

TOWN OF TICONDEROGA SITE PLAN REVIEW LAW

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**LOCAL LAW NO. 4
of the Year 1985**

A Local Law Providing for Site Plan Review

Be it enacted by the Town Board of the Town of Ticonderoga as Follows:

ARTICLE I
Introductory Provisions

Section 1.010 Enactment

The Town Board of the Town of Ticonderoga, Essex County, New York, does hereby ordain and enact the Town of Ticonderoga Site Plan Review Law pursuant to the authority and provisions of Section 10 of the Municipal Home Rule Law and Section 274-a of the Town Law.

Section 1.020 Short Title

This local law shall be known as the "Town of Ticonderoga Site Plan Review Law." The Town of Ticonderoga is hereinafter referred to as the "town."

Section 1.030 Intent and Purpose

A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the town and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the town and the general welfare of its inhabitants. Of primary importance in protecting the environment and promoting orderly development in keeping with the character of the Town of Ticonderoga is the regulation of land use within the town.

It is the intent of this local law to insure the optimum overall conservation, protection, preservation, development and use of the natural and man-related resources of the town, by regulating its land use activity within the jurisdictional area, through review and approval of site plans. It is not the intent of this law to prohibit per se any land use activity but to allow all land use activities which will meet the standards set forth in Article IV hereof.

Section 1.040 Authorization of Planning Board to Review Site Plans

The planning board is hereby authorized to review and with modifications, or disapprove site plans for new land uses within the town as hereinafter designated pursuant to and in accordance with the standards and procedures set forth in this local law.

ARTICLE II
Applicability and Definitions
(Amended 7/29/99)

Section 2.010 Applicability of Review Requirements

All new land use activities within the town designated in Section 2.020 hereof shall require site plan review and approval before being undertaken, except the following:

a) Landscaping or grading which is not intended to be used in connection with a land use reviewable under the provisions of this local law;

- b) Ordinary repair or maintenance of interior alterations to existing structure or uses, provided there is no change of use;
- c) Exterior alterations or additions to existing structures which would not increase the square footage of the existing structure by more than 25 percent;
- d) Non-structural agriculture or gardening use not involving substantial time cutting;
- e) Structures under 100 square feet in size, except signs and fences reviewable under this local law;
- f) Signs expressly exempted from review by section 4.070 hereof;
- g) The sale of agricultural produce and temporary structures related to the sale of agricultural produce;
- h) Garage, lawn and porch sales not exceeding three days in duration provided prior such sales have not taken place on the property except on an occasional basis.
- i) Single Family dwellings 1,800 square feet or less, not including garages, carports, porches, cellars, or uninhabitable basements or attics. In addition, residential garages and other accessory buildings less than 1000 square feet. June 14, 2001 amendment.

Section 2.011

This law does not apply to uses and structures which are lawfully in existence as of the date this local law becomes effective. Any use that has been discontinued for a period of two years or more shall be subject to review pursuant to the terms of this law before such use is resumed. Any use or structure shall be considered to be in existence provided the same has been substantially commenced as of the effective date of this local law, and fully constructed and completed with one year from the effective date of this local law.

Section 2.020 Activities Requiring Site Plan Review

Any use or structure to be conducted, maintained or constructed wholly or partially within said town shall be reviewable under this local law except as specifically excluded from review under this local law.

Section 2.021

In addition, the following land use activities shall require site plan review and approval by the Town Planning Board:

- a) Travel trailer parks and campground,
- b) Mobile home parks,
- c) Subdivision of land into five or more lots, or any resubdivision of land,
- d) Any "Type 1" action as defined under Article 8 of the Environmental Conservation law. "State Environmental Quality Review Act" and part 617, Volume 6 of the New York Code of Rules and Regulations (Title 6).
- e) Any use located within a designated flood plain.
- f) Any use within a designated freshwater wetland.
- g) Single family dwellings and garages located along waterfront properties regardless of size.

Section 2.030 Relationship of this law to other laws and regulations

This local law in no way affect the provisions or requirement of any other, federal, state or local law or regulations. Where this local law is in conflict with any other such law or regulation, the more restrictive shall apply.

Section 2.040 Definitions

Accessory structure: A detached building which is of secondary importance to the principal structure

of the parcel, and which is not used for human occupancy.

Accessory Use: A use customarily incidental and subordinate to the principal use, and which is located on the same parcel with such principal use.

Adirondack Park Agency (or Agency): The Adirondack park Agency created by section 803 of Article 27 of the Executive law of the State of New York.

Agricultural Service use: Any milk processing plant, feed storage supply facility, farm machinery or equipment sales and services facility; storage and processing facility for fruits, vegetables and other agricultural products or similar use directly and customarily related to the supply and service of an agricultural use.

Agricultural use: Any management of any land for agriculture; raising of cows, pigs, horses, poultry and other livestock, horticulture or orchards, including the sale of products grown or raised directly on such land, and, including the construction, alteration maintenance of fences, agricultural roads, agricultural drainage systems and farm ponds.

Agricultural use Structure: Any barn, stable, shed, silo, garage, fruit and vegetable stand, or other building or structure directly and customarily associated with agricultural use.

Alterations: As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position of another.

Area, Building: The total of area taken on a horizontal plan at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

Area, Land: The total area within the property lines, excluding the external streets.

Building: Any structure having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or other property.

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof, for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip gambrel roofs.

Building, Principal: A building in which is conducted the main or principle use of the lot on which said building is situated.

Camp: Any land, including any building thereon, used for any assembly of persons for what is commonly known as "camp" purposes, whether or not conducted for profit and whether or not occupied by adults or by children either as individual, families or groups.

Campground: Any area designated for transient occupancy by camping in tents, camp trailer, travel trailers, motor homes or similar facilities

Certificate of Occupancy: A written certificate indicating that following examination, the building, dwelling unit, mobile home park, or travel trailer park and the lot or site upon which the same is to be placed, is approved as complying with all provision of this law.

Club, Membership: An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes, which are not conducted primarily for gain, providing there are not conducted any vending stands, merchandising or commercial activities, except as required for the membership and purposes of such club.

Class A Regional Project: A land use or development which is classified and defined as such in Appendix A of this law.

Class B Regional Project: A land use or development which is classified and defined as such in Appendix B of this law.

Clearcutting: Any cutting of all or substantially all trees over six inches in diameter at breast height over any ten-year cutting cycle.

Commercial use: Any use involving the sale, rental, or distribution of good or services, either retail or wholesale.

Conservation: The protection or management of open land in a natural state. The definition may include management practices such as supplementary clearing and replanting, stream channel maintenance, and erosion control.

Development: Any activity which materially affects the existing condition of land or improvements, including but not limited to;

- a) Excavation or deposit of earth or other fill, including alteration in the banks of any stream or body of water,
- b) Construction, reconstruction, alteration, or demolition of any improvements,
- c) Dumping or storing any objects or materials whether mobile, liquid, or solid,
- d) Starting any use of the land, or improvements, and every change in land use type of intensity.
- e) Starting any noise, light, smoke or other emission and every change in its type of intensity.

Directional Signs: Off-site signs for the sole purpose of indicating directions to business and other establishments within the Town.

Enforcement Officer: An individual designated by the Town Board to represent them in matter pertaining to this local law.

Dwelling: A building and/or mobile home of one or more stories in height above the main grade level, which is designated or used exclusively as the living quarters for one family, and having a structurally sound foundation.

Dwelling, Multiple: A building used or designed as a residence for three or more families, living

independently of each other and doing their own cooking therein.

Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit.

Forestry use: Any management, including logging of a forest, woodland or plantation and related research and educational activities including the construction, alteration or maintenance of woodroads, skidways, landings, fences and forest drainage systems.

Home Occupation: An accessory use of a commercial or professional character customarily conducted within the dwelling by the residents thereof. It must be clearly secondary to the primary residential use and must not change the character of the area from residential. Example include professional offices, homemade product sales, and minor franchise sales.

Junkyard: Any open lot or area for the dismantling, storage or sale, as parts, scrap or salvage, of used or wrecked motor vehicles, machinery, scrap metals, waste papers, rags, used or salvaged building materials or other discarded material.

Land use area: Those areas delineated on the official Adirondack Park and Development plan map adopted under Article 27 of the Executive law of the State of New York and designated thereon as "Hamlet," "Moderate Intensity Use," "Low Intensity Use," "Rural Use," "Resource Management," and "Industrial use," and such portions of those area as are located within the town and delineated on the Adirondack park Land Use and Development Plan map.

Loading Space, Off-Street: One loading space for merchandise or freight shall constitute an area not less than twelve feet in width and thirty feet in length, with a vertical clearance of fourteen feet or more.

Lot: A parcel of land occupied or capable of being occupied by a structure or structure including such open spaces as are required by this law.

Lot Coverage: That percentage of a lot covered by the building area.

Lot, Through: An interior lot having frontage on two parallel or approximately parallel streets.

Mobile Home: A movable single dwelling unit equipped with a chassis designed for and providing housekeeping facilities for year-round occupancy including plumbing, heating, electrical, cooking and refrigeration systems and equipment.

Mobile home Park: Any plot of ground which has been planned or improved for placement of mobile homes for non-transient use and upon which two or more mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a change is made for such accommodations.

Motor Vehicle Service Station: A lot occupied or used for the sale of oil or other motor fuel, lubricant, tire and accessories for motor vehicles, including facilities for greasing, waxing, cleaning, polishing or otherwise servicing vehicles, but no including painting or major repairing thereof.

Modular Home: A prefabricated dwelling unit delivered to the site in two or more structural units

and permanently assembled.

Nursing Home: Any building other than a hospital where person are housed or lodged and furnished with meals and nursing care for hire.

Nonconforming Structure: Any structure which is in existence within the town on the effective date of this law which is not in conformance with the dimensional regulations, as list in Article VI herein.

Open Space Recreation Use: Any recreation use particularly oriented to and utilizing the outdoor character of an area; including a snowmobile, trail bike, jeep or all-terrain vehicle trail; horse trail; playground, picnic area, public park, public beach or similar use.

Parking Area: Any place, lot parcel or yard used in whole or in part for storing or parking four or more motor vehicles under the provisions of this law.

Parking Space: For the purpose of these regulations, one parking space shall constitute an area of 200 square feet (10 *20).

Permit: Written authorization issued by the enforcement officer for the establishment of any land use of structure.

Person: Any individual, corporation, partnership, association, trustee, or other legal non-governmental entity.

Public notice: Notice of a scheduled public hearing published in the official town newspaper once at least five days prior to the date of such hearing.

Recreational Facilities, Commercial: Recreational facilities open to the general public for private gain.

Setback: The distance from lot lines to the nearest outside wall of principal and secondary structures.

Shoreline Building Setback: The shortest distance, measured horizontally, between any point of a building and the shoreline of any lake or pond, and the shorelines of any river designated to be studied as a wild, scenic or recreational river in accordance with the Environmental Conservation law or any river or stream navigable by boat, including canoe.

Shoreline Lot Width: The distance measured along the shoreline, between the boundary lines of a lot as they intersect the shoreline of any lake or pond, and the shorelines of any river designated to be studies as a wild, scenic or recreational river in accordance with the Environmental Conservation Law or any river or stream navigable, including canoe.

Sign: Any inscribed surface, pattern or artificial lighting, pictorial or symbolic ornament, emblematic device that is visible from an out-of-doors position and is used to advertise or call the public's attention to any business, activity, object for sale or lease, person or place, or to bear any kind of message. Amended April 12, 2001.

Solid Waste: Refuse, garbage and other discarded items not intended for salvage or resale, e.g., kitchen wastes, broken furniture, etc.

Street: A public or private way which affords the principal means of access to abutting properties.

Street Grade: The officially established grade of the street upon which a lot fronts; or if there is no officially established grade, the existing grade of the street shall be taken as the street grade.

Street Line: Dividing line between the street and the lot.

Structure: Any constructed or erected, the use of which requires location on the ground, or attachment to something having location the ground.

Subdivision: The division of any parcel of land into two or more lots, blocks or sites for purposes of development, with or without roads.

Tourist accommodations: A building or group of buildings, whether detached or in connected units, used as individual sleeping or temporary dwelling units, designed for transients and providing for accessory off-street parking facilities. The term "tourist accommodations" includes buildings designated as tourist courts, motor lodges, motels, hotels, overnight cabins, housekeeping units, and similar facilities.

Travel Trailer: A recreational vehicle or a temporary dwelling unit for an individual or a family group designed for highway transportation without a special or oversized permit.

Travel Trailer Camp: A parcel of land which has been planned and improved for the placement of two or more travel trailers for transient use.

Wetlands: Any land which is annually subject to periodic or continual inundation by water and commonly referred to as bog, swamp or marsh.

Yard, Front: An unoccupied area on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot.

Yard, required: Any yard measured between a line drawn parallel to a street or lot line at a distance equal to the respective yard dimension required by the law.

Yard, Side: An unoccupied ground area on the same lot with the building between any property line other than a street or rear lot line and a line drawn parallel thereto, and between the front and rear yards.

ARTICLE III

Site Plan Review: Procedures

Section 3.010 Procedures Generally; Jurisdictional Determinations

Activities requiring approval under this law shall be reviewed according to the procedures set forth in this article. Any person uncertain as to the applicability of this law to a given land use activity may apply in

writing to the Planning Board for a written jurisdictional determination.

Section 3.020 Application Requirements

Applications for site plan review and approval shall be made to the Planning Board at the Community building in the Town of Ticonderoga. Applications shall consist of the following, unless specifically waived by the Planning Board:

- a) Two copies of a site plan, to include where applicable:
 1. Location map showing boundaries and dimensions of the parcel or tract of land involved. Identification of contiguous properties, and any known easements or rights-of-way and roadways.
 2. Existing features of the site including existing land and water areas, existing buildings and water or sewer systems on or immediately adjacent to the site.
 3. Delineation of proposed location and arrangements of buildings or uses on the site, including means of ingress and egress, parking and circulation.
 4. Sketch of any proposed building or structure or sign including exterior dimensions and elevations of front, side, and rear view.
- b) Accompanying data, to include the following:
 1. Application form and fee (if required by Planning Board regulations).
 2. Name and address of applicant and any professional advisors.
 3. Copy of the deed to the property in question if requested by the Planning Board.
 4. Authorization of owner if applicant is not the owner of the property in question.
 5. Description of exterior finish materials.
- c) Such additional information as the Planning Board or enforcement officer may reasonably require to assess the proposed project, including scale drawings where necessary.

Section 3.030 Planning Board Review and Decision

a) Within thirty calendar days of receipt of a complete application, the Planning Board shall approve the application; approve it with modification, at the request of the applicant, or on its own motion. If a public hearing is held, the Planning Board shall within *sixty-two days* of the completion of the hearing approve, with modifications or disapprove the application. In no case shall an application be disapproved without a public hearing first having been held. *Amended April 12, 2001.*

b) In determining whether or not in its discretion to hold a public hearing on a given application, the Planning Board shall consider the size and complexity of the proposed activity, the level of public interest in the application and the possibility of a disapproval.

c) Public hearing shall be advertised in accordance with Section 7.030 of this local law.

d) The time periods within which Planning Board actions are required by this section are the maximum times allowable; the Planning Board shall act as quickly as possible in reviewing and approving site plan applications in order to minimize delays to applicants. Under certain circumstances, however, the maximum allowable time period within which the Planning Board must render its decision upon a completed application may be extended by the Planning Board for an additional period of fifteen days or as otherwise mutually agreed upon by the Planning Board and the applicant.

e) In reviewing site plan applications, the Planning Board shall apply the review considerations and standards of Article IV of this local law. In no case shall an application be approved with modifications unless it reasonably complies with such considerations and standards.

f) Planning Board decisions shall be in writing and may include reasonable conditions to further the ends of this local law. Reasons for any disapproval shall be clearly stated.

g) The decision of the Planning Board shall immediately be filed in the Office of the Town Clerk and a copy thereof mailed to the applicant, certified mail, return receipt requested.

Section 3.040 Appeal of Planning Board Decision

Any person aggrieved by any decision of the planning board or any officer, department, board or bureau of the town, may apply to the Supreme Court for a review by a proceeding under Article 78 of the Civil practice Law and Rules. Such proceedings shall be instituted within thirty days after the filing of a decision in the Office of the Town Clerk.

ARTICLE IV

Site Plan Review: Considerations and Standards

Section 4.010 Use of this Article

The considerations and standards set forth in this Article, where reasonably applicable, shall be applied by the Planning Board in its review of site plan applications.

Section 4.020 General Considerations and Standards

a) Water

1. Maintain existing water quality.
2. Minimize disruption of existing drainage and runoff patterns.
3. Preserve quality, infiltration rate, and levels of ground water.

b) Land

1. Minimize topographic alterations.
2. Prevent accelerated soil erosion and the potential for earth slippage.
3. Use care in development in floodplains
4. Conserve viable agricultural soils.
5. Conserve productive forest lands.
6. Maintain the open space character of the project site, adjacent land and surrounding areas.

c) Maintain existing air quality.

d) Limit additions to noise levels.

e) Sensitive Resource Areas

1. Preserve rare plant communities.
2. Minimize development which adversely affects habitats of rare or endangered wildlife species.
3. Use care in development in wetlands.
4. Protect unique natural features, including gorges, waterfalls, and geologic formations for

the encroachment of man-related development.

f) Aesthetics

1. Minimize adverse impact upon the exiting aesthetic qualities of the project site and its environs.

2. Preserve scenic vistas.

g) Protect historic or archaeological sites

h) Minimize adverse effect of new development with the character of adjoining and nearby land uses.

- I) Design and construct parking areas and driveways to provide safe, convenient, and aesthetically pleasing access to and from public highways.
- j) Governmental and Service Considerations and Standards consider the ability of government to provide governmental facilities and services which may be made necessary for the projects.

Section 4.030 Lot Consideration and Standards

- a) Off-street parking should be provided on the site in sufficient quantity for occupants and/or users of the proposed structure.
- b) No on-site surface or groundwater drainage system in connection with the construction or alteration of any building, structure or natural landform shall be located or constructed in such a manner as to intensify runoff in an unacceptable manner, pollute, or cause erosion on adjoining properties. Surface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant ponds or pools. Surface drainage shall be conveyed to an existing system of storm water disposal where available and all surface drainage shall be designed so as not to discharge onto walkways, the street, or adjacent property in such a manner as to create a nuisance or hazard.
- c) Any person who shall construct, create, or install an entrance, road, drive or similar entryway to a state or county highway in the town shall first obtain authorization of the property authority having jurisdiction thereover, and shall present evidence of such approval.

Section 4.040 Shoreline Considerations and Standards

- a) All construction on any shoreline lot shall be carried out in such manner as to minimize interference with the natural course of such waterway, to avoid erosion of the shoreline, to minimize increased runoff of ground and surface water into the waterway, to remove only that vegetation which is necessary to the accomplishment of the project, and to generally maintain the existing aesthetic and ecological character of the shorelines.
- b) Any bulk storage of petroleum products within one hundred feet of the shoreline, or within a reasonable setback as determined necessary by the Planning Board, shall include adequate provisions for insuring that any leak, rupture or spill will be contained and not be introduced into or affect the adjacent waterway. In particular, a raised earthen or paved berm or dike shall be constructed in such manner so as to afford adequate protection.
- c) Any paved or otherwise improved parking, loading or service area within one hundred feet of any shoreline shall be designed and constructed so as to minimize surface runoff and the entrance of any chemical pollutants or earthen siltation into the waterway.
- d) Nothing herein provided shall waive or otherwise affect any requirement of the N.Y.S. Department of Environmental Conservation under Article 15, Title 5 of the Environmental Conservation Law.
- e) Nothing herein provided shall waive or otherwise affect any requirement of the Wild, Scenic, and Recreational rivers System Act.

Section 4.050 Water Supply considerations and standards

- a) Any individual water supply system shall be located at least one hundred feet distant from any title field or seepage pit, fifty feet from any septic tank, twenty-five feet from the edge of the driving surface of any highway, open ditch or natural drainage way, and ten feet from any lot line.
- b) Any drilled, point-driven or dug well shall comply with those generally accepted standards of the New York State Department of Health.

Section 4.060 Sanitary Considerations and Standards

a) No on-site sewage tile field or seepage pit shall be located within one hundred feet of any shoreline and no septic or other holding tank shall be located within fifty feet of any shoreline, as measured from the normal annual high water mark of the water body.

b) Every on-lot sewage disposal system shall comply with the standards as to type, capacity, location, layout and minimum lot size of the New York State Department of Health as set forth in the booklet entitled "Waste Treatment Handbook: Individual Household Systems" and, where applicable, the New York State Department of Environmental Conservation from time to time in effect (whether or not the construction of such a system is and shall also comply with the provisions of this law. In case of conflict between the requirement of the Department of Health or the Department of Environmental Conservation and this law the more restrictive shall prevail.

c) In submitting an application for site plan review and approval for any building with indoor plumbing facilities the applicant shall submit information concerning the precise location of the on-lot sewage disposal system and drainage field, the slope of the land in the area of such system and drainage field, the distance from any lake, pond, swamp, marsh, stream drainage ditch or culvert and an appropriate percolation test performed in conformity with the Department of Health and/or the Department of Environmental Conservation requirements, the size of the proposed septic tank, the layout and design of the proposed drainage field or seepage pit and such other information as the planning Board may reasonably request. Such information shall be submitted in such form and manner as the Planning Board may reasonably require.

Section 4.070(a) Sign Consideration and Standards Amended April 12, 2001

Refer to Attached illustrative page.

b) The Planning board, in reviewing a sign requiring site plan review and assessing its impact upon the Town, shall consider the reasonableness of the proposed sign's size, height, type of illumination (if any) and proximity to the edge of any highway. The Board shall also consider the type of materials and coloration of the proposed sign, as well as the number of area signs related to the same purpose and the number of signs already located on the property in question. The Planning Board in its review of signs shall minimize impact upon the town and may approve or disapprove proposed signs or require reasonable modifications that would still allow the proposed sign to achieve its intended purpose.

Design and Location of Signs:

1. *No sign shall be illuminated by or contain flashing, intermittent, rotating, or moving lights. All luminous signs, indirectly illuminated signs, and lighting devices shall employ only lights emitting light of constant intensity.*

2. *No sign shall be placed upon or be supported by any water body or any tree, rock, or other natural object rather than the ground. Amended April 12, 2001.*

Be it enacted by the Town Board of the Town of Ticonderoga as follows: Local Law amended 12/14/95 to add the following sections 4.080; 4.090; 4.110; 4.120

Section 4.080 Special Use Permits

a) General provisions: The special use for which conformation to additional standards is required by this Local Law shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements of this local law. All such uses are declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

b) Required Maps and Plans: An area map, showing the location of the property on which the special

use is proposed with respect to surrounding property, streets and other important features and a plan for the proposed development of a site for a permitted special use, shall be submitted with an application for a special permit. The plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, topography, special features, and any other pertinent information, including such information about neighboring properties as may be necessary to determine and provide for the enforcement of this ordinance.

c) Public hearing on Application for Special Permit: The Planning Board shall fix reasonable time for the public hearing on the application for a special permit and give public notice thereof by the publication, in the official paper, of a notice of such hearing, at least five days prior to the date thereof, and shall, at least five days before such hearing, mail notices thereof to the parties, and to the regional State Park Commission having jurisdiction over any State park or parkway within five hundred feet of the property affected by such appeal, and shall decide the same within sixty days after the final hearing.

d) Expiration of Special Permit: A special permit shall be deemed to authorize only one particular special use, and such permit shall be considered null and void, if, within one year of the date of issue all improvements required for this special use are not completed, and if the special use shall cease for more than one year for any reason, unless otherwise provided in the Planning Board's approval of said use.

e) Revocation of Special permits: A use authorized by special permit may be revoked by the zoning Board of Appeals if it is found and determined that there has been a failure of compliance with any one of the terms, conditions, limitations and requirements imposed by said permit.

f) Conditions and safeguards: The planning board shall attach such conditions and safeguards to the special permit as are necessary to assure continual conformance to all applicable standards and requirements.

Section 4.090 General Standards for Special Permits

a) The location and size of the use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

b) The location, nature and height of buildings, walls, signs and fences, and nature and extent of landscaping on site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or will not impair the value thereof.

c) parking areas shall be of adequate size for the particular use, properly located, and suitable screened for adjoining residential uses, and the entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisances.

Section 4.100 Additional Standards for certain special uses

a) The following minimum distance requirements shall be adhered to: 12' from pump island to any lot line; 20' from building to each side lot line; minimum distance 500' in any direction from place of public assembly (including schools, churches, parks, theatres, etc.); access drives from the street frontage shall not be less than 20' from any property corner, and not wider than 50'; no access drive shall be closer than 10' to any lot line.

b) A suitable fence or screen planting six feet in height shall be provided where a filling station abuts a residential street.

c) Driveways and service areas shall be surfaced with a non-dust-producing surface. Lights shall be directed onto the lot of the filling station in such a manner that no direct beam of light or unnecessary glare shines into other property or the highways.

Section 4.110 Garden Apartments and Multiple Dwellings: Garden apartments and multiple dwellings shall include not less than one acre of contiguous land.

a) Maximum Building Coverage: The maximum building coverage of the lot shall not exceed twenty-five percent, including accessory buildings. The remained of the lot, excluding necessary parking areas and vehicle access facilities shall be reserved as open space.

b) Maximum height of Buildings: thirty-five feet or 2 1/2 stories.

c) Additional regulations

1. The maximum density permitted shall not exceed twelve dwelling units per acre.

2. Adequate recreational facilities shall be provided. A minimum of ten percent of the total area shall be devoted to recreational activities.

Section 4.120 Public Garages

Same as "Service Stations" except that all customary operations such as major overhauling, repair and sale of automobiles and parts shall be permitted. no damaged or dismantled vehicles or vehicular parts shall be stored externally for a period in excess of two weeks.

Section 4.130 Motels, Hotels, and Tourist Accommodations

Where permitted in this local law, motels, hotels, and tourist accommodations shall conform to the following requirements:

a) Minimum land area per each unit shall not be less than 1,500 square feet.

b) Off-street parking shall be provided in accordance with Schedule II of this local law.

Section 4.140 Natural production uses

The excavation and sale of sand, gravel, clay, shale, topsoil or other natural mineral deposits shall be subject to the following conditions:

a) Any proposed excavation adversely affecting natural drainage or structural safety of adjoining buildings or land shall be prohibited.

b) The top of any slope shall not be closer than forty feet to a property line, nor within one hundred feet of any public street or highway.

c) Land having an area of more than one acre from which topsoil has been removed or covered over by fill, shall be seeded to provide and effective cover crop within the first growing season following the start of said operation.

No one appeared at the hearing to speak for or against this amendment. Carol Ferguson moved to close the public hearing. Andrew Powvorznik seconded. 5 ayes.

ARTICLE V Supplementary Regulations

Section 5.010 Flood Hazard Areas

These areas are shown on the Flood Hazard Boundary Map for the Town of Ticonderoga, Federal Insurance Administration, Federal Emergency management Agency, U.S. Department of Housing and urban Development. All activity in such areas shall conform to the Town of Ticonderoga Flood hazard Regulations.

Section 5.020 Wetland Areas

The areas shown on the Department of Environmental Conservation's Freshwater Wetlands Map for the Town of Ticonderoga. All activity in such areas shall conform to the Town of Ticonderoga Freshwater wetlands regulations.

Section 5.030 State Environmental Quality Review (SEQR)

All activities occurring within the Town shall conform to the requirements and guidelines of Article 8 of the Environmental Conservation law. "State Environmental Quality Review Act (SEQR)," and as amended.

Section 5.040 Subdivision regulations

By authority of the Resolution of the Town Board of the Town of Ticonderoga, pursuant to the provisions of section 276 of the town law of the State of New York, the Planning Board of the Town of Ticonderoga is authorized and empowered to approve plots showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped plots already filed in the office of the clerk of the county and to approve preliminary plots within the Town of Ticonderoga.

Section 5.050 Entailed Costs

This section added (amendment 7/14/94) to Local Law #2, 1994.

a) All applicants submitting an application requiring additional professional assistance (as determined by the Planning Board) shall pay a "Review Fee" provided for by this Local Law to the Town Clerk upon submission of the application. No application shall be deemed complete until all fees and deposits have been paid in full.

b) Definition of Review fee: The total cost incurred by the Town of Ticonderoga for expert review of the proposed project, site plan review, and to include all legal, engineering, architectural, landscaping, secretarial, consultants and all other services that may be deemed necessary to the review officer:

1. Since the fee is on an hourly basis, the reviewer would present a proposal based on an estimate of the number of hours that may be involved; however, provisions will have to be made for a second deposit when the actual number of hours for review start to exceed those in the estimate.

Section 6.020 Application for a park permit

a) The applicant for a mobile home park or travel trailer park permit shall be responsible for furnishing all percolation tests, plans, engineering, land surveying services, environmental studies, and all other information required to determine compliance with the provisions of this law. Applications shall be in writing and signed by the applicant.

b) Each application shall be accompanied by a site plan as required herein at a scale of one inch equals 100 feet, and shall show location of proposed lots, interior roadways and walkways, parking spaces, power and telephone lines, water and sewer systems, service buildings, park property, boundary lines and dimensions, significant natural features such as woods, watercourse, rock outcrops, wetlands, and the names of adjacent property owners.

Section 6.030 Park Design Standards

In addition to the general requirements herein provided, the following standards shall apply to all mobile home and travel trailer parks:

Grading and Drainage: Lands used as a mobile home or travel trailer park shall be well drained, of ample size, and free from any heavy or dense growth of brush or weeds. The land shall be properly graded

to insure proper drainage during and following a rainfall and shall at all times be drained so as to be free from stagnant pools of water. No lots shall be laid out in areas designated as wetlands on the state wetlands map or subject to flooding on Federal Flood hazard maps.

Access: Each park shall have at least four hundred feet of frontage on a public road. Internal roads shall be such that access to the public road be not more frequent than one in six hundred feet. Where more than fifty units are planned, at least two entrances shall be provided.

Lots: Each park shall be subdivided and marked off into lot numbered consecutively, the number being conspicuously posted on each lot with such number to correspond to the lot shown on the site plan submitted. All lots shall face interior roadways.

Setback: All buildings, mobile homes or travel trailers shall be setback seventy-five feet from the center line of any public road. Such areas shall be seeded and adequately landscaped to provide screening from the road.

Interior Roads: All roads shall be at least twenty feet wide and shall be hard surface and lighted in a manner to insure a proper traveling surface at all times. The owner or operator shall be responsible for constructing, maintaining and plowing such roads.

Utilities: Water supply, sewage disposal and other distribution systems for electricity, gas, fuel oil, etc. shall be provided in accordance with the requirements of Chapter 1, Par 7 of the New York State Sanitary Code and this local law.

Garbage: Each park shall provide equipment sufficient to prevent littering and shall provide metal depositories with tight fitting covers. They shall be placed at convenient locations, and shall be emptied regularly and kept at all times in a sanitary condition.

Fire inspection: Each park owner or manager shall cooperate with the fire chief in the district in which the park is located in arranging an annual inspection of the premises and conditions within the park. Recommended modifications shall be accomplished prior to annual license renewal.

Park Office: The owner or manager of a park shall maintain an office in the immediate vicinity of the park, and shall maintain accurate records of names of park residents, home address, make, description, year and license or identification number of the mobile home or travel trailer. These records shall be available to any Law Enforcement Official, the Town Enforcement Officer, and the Town Assessor.

Section 6.040 Mobile Home Park Requirements

Lot Size: Each mobile home lot shall contain at least seventy-five hundred square feet and no more than one mobile home shall be permitted to occupy one lot.

Stand: Each mobile home lot shall be provided with stand which provides an adequate foundation to insure against shifting and settling and must provide adequate anchors to insure against uplifting and overturning.

Yards: Each mobile home lot shall have a minimum setback of twenty feet from interior streets and there shall be a minimum setback of twenty feet between any mobile home, including addition, and a rear or side lot line.

Parking: Each mobile home lot shall provide off-street parking spaces for two automobiles, which shall be paved with a hard surface to eliminate mud and dust. Guest parking shall also be provided reasonably nearby in the amount of two spaces for every ten lots.

Section 6.050 Travel Trailer Park Requirements

Lot Size: Each lot in a travel trailer park shall be a minimum of twenty-five hundred square feet in size.

Slope: Lots shall be located on generally level ground, not to exceed an 8% slope that is well drained, free of adequate; pull-through sites should be provided.

Mobile homes: Mobile homes shall not be parked permanently or temporarily in any travel trailer park site.

Occupancy: Travel trailers shall not be parked for occupancy in a travel trailer park for more than one hundred eighty days in any one year, unless authorized service building is provided. However, the travel trailer park operator may designate an area of the park site to be used to store unoccupied travel trailers for longer periods than one hundred and eighty days.

Recreation: A minimum of five percent of the total area of the travel trailer park shall be dedicated to recreational area and shall be reasonably equipped and fully maintained by the park operator.

Service Building: Any park containing twenty or more lots shall provide a building(s) containing at least two automatic washers and dryers, a public telephone, and unless admission to the park is restricted to units equipped with these facilities, one toilet, lavatory and shower for each sex for each twenty lots. All service buildings shall be of substantial construction and shall be maintained in a clear sanitary and sightly condition.

Section 6.060 Inspection

The applicant shall notify the Town Clerk when the park is ready for final inspection. The enforcement officer shall promptly make arrangements with the applicant to make a final inspection. If satisfied that the park project complies with the regulations contained herein and that the project has been completed as specified on the approved site plan, the enforcement officer shall issue a certificate of completion granting final permission to use the park.

Section 6.070 Park License

Upon completion of final inspection, issuance of a certificate of completion and payment of the fee required herein, license to operate the mobile home park shall be issued by the Town Clerk, authorizing the operation the park for the period of one year from the date thereof. The Town Board may revoke any license to maintain and operate a park when the licensee has been found guilty by a court of competent jurisdiction of violating any provision of this law. After such conviction, the license may be reissued if the

circumstances leading to conviction have been remedied and the park is being maintained and operated in full compliance with this law. The license certificate shall be conspicuously posted in the office of on the premises of the park at all times.

Section 6.080 License Renewal

The park license shall be renewed annually on the anniversary of the original date of approval. It shall be the park owner's responsibility to initiate the renewal procedure by completing the renewal application form and submitting it to the Town Clerk thirty days prior to the expiration of the current license. After inspecting the park for health and safety irregularities or design modifications, the enforcement officer shall approve or disapprove the application in writing.

Section 6.090 License Fee

The license fee or the license renewal fee, in such amount as the Town Board may establish by resolution, shall be submitted with the completed renewal application. The license fee shall not be returned if the renewal application is disapproved. An applicant whose renewal application has been disapproved shall be granted thirty days grace period in which to correct any deficiencies noted by the enforcement officer. In such cases, the license fee shall include the original inspection and up to two reinspections. Thereafter, a new application shall be required.

Section 6.100 Existing Mobile Home parks or travel trailer parks

Mobile home parks or travel trailer parks existing in the town prior to the enactment of this Law shall have four years from the effective date of this law to comply with the provisions of this law except where otherwise stated. Existing parks shall be entitled to receive an annual license upon payment of the fee set by the Town Board to operate a park until the deadline stated above. All requirements of this law shall be met by the owners of the existing parks within the time set forth. The enforcement office shall make a thorough inspection of all parks which existed prior to enactment of this law and notify the owner thereof, at least six month prior to the deadline, of all sections of this law which have not been complied with. Thereafter, it shall be the park owner's responsibility to correct these violations and arrange for the enforcement officer to make final inspection for compliance prior to the deadline date. If said violation has not been corrected by this date, the enforcement officer shall give notice to the Town Clerk and/or Town Board to refuse renewal of said park owner's license to operate. The Town Board will take whatever steps are necessary to enforce closure of the park.

ARTICLE VII Miscellaneous Provisions

Section 7.010 Administration Officer

The Planning Board may appoint an administrative officer, on a temporary or permanent basis or on a project-by-project basis, to assist in administration and enforcement of this local law or any additional regulations adopted pursuant to Section 5.020 hereof.

Section 7.020 Further Regulations by Planning Board

The planning board may, after public hearing, adopt such further procedural rules and regulations as it deems reasonably necessary to carry out the provisions of this local law.

Section 7.030 Public Hearing Notice and conduct

a) Any public hearing held under Section 3.030 or 3.040 of this local law shall be advertised by a notice of public hearing, to be published once in the official newspaper of the town at least five days prior to the date of the hearing. In addition, at least ten days prior to the date of the hearing, notices shall be mailed to the applicant, and to all owners of property within five hundred feet of the exterior boundary of the property for which application is made, as may be determined by the latest assessment records of the town. Notice of hearings by the Board of Appeals also shall be mailed to the Chairman of the Planning Board.

b) Any hearing may be recessed by the Planning Board or the Board of Appeals in order to obtain additional information to serve further notice upon other property owners, or to persons it decides may be interested in the proposal being considered. Upon recessing the time and date when the hearing is to be resumed will be announced. No further notice or publication will be necessary.

Section 7.040 (Amendment 7/29/99) Fees Site Plan Review Application shall be \$25.00 plus certified mail fees for notification of adjoining land owners, for all applications. *Refer to June 9th, 2011 fee schedule.*

Section 7.040 Violations and Penalties

1. Whenever a violation of this law occurs any person may file a complaint in regard thereto. All such complaints shall be in writing and shall be filed with the Planning Board Administrator who shall properly record and immediately investigate such complaint. If the complaint is found to be valid, the Planning Board Administrator shall issue an order to cease and desist until the violation is corrected. If the violation is not corrected within the specified time the Planning Board Administrator shall take action to compel compliance.
2. Pursuant to criminal procedure law Section 150.20 (3), the Planning Board Administrator is hereby authorized to issue an appearance ticket to any person causing a violation of this law, and shall cause such person to appear before the town justice.
3. Pursuant to municipal Home Rule Law Section 10 and Town Law Section 268, any person, firm or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this local law shall, upon conviction, be deemed guilty of a violation and subject to fine. Any violation of this law is an offense punishable by a fine not exceeding \$350.00 for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than that of \$350.00 no more than \$700.00; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than that of \$750.00 nor more than \$1,000.00. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violation of this ordinance shall be deemed misdemeanors and for such purpose only. All provisions of the law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
4. The Town Board may maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this local law. The town attorney or any aggrieved person may take such action, criminal, civil or both, as may be provided by law against any person or organization who violated or may intend to violate this local law. Amended April 12, 2001.

Adopted October 10, 1985

Last Amended June 14th, 2001