applied for in accordance with the conditions imposed by the Town Board.
2. If any application is disapproved by the Town Board, the reasons for such denial shall be transmitted to the Varick Code Enforcement Officer. The Varick Code

Enforcement Officer shall deny the application accordingly by providing the applicant with a copy of the Town Board's reasons for disapproval.

- 404.2 Procedures for Special Use Permit: All applications for Special Use Permits shall be made to the Varick Code Enforcement Officer. The Varick Code Enforcement Officer, after determining that an application is in proper form, shall transmit one (1) copy of the application and all supporting documents to the secretary of the Board of Appeals for referral to the Board for action thereon. Where applicable under Sections 239(1) and 239(m) of the General Municipal Law, he shall also transmit one (1) copy of the application to the County Planning Board.
- 404.3 Procedures for a Certificate of Occupancy: Following the completion of the construction, re-construction, or substantial improvement of any building or where a change in the use of a structure is proposed, the applicant shall transmit by registered mail or deliver in person to the Varick Code Enforcement Officer a letter stating that such construction has been completed or that a new use has been proposed. Within seven (7) days of the receipt of this letter, the Varick Code Enforcement Officer shall make all necessary inspections of the completed structure and proposed use to determine the conformance with this Ordinance. A Certificate of the Occupancy shall be issued only if the Varick Code Enforcement Officer finds that the construction and proposed use comply with all the requirements and provisions of this Ordinance.
- 404.4 Procedures for Appeal: Should an applicant choose to appeal a decision by the Varick Code Enforcement Officer to deny issuance of a building permit, an application for an appeal is filled out and the Varick Code Enforcement Officer shall submit one (1) copy of the application and supporting documents to the secretary of the Board of Appeals for referral to the Board for action. Where applicable under Sections 239(1) and 239(m) of the General Municipal Law, he shall also transmit one (1) copy of the application to the County Planning Board.

#### Section 405 – Application Details

- 405.1 Each application for a Building Permit or Special Use Permit shall be made in triplicate and with accompanying site plan. The materials to be submitted with each application shall clearly show the conditions on the site at the time of the application, the features of the site which are to be incorporated into the proposed use or building, and the appearance and function of the proposed use or building. As a minimum, the application shall include the following information and plans for both “before” and “after” conditions:
- (A) All uses
1. The location of the property, including its relationship to adjacent roads and property.
  2. The location, use, design, and dimensions and height of each structure or building.

3. A description, including the location, of all public and private utilities and facilities to be used, including sewer, gas, water and electricity.
4. The manner in which adequate drainage is to be provided.
5. Evidence that the County Health Department had reviewed and approved water and sewage plans.
6. When the application is for any use that requires a Notice of Intent for to be submitted to the New York State Department of Environmental Conservation, a copy of the signed Notice of Intent form and the Authorization Number issued by NYSDEC.

(B) All uses in the Special Flood Hazard Area must submit the following additional information and a statement as to their resistance to flood damage.

1. The type of materials and utility equipment that are intended to be used
2. The design by which provisions is made to anchor the structure to prevent flotation, collapse or lateral movement of the structure
3. Other Structures and measures designed to prevent flood damage.

(C) All Mobile Home Parks shall submit the following additional information:

1. Location of internal roadways and layout of individual mobile home lots
2. Location of entrances and exits
3. Landscape plan
4. Location of recreational area.
5. Location and design of trash and refuse area.
6. Any other information requested by the Varick Code Enforcement Officer or the Board of Appeals

#### Section 406 – Application Fees

406.1 Each application for a permit provided for by this Article shall be accompanied by a fee, as determined by the Town Board, payable in cash or in other form of security approved by the Town Attorney.

### **ARTICLE V — NONCONFORMING USES AND BUILDINGS**

#### Section 501 – Nonconforming Uses and Buildings

501.1 Except as otherwise provided in this Ordinance, the lawful use of land or buildings existing at the date of the adoption of this Ordinance (August 18, 1975) may be continued although such use or building does not conform to the regulations specified by this Ordinance.



501.2 If a nonconforming building or use, existing at the time this Ordinance becomes effective, is subsequently changed to a conforming use; or is destroyed by fire, explosion, flood, or other causes to the extent of more than fifty percent (50%) of its true value; such building or use shall not again be altered or rebuilt except in conformity with the rules and regulations of the area in which such building is located.

Exception is made when the lot is nonconforming and a similar size building cannot be built and conform with the dimensional requirements of this ordinance. In such cases, the building may be rebuilt to similar size with similar setbacks within three years.

## **ARTICLE VI — AMENDMENTS**

### Section 601 – Amendments

601.1 The regulations, restrictions, uses and boundaries provided in this Ordinance and the Official Zoning Map may be amended, supplemented, changed, modified, or repealed in accordance with the provisions of the Sections 264 and 265 of Article 16 of Town Law and all other laws of the State of New York applicable thereto, and in accordance with the following procedures:

- (A) Whenever any person, firm, or corporation desires that any amendments or changes be made in this Ordinance, including the text and/or map, as to any property in the Town, there shall be presented to the Board a petition requesting such change or amendment. The petition shall clearly describe the property and its boundaries and shall indicate the existing zoning district and the requested zoning district. The petition shall also show existing highways, municipal boundary lines, and state parks, if such exist, within five-hundred (500) feet of the proposed zoning change. The petition shall also list the names and addresses of all property owners bordering the area of proposed change, extending a minimum of 100 feet from all boundaries of the area of proposed change.
- (B) The Town Board shall take action on the petition as is described in Sections 264 and 265 of the Town Law and Section 239(m) of General Municipal Law. Before the public hearing is held by the Town Board, said Board shall notify, in writing, all property owners directly adjacent to the proposed change. Notice to the adjacent property owner shall be given at least ten (10) days prior to the date of the public hearing.

## **ARTICLE VII — BOARD OF APPEALS**

### Section 701 – Creation, Appointment and Organization

701.1 A Board of Appeals is hereby created. Said Board shall consist of five (5) members appointed by the Town Board, who shall also designate a Chairman. No person who is a member of the Town Board shall also be eligible for membership on such Board of Appeals. Of the members of the Board first appointed, one shall hold office for the term

of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years from and after his appointment. Their successors shall be appointed for the term of five years from and after the expiration date of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expiration of a term, it shall be filled by the Town Board by appointment for the unexpired term.

### Section 702 – Powers and Duties

702.1 The Board of Appeals shall have all the powers and duties prescribed by Chapter 62, Section 267 of the Town Law of the State of New York and by this Ordinance which are more particularly specified as follows:

- (A) Interpretation. Upon appeal from a decision by an administrative official to decide any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
- (B) Special Permits. To hear and decide upon application for such permits as specified in this Ordinance.
- (C) Variances. To vary or adopt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots or other exceptional physical conditions whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved. No variance in the strict application of this Ordinance shall be granted by the Board of Appeals unless it finds:
  - 1. That there are special circumstances or conditions fully described in the findings of the Board applying to such land or buildings and not applying generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or buildings.
  - 2. That, for reasons fully set forth in the findings of the Board, the granting of the variance is necessary for the reasonable use of the land or building and that variance granted by the Board is the minimum variance that will accomplish this purpose.
  - 3. That the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any variance, the Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable.

### Section 703 – Procedure

- 703.1 The Board of Appeals shall act in strict accordance with the procedure specified by law and by this Ordinance. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board, and available from the Zoning Officer. Every appeal or application shall refer to the specific provision of the Ordinance involved and shall exactly set forth the interpretation that is claimed, the use for which the special permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.
- 703.2 The Board of Appeals shall conduct a public hearing on applications referred to it by the Varick Code Enforcement Officer in accordance with the procedures and requirements established elsewhere in this Ordinance. Within sixty (60) days from the date of such public hearing, and following a report back by the County Planning Board when applicable, the Board of Appeals shall by resolution either approve or disapprove the application so heard. In approving the application the Board may impose only those modifications or conditions specified in this Ordinance to protect the health, safety or general welfare of the public.
- (A) If an application is approved by the Board of Appeals, the Varick Code Enforcement Officer shall be furnished with a copy of the approving resolution of the Board and he shall issue the permit applied for in accordance with the conditions imposed by the Board of Appeals.
- (B) If any application is disapproved by the Board of Appeals, the reasons for such denial shall be set forth in the Board's resolution and a copy of such resolution shall be transmitted to the Varick Code Enforcement Officer. The Varick Code Enforcement Officer shall deny the application accordingly by providing the applicant with a copy of the Board's reasons for disapproval.

### Section 704 – Board of Appeals Office

- 704.1 The office of the Town Clerk shall be the office of the Board of Appeals and every rule, regulation, amendment, or repeal thereof and every order, requirement, decision, or determination of the Board shall immediately be filed in said office as required by Section 267 of the Town Law of the State of New York.

### Section 705 – Notice of Board Hearings

- 705.1 The Board shall fix a reasonable time for the hearing of appeals and give public notice thereof by the publication in the official paper of a notice of such hearing, at least five (5) days prior to the date of the hearing. Notice shall be served upon the applicant and to the regional State Park Commission having jurisdiction over any state park or parkway within five hundred (500) feet of the property affected by such appeal, at least five (5) days prior to the date of the hearing. The Board shall also notify, in writing, all property owners directly adjacent to the property to be affected by said appeal.

## **ARTICLE VIII — VIOLATIONS**

### Section 801 – Enforcement

801.1 It shall be the duty of the Town Board, or such officials authorized by it, to enforce the provisions of this Ordinance, or of any determination of the Board of Appeals.

### Section 802 – Penalties

802.1 The violation of any of the provisions of this Ordinance is a misdemeanor and shall subject the person violating the same to a fine not exceeding fifty (50) dollars, or to imprisonment not exceeding six (6) months, or both.

### Section 803 – Continued Violation

803.1 Each week's continued violation shall be considered a separate and distinct offense.

## **Travel Trailer Ordinance**

Town of Varick  
Adopted July 2, 2002.

### **Definitions.**

A. As used in this Ordinance - unless the context otherwise requires:

Campground: any area designated for transient occupancy by camping in tents, camp trailers, motor homes, transient mobile homes, truck campers, or pickup campers or similar facilities designated for temporary shelter.

Motor Home: See "Transient Mobile Home".

Transient Mobile Home or Travel Trailer: any portable vehicle, including a tent camper or motor home, which is designed to be transported on its own wheels, and which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes, and which may or may not include one or all of the accommodations and facilities customarily included in a mobile home.

Transient Mobile Home Court or Travel Trailer Camp: a parcel of land under single ownership which is designed and improved for use by two or more travel trailers.

### **Travel Trailer Regulations.**

Motor homes, campers, and all such similar travel vehicles.

No travel trailer shall be parked or located overnight within the town except:

- a) On the property of the owner
- b) In a travel trailer camp
- c) On the premises of a travel trailer sales or rental establishment
- d) With the permission of the property owner for no more than 21 days in any calendar year; if it is the only travel trailer on a parcel, no more than 120 days. After 120 days, a permit will need to be applied for through the code enforcement officer. If the permit is denied, it will be presented to the Zoning Board of Appeals.
- e) in a building.

## **Travel Trailer Camps.**

Travel trailer camps shall be subject to the following requirements:

### **A. Site**

1. The travel trailer camp shall be located in an area where grades and soil conditions are suitable to insure adequate drainage and be free at all times of stagnant pools of water.
2. The camp shall be at least four acres in size, with at least 60 feet of frontage on a public road.

### **B. Travel Trailer Lot**

Each travel trailer camp shall be marked off into travel trailer lots. Each travel trailer lot shall have a total area of not less than 3,600 square feet with a minimum width of 40 feet.

### **C. Travel Trailer**

1. No travel trailer shall be parked or otherwise located nearer than a distance of:
  - a) 25 feet from an adjacent travel trailer in any direction;
  - b) 60 feet from an adjacent property line of any third party;
  - c) 75 feet from the right-of-way line of a public street or highway;
  - d) 20 feet from the nearest edge of any street within the camp.
2. Only one travel trailer shall be permitted to occupy any one travel trailer lot.
3. No travel trailer shall be allowed to remain, whether occupied or not, in any travel trailer camp for more than 90 consecutive days each year or for any other period within a given calendar year which taken together aggregate more than 120 days.

### **D. Travel Trailer Stand**

1. Each travel trailer lot shall have a travel trailer pad, which will provide for the practical placement on and removal from the lot of the travel trailer, and retention of the trailer on the lot in a stable condition.
2. The pad shall be of sufficient size to fit the dimensions of the anticipated travel trailers.
3. The pad shall be constructed of an appropriate material which is durable and adequate for the support of the maximum anticipated loads.
4. The pad shall be suitably graded to permit adequate surface drainage.

### **E. Accessibility**

1. The travel trailer camp shall be easily accessible from an existing highway or street.
2. Where a travel trailer camp has more than 30 travel trailer lots, two points of entry/exit may be required by the Planning Board.
  - a) Such entrance(s) and exit(s) shall be designed and strategically located for the safe and convenient movement into and out of the camp, and to minimize friction with the free movement of traffic on a public highway or street;
  - b) All entrances and exits shall be approximately at right angles to the existing public highway or street;
  - c) All entrances and exits shall be free of any material which would block their visibility from the public highway or street to which they have access;
  - d) All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with travel trailers attached.

3. The travel trailer camp shall have convenient access ways to all travel trailer lots and other important facilities within the camp; such access ways shall be designed to permit safe vehicular circulation within the camp, shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety, shall intersect at approximately right angles, and shall be of sufficient width.

#### F. Utilities and Service Facilities

1. Water, Sewage and Sanitary Facilities. All campgrounds and travel trailer camps shall provide and maintain a potable water supply, sanitary facilities, sewage disposal system, sanitary garbage containers and all other waste service facilities as are adequate to comply with the public health laws of the State of New York and the rules, regulations and standards of the New York State Department of Health.

- a) An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and to every ten trailer lots within the camp to meet the requirements of such camp. Each ten lots shall be provided with a cold water tap;
- b) Every travel trailer park shall be equipped with a dump station tied into a community sewerage system;
- c) Toilet and other necessary sanitary facilities for males and females shall be provided in permanent structures. Such facilities shall be housed in either separate buildings or in the same building; in the latter case, such facilities shall be separated by soundproof walls. The male and female facilities shall be marked with appropriate signs and have separate entrances for each;
- e) Lavatory facilities shall be supplied with running water;
- f) The buildings housing such toilet and sanitary facilities shall be well lighted at all times of the day and night, shall be well ventilated with screened openings, shall be constructed of moistureproof materials, and shall be kept clean and sanitary at all times. The floors of such buildings shall be of a water impervious material;

2. Other service facilities and buildings shall be provided as deemed necessary for the normal operation of the camp, such facilities or buildings to be maintained by the owner or manager of the camp in a clean, sightly, and sanitary condition.

3. Metal or plastic garbage cans with tight fitting covers shall be used in quantities adequate to permit the disposal of all garbage and rubbish. The cans shall be kept in sanitary condition at all times. The camp owner or manager shall be responsible for the collection and disposal of garbage and rubbish as frequently as may be necessary to insure that such cans shall not overflow.

4. Waste from all buildings and trailer lots shall be discharged into a community sewerage system.

G. Open Space - The travel trailer camp shall provide common open space conveniently located within the camp for recreational and other appropriate purposes, such space to have a total area equal to at least 20 percent of the land area of the park.