

TOWN OF LORRAINE

DEVELOPMENT LAW

April 24, 2014

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1 **ARTICLE 1. INTRODUCTION**

2
3 **Section 110. Enacting Clause**

4
5 Pursuant to the authority conferred by Article 16 of the Town Law and Articles 2 and 3 of
6 Municipal Home Rule Law of the State of New York, the Town Board of the Town of Lorraine
7 hereby adopts and enacts this local law.
8

9 **Section 120. Title**

10
11 This law shall be known as the "Town of Lorraine Development Law".
12

13 **Section 130. Purpose**

14
15 The purpose of this law is to provide for orderly growth, to lessen congestion on the roads, to
16 secure safety from fire, flood and other dangers, to provide adequate light and air, to prevent the
17 overcrowding of land, to protect historical and recreational attributes, to avoid undue
18 concentration of population, to facilitate the adequate provision of transportation, water,
19 sewerage, schools, parks and other public requirements, and to promote the health, safety, and
20 general welfare of the public.
21

22 This law has been made with reasonable consideration, among other things, as to the character
23 of the Town of Lorraine and its suitability for properly developed uses, and with a view to
24 conserving the Town's rural character and encouraging the appropriate use of land throughout
25 the Town.
26

27 **Section 140. Uses and Structures Existing Prior to Law**

28
29 This law does not apply to uses and structures that are lawfully in existence as of the date this
30 law becomes effective. Any use that would otherwise be subject to this law, which has been
31 discontinued for a period of one year or more, shall be subject to review pursuant to the terms of
32 this law before such use is resumed. Any use or structure shall be considered to be in
33 existence provided such use or structure has been substantially constructed prior to the
34 effective date of this law.
35

36 **Section 150. Right to Farm Exemption**

37
38 Nothing contained herein shall be deemed to limit the right to farm as set forth in Article 25-AA
39 of the NYS Agriculture and Markets Law.
40

41 **ARTICLE 2. DISTRICT REGULATIONS**

42
43 **Section 210. Districts**

44
45 The Town shall be divided into the following land use districts, which are shown on the attached
46 map and schedule which are included in this law by reference.
47

- 48 H Hamlet District
49 C Commercial District
50 R Rural

1 **Section 220. Divided Lots**

2
 3 Where a district boundary divides a lot at the time such boundary is adopted, the requirements of
 4 the least restrictive portion of such lot shall extend 20 feet into the more restrictive portion of the lot,
 5 provided the lot has frontage on a road in the less restricted district.
 6

7
 8 **Section 230. Development Permit Requirements**

9
 10 All uses and structures shall require permits and reviews as indicated on the following chart:

- 11 P = Development permit required.
 12 S = Development permit required following site plan review by the planning board.
 13 N = Not allowed in this district.
 14 E = Exempt from the requirements of this law

15

LAND USE	H District	C District	R District
Accessory Structure	See Section 320		
Agricultural Processing Facility	N	P	P
Agricultural Structure	N	E	E
Agriculture Use	N	E	E
Bed and Breakfast	P	P	P
Campgrounds	N	S	S
Child Day Care Center	P	P	P
Commercial Establishment	S	S	S
Dwelling, Multi-Family	P	P	P
Dwelling, Single-Family	P	P	P
Dwelling, Two-Family	P	P	P
Educational Facility	P	P	P
Essential Facilities	S	S	S
Fuel Distribution Operation	S	S	S
Gravel Pit	N	S	S
Home-Based Business	P	P	P
Junkyard	N	S	S
Manufacturing	N	S	S
Mobile Homes	N	P	P
Mobile Home Park	N	S	S
Public and Semi-Public Facility	S	S	S
Recreation, Active	S	S	S
Religious Facility	P	P	P
Telecommunication Tower	N	S	S
Vehicle and Engine Service and Repair	S	S	S
Wholesale Business	S	P	P
Wind Power Generating Facilities	N	S	S
Wood Processing	N	S	S

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 17
 18
 19
 20

1 **Section 240. Lot Frontage and Setback**

2
3 All principal and accessory uses and structures, other than signs, shall meet the following lot front-
4 age and setback requirements for the district in which they are situated:
5

	H District	C District	R District
Lot area minimum, lot on road	no minimum	1.5 acres	1 acre
Lot frontage minimum	no minimum	210'	120'
Commercial establishment setback minimums:			
-from centerline of state highways	N/A	80'	80'
-from centerline of other roads	50'	80'	60'
-from side and rear lot lines	40'	40'	40'
- from any slope that has 100% grade or greater	50'	50'	50'
Residential setback minimums:			
-from centerline of state highways	N/A	80'	80'
-from centerline of other roads	50'	80'	60'
-from side and rear lot lines	20'	20'	20'
- from any slope that has 100% grade or greater	50'	50'	50'

6
7 The guideline regarding a setback from a 100% slope may be amended by the approving
8 authority upon receipt of building plans certified by a NYS licensed Professional Engineer (PE).
9

10
11 **ARTICLE 3. PERMITS REQUIRED**

12
13 **Section 310. Development Permits Required**

14
15 No land-use activity as listed below shall be carried out until a development permit has been
16 issued by the Enforcement Officer stating that the proposed building, structure, use of land, or
17 development activity complies with the requirements of this law:

- 18 1. Erection, re-erection or movement of a building or structure;
- 19 2. Change of the exterior structural dimensions of a building or structure;
- 20 3. Change in use of land, buildings or structures through the establishment of a new
21 use, or through the expansion or enlargement of an existing use;
- 22 4. The resumption of any use which has been discontinued for a period of 12
23 months or longer;
- 24 5. Establishment or change in dimensions of a parking area for nonresidential or
25 multi-family dwelling uses;
- 26 6. Placement of a sign as regulated in Section 635 of this law;

27
28 **Section 320. Development Permit Exceptions**

29
30 A development permit shall not be required for the following development activities, and such
31 activities shall not be subject to the requirements of this law:

- 32 1. Accessory structures with less than 144 square feet of ground coverage, unless
33 over 20 feet in height;
- 34 2. Alterations of less than 144 square feet of ground coverage;
- 35 3. Fences or walls;

- 1 4. Interior structural alterations or routine maintenance and improvement that does
- 2 not expand the exterior dimensions of the structure (e.g., roofing, window
- 3 replacement, siding replacement, etc.);
- 4 5. Minor accessory structures such as posts, sidewalks, driveways, flagpoles,
- 5 playground equipment, etc.;
- 6 6. Nonstructural agriculture and forest management uses.

8 **Section 330 Activities Exempted from Site Plan Approval**

9
10 Exterior alterations or additions to a commercial or manufacturing structure, which will not
11 increase the gross floor area of the existing structure by more than 25% within any five-year
12 period are exempt from requiring a site plan approval.

13
14 Any commercial or manufacturing structures erected after adoption of this law, do not qualify for
15 the aforementioned exemption.

16 **ARTICLE 4. GENERAL REGULATIONS**

17 **Section 410. Dwelling Per Lot**

18
19 There shall be no more than one dwelling unit on a single lot except (upon plot plan approval)
20 where two dwelling units are contained within the same structure.

21 **Section 420. Home-Based Businesses**

22
23 Home-based business activities below the thresholds of the definition of this law are exempt
24 from this law. All uses defined by this law as home based businesses, shall be subject to the
25 following standards:

- 26 1. No operations outside of buildings
- 27 2. No exterior changes to structures are allowed
- 28 3. Signs that are flush with buildings shall not exceed 10 square feet, free-standing
29 signs shall not exceed four square feet
- 30 4. Noise, glare, vibration do not travel beyond property boundaries and electronic
31 and microwave interference with radio, television, or digital signals and other
32 household appliances is prohibited
- 33 5. Operations shall be limited to the hours of 6 a.m. to 9 p.m.
- 34 6. Customer parking shall be on-site and off the public right-of-way

35
36 Any home based business activity exceeding the standards and criteria above shall be
37 considered a commercial use and subject to site plan approval.

38 **Section 430. Accessory Structures and Additions**

- 39 1. All accessory structures, except signs, shall comply with the setback requirements of
40 Section 240 of this law for the Development District in which they are situated.
41 Accessory structures, including signs, exempt from the permit requirements of Section
42 320 of this law shall still meet all setback requirements of Section 240 of this law.
- 43 2. Where a proposed structure is accessory to a use requiring specific site plan review, as
44 indicated in Section 230 of this law, it shall require site plan review also.
- 45 3. All additions to structures shall meet all setback requirements of Section 240 of this law.

1 **ARTICLE 5. SITE PLAN REVIEWS**

2
3 **Section 505. Authority**

4
5 The Planning Board of the Town of Lorraine is hereby authorized pursuant to Town Law Section
6 274-a to review and approve, approve with modifications, or disapprove site plans within the Town
7 as designated in accordance with the standards and procedures set forth in this law.
8

9 **Section 510. General Review Criteria**

10
11 The Planning Board shall require that all site plans comply with the following general review
12 criteria:

- 13 1. That the site is designed in the interests of the public health, safety, welfare, and
14 comfort and convenience of the public in general, the residents of the proposed
15 development, and the residents of the immediate surrounding area;
- 16 2. That the site is designed so as to be in harmony with section 130 of the
17 Development Law;
- 18 3. That parking areas are adequate for the intended level of use, and arranged and
19 screened so as to minimize negative impacts on adjacent properties;
- 20 4. That access to the site is safe and convenient and relates in an appropriate way to
21 both the internal circulation on the site as well as the public road system;
- 22 5. That the internal circulation of the site is arranged so as to minimize impacts on the
23 public road system;
- 24 6. That the site is suitably landscaped, and appropriately screened from adjacent
25 properties and the road so as to protect the visual character of the area and to
26 minimize negative impacts on adjacent properties and the neighborhood;
- 27 7. That any activities on the site which are incompatible with adjacent properties are
28 suitably buffered so as to minimize negative impacts on such adjacent properties;
- 29 8. That signs, site lighting, and the locations of all buildings and structures are in
30 keeping with the character of the neighborhood;
- 31 9. That any changes to existing drainage patterns, or increased drainage due to
32 development activity has no negative impacts on adjacent property, including
33 public roads;
- 34 10. That proposed water supply and sewage disposal facilities are adequate;
- 35 11. That development activity complies with all other standards and requirements of
36 this law, and applicable local, state and federal laws.
37
38

39 **Section 515. Application**

40
41 The Enforcement Officer shall refer any application for a development permit which requires a site
42 plan review to the Planning Board. An application for a site plan review shall be filed with the
43 Planning Board, and the appropriate fee as determined by the fee schedule adopted by Town
44 Board resolution shall be paid to the Town Clerk at the time of filing. Site and building plans
45 sealed by a NYS licensed Engineer is required in accordance with NYS laws and regulations.
46

47 Three copies of the application and site plans shall be provided which shall include the following:

- 48 1. Name and address of applicant and owner, if different, and of the person
49 responsible for preparation of drawings;
- 50 2. Date, north point, written and graphic scale;

- 1 3. Boundaries of the site plotted to scale, including distances, bearings, and areas;
- 2 4. Locator map showing the site in relationship to the town;
- 3 5. Location and ownership of all adjacent lands as shown on the latest tax records;
- 4 6. Location, name, and existing width of adjacent roads;
- 5 7. Location, width, and purpose of all existing and proposed easements, setbacks,
- 6 reservations, and areas dedicated to public use or adjoining the property;
- 7 8. Complete outline of existing or proposed deed restrictions or covenants applying to
- 8 the property;
- 9 9. Existing hydrologic features, including wetlands, together with a grading and
- 10 drainage plan showing existing and proposed contours at a maximum of five foot
- 11 intervals;
- 12 10. Location, proposed use, and height and dimensions of all buildings including the
- 13 number and distribution by type of all proposed dwelling units, and the designation
- 14 of the amount of gross floor area and gross leasable area proposed for retail sales
- 15 and services, office and other commercial or industrial activities;
- 16 11. Location and design of all parking and loading areas including access and egress
- 17 drives and fire lanes and emergency access areas;
- 18 12. Provision for pedestrian access, including public and private sidewalks;
- 19 13. Location of outdoor storage, including trash and refuse ;
- 20 14. Location and design of all existing or proposed site improvements, including
- 21 drains, culverts, retaining walls, and fences;
- 22 15. Description of the method of securing public water supply and disposing of
- 23 sewage, and the location and design of such facilities;
- 24 16. Location and design of all energy distribution facilities, including electrical, gas, and
- 25 solar energy;
- 26 17. Location, size and design of all proposed signs;
- 27 18. Location and design of outdoor lighting facilities;
- 28 19. General landscaping plan and planting schedule, including the location and
- 29 proposed development of all buffer areas;
- 30 20. Surface water drainage and runoff plans and facilities/structures, and an erosion
- 31 and sediment control plan conforming to the standards and practices contained in
- 32 the USDA Soil Conservation Service Engineering Field Manual (EFM) and New
- 33 York Guidelines for Urban Erosion and Sediment Control, or other erosion and
- 34 sediment control manual recognized by the Planning Board;
- 35 21. A statement of the nature and extent of the interest of any State employee, or
- 36 officer of the Town in the applicant pursuant to General Municipal Law Section
- 37 809;
- 38 22. An Environmental Assessment Form (EAF) and, where required, a draft
- 39 Environmental Impact Statement (EIS);
- 40 23. Other elements integral to the proposed development as considered necessary by
- 41 the Planning Board.
- 42

43 **Section 520. Waiver of Submission Requirements**

44
45 The Planning Board may waive any of the submission requirements listed in Section 515 above
46 where it deems that the information is either not applicable or is unnecessary to a particular site
47 plan review.
48

1 **Section 525. Environmental Impact Review**

2
3 The Planning Board shall be responsible for the completion of an environmental assessment form
4 (EAF) for each application for site plan review. The Planning Board shall be responsible for com-
5 pliance with 6 NYCRR Part 617 (State Environmental Quality Review regulations) in cooperation
6 with other involved agencies in the review of any site plan.
7

8 **Section 530. Review**

9
10 Upon a determination by the Planning Board that the application for a site plan review is complete,
11 the Board shall review the site plan taking into consideration the objectives for site plan review as
12 outlined in Section 510 above, the general standards for all uses as outlined in Article 3 of this
13 law, and any special standards for the use found in this law.
14

15
16 **Section 535. Variance**

17
18 During the course of the review, should the Planning Board determine that a site plan approval
19 may not be feasible without the granting of a variance as defined by NYS Town Law Section 267,
20 the applicant will be directed to contact the Zoning Board of Appeals for the consideration of such
21 variance.
22

23 **Section 540. Public Hearing**

24
25 The Planning Board may conduct a public hearing. Such public hearing, if conducted, shall be
26 conducted within 62 days of the receipt of the completed application for a site plan review and
27 shall be advertised at least five days before the hearing the Towns designated newspaper of
28 record. A notice of the hearing shall be mailed to the applicant at least 10 days before the
29 hearing.
30

31 **Section 545. County Planning Board Review**

32
33 At least 10 days before the hearing, the Planning Board shall refer all site plan review matters
34 (that fall within those areas specified under NYS General Municipal Law Section 239-m) to the
35 Jefferson County Planning Board prior to final action. This includes any use that falls within 500
36 feet of the following:

- 37 1. The boundary of the Town,
- 38 2. A State or County park or recreation area,
- 39 3. A State or County highway or expressway,
- 40 4. A State or County owned drainage channel,
- 41 5. A State or County land where a public building or institution is located,
- 42 6. The boundary of a farm operation in an agricultural district.

43
44 If the Jefferson County Planning Board does not respond within 30 days from the time it received
45 a full statement on the referral matter, the Planning Board may act without such report.
46

1 **Section 550. Waiver of Public Hearing**
2

3 The Planning Board may waive the public hearing. Such waiver shall not be allowed in any one of
4 the following circumstances:

- 5 1. The use is over 1000 square feet of floor or ground area;
- 6 2. The use is over 20 feet in height;
- 7 3. The use is determined by the Planning Board to be of a publicly controversial
8 nature; or
- 9 4. The applicant has requested a public hearing.

10
11 **Section 555. Final Action**
12

- 13 1. Within 62 days of the public hearing, or within 62 days of the acceptance of a complete
14 application by the Planning Board where such hearing has been waived pursuant to
15 Section 450 above, the Planning Board shall act on the site plans. The time within which
16 the Planning Board must render its decision may be extended upon mutual consent of the
17 applicant and the Planning Board. The action of the Planning Board shall be in the form of
18 a written statement to the applicant stating whether or not the site plans are approved,
19 approved with modifications, or disapproved. The decision of the Planning Board shall be
20 filed in the office of the Town Clerk within five business days and a copy mailed to the
21 applicant.
22
- 23 2. If the site plans are approved, and upon payment by the applicant of all fees and
24 reimbursable costs due the Town, the Planning Board shall endorse its approval on a copy
25 of the application and site plans.
26
- 27 3. If the site plans are approved with modifications, the Planning Board shall specify in the
28 statement all modifications to be made. Upon payment by the applicant of all fees and
29 reimbursable costs due to Town, and upon receipt and approval of the modified
30 application and site plans, the Planning Board shall endorse its approval on a copy of the
31 application and site plans.
32
- 33 4. If the site plans are disapproved, the statement shall contain the reasons for such findings.
34 In such case, the Planning Board may recommend further study of the application and
35 resubmission after it has been revised or redesigned.
36

37 **Section 560. Report to County Planning Board**
38

39 The Planning Board shall report to the Jefferson County Planning Board on its final action within
40 30 days of that event, and set forth the reasons for any contrary actions.
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1 **ARTICLE 6. SITE PLAN REVIEW DESIGN STANDARDS**

2
3 **Section 605. Application of Design Standards**

- 4
5 1. An application for site plan approval shall not be approved unless the proposed use
6 meets the standards of this article.
7
8 2. The Planning Board may waive and/or modify, subject to appropriate conditions, the
9 provisions of any or all standards and/or requirements set forth in this article if in the
10 special circumstances of a particular application such standards are not in the interest of
11 the public health, safety, and general welfare or strict adherence to such standards
12 and/or requirements would cause unnecessary hardship for the applicant without
13 achieving public benefit objectives.
14
15 3. The Planning Board shall state its reasons for granting any waivers or modifications in
16 writing, and file the same along with the site plan application and supporting documents
17 with the decision. The Planning Board shall not waive any dimensional standards.
18 Dimensional or area variances are determined by the Zoning Board of Appeals.
19

20 **Section 615. Access/Traffic Standards**

21
22 Site plan approval shall be conditional upon the applicant obtaining any necessary approvals
23 from the jurisdictional permitting authority, e.g. county, or Town Highway Department. In
24 addition, the following access requirements shall apply to the extent the Planning Board
25 determines their appropriateness to the proposed use:
26

- 27 1. There shall be a minimum distance of 35 feet between proposed and existing
28 driveways on public roads.
29 2. Driveways shall be combined wherever possible to minimize the number of
30 access points onto public roadways.
31 3. No driveway centerline shall intersect a road line less than 70 feet from the
32 intersection of any two roadways.
33 4. Driveway grade and width shall be such that adequate and safe access is
34 provided for emergency and service vehicles during all seasons.
35 5. The minimum maintained width of driveways shall 20 feet which allows for
36 incoming and outgoing vehicles to pass one another safely.
37 6. The additional traffic generated, together with existing traffic, shall not exceed the
38 capacity of the highway(s) that serve the development.
39 7. In situations where the proposed additional traffic is likely to result in a significant
40 decrease in traffic safety conditions, the Planning Board may require the
41 applicant to provide traffic improvements as a condition of site plan approval, or
42 to reduce the size or density of the proposed development.
43

44 **Section 620. Parking/Loading Standards**

45
46 The following off-road loading standards shall be met by the applicant unless otherwise waived
47 or modified by the Town Board:
48

- 49 1. On-site pedestrian and vehicle circulation shall be designed to limit traffic
50 hazards.

2. Adequate off-street parking must be provided. There shall be at least two parking spaces for each mobile home site within a park, and for each dwelling unit. Commercial/industrial uses shall have one parking space per 1,000 square feet of gross floor area, or one space per three employees, whichever will require a larger number of spaces.
3. Minimum dimensions of parking spaces shall be eight feet by 18 feet. Car loading spaces shall be at least 15 feet in width and at least 25 feet in length, exclusive of access and turning areas. Truck loading spaces shall be at least 15 feet in width and at least 60 feet in length, exclusive of access and turning areas.
4. Curbing may be required along frontage to delineate site and building access points.
5. Where possible, parking/loading areas should be located to the sides or rear of the use.
6. Any loading dock facing a road front shall be sufficiently far back from the road to enable the largest permitted tractor trailer to maneuver into said loading dock without obstructing traffic.

Section 625. Landscaping and Screening

Landscaping and screening shall be provided as follows:

1. Existing vegetation shall be used to the greatest extent possible.
2. Along a property line facing a residential property, a buffer strip of evergreen planting shall be provided to effectively screen the commercial/industrial, mobile home park, or campground/travel trailer park use from view and designed so as not to obstruct sight distance at points of access to roadways.
3. Along road frontage, a buffer strip of landscaping shall be provided where appropriate, and designed so as not to obstruct sight distance at points of access.
4. Where appropriate, a wall, fence, or earthen berm of location, height, and design approved by the planning board, may be substituted for the required planting.
5. Where the existing topography and/or landscaping provide's adequate screening, the planning board may modify the planting and/or buffer area requirements.

Section 630. Lighting

Adequate lighting shall be provided on a site to ensure safe movement of persons and vehicles and for security purposes. All lighting shall be designed and arranged so as to minimize glare and reflection on adjacent properties and roadways.

1. The maximum height of free-standing lights may be the same as the principal building, but not exceeding 25 feet from building grade elevation.
2. Where lights will be visible to adjacent residents, roads, or adjacent properties the lights shall be appropriately shielded.
3. Free-standing lights should be so located and protected to avoid being easily damaged by vehicles.

1
2 **Section 635. Signs**
3

4 Signs shall conform to the following standards:

- 5 1. There shall be no more than one sign per entrance that identifies the
6 development.
- 7 2. Signs shall be compatible with the general environment of the project site, and
8 avoid the projection or reflection of light onto neighboring property.
- 9 3. Maximum height for a free-standing entrance sign shall be no greater than twenty
10 (20) feet above average adjacent grade elevation.
- 11 4. Maximum area of a sign shall not exceed 32 square feet.
- 12 5. Shall be located and set back to avoid obstruction of sight distances to and from
13 roads and points of ingress and egress from subject or adjacent property, and to
14 avoid distraction of motorists.

15
16 **Section 640. Drainage**
17

18 On site drainage shall conform to the following requirements:

- 19
20 1. To the extent practicable, all development shall conform to the natural contours
21 of the land, and pre-existing manmade drainage ways shall remain undisturbed.
- 22 2. Wherever practicable, the drainage system of a development shall be
23 coordinated with the connections to the drainage systems or drainageways on
24 surrounding properties or roads.
- 25 3. The natural state of watercourses, swales, or rights-of-way shall be maintained
26 as nearly as possible. All drainage facilities shall be designed for a 25-year
27 storm, minimum. The Planning Board may require facilities sized for more
28 intensive storms should development conditions in the vicinity of the site warrant
29 a greater degree of protection.
- 30 4. Surface water runoff shall be minimized and detained on-site as long as possible
31 and practicable to facilitate groundwater recharge and prevent or minimize off-
32 site runoff.
- 33 5. All developments shall be constructed and maintained so that adjacent properties
34 are not substantially impacted by surface waters as a result of such
35 developments. No development shall be constructed or maintained so that such
36 development impedes the natural flow of water thereby causing damage to any
37 adjacent properties, or unreasonably collects and channels surface water onto
38 adjacent properties at such locations or at such volume as to cause substantial
39 damage to such adjacent properties.

40
41 **Section 645. Erosion Control**
42

43 Erosion control plan shall be submitted where required by the Planning Board as follows:

- 44 1. Such plan may be required where development activities:
45
46 a. Disturbs five acres or more of land; or
47 b. Is to be conducted on a site which has a slope anywhere on the site that
48 averages 15 percent or more over a horizontal distance of at least one
49 hundred (100) feet.
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2. For purposes of this section, disturbed land shall mean any use of the land requiring site plan approval that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, wind, or ice from the site of its origin.
 3. All measures necessary to minimize soil erosion and to control sedimentation in the disturbed land area shall be provided. Every effort shall be made by the applicant to minimize velocities of water runoff, and retain sedimentation within the development site as early as possible following disturbances.

ARTICLE 7. STANDARDS FOR SPECIFIC USES

Section 710. Campgrounds

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1. No person shall own or operate a campground unless a permit to operate has first been issued pursuant to New York State Public Health Law (PHL). Such permit shall be applied for coincident with an application for a site plan approval, and shall be granted coincident to the final approval of the site plan.
 2. Should any PHL campground permit be revoked or fail to be renewed, the permit holder shall cease and desist from operating a campground and shall remove all mobile homes, recreational camping vehicles, tents, etc., and appurtenant structures from the premises within sixty (60) days.

Section 720. Individual Mobile Homes

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Individual mobile homes shall be subject to all applicable portions of this code pertaining to single-family dwellings. Any mobile home installation shall comply with Manufactured Home Construction and Safety Standards (HUD Code).

Section 730. Mobile Home Parks

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Mobile Home Parks shall follow the requirements of the Town of Lorraine Subdivision Law. Individual siting of mobile homes in a mobile home park shall comply with Article 5 and 6, above.

Section 740. Recreational Camping Vehicles

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1. The occupation of any motorized vehicles of any kind is prohibited unless it is designated and intended for that purpose.
 2. The storage of more than two recreational camping vehicles on a single lot, unless on a recreational camping vehicle sales lot, is prohibited.
 3. A recreational camping vehicle shall not be sited for occupancy for more than 180 consecutive days in a single calendar year outside of a campground.

- 1 4. All occupied recreational camping vehicles shall provide a plan demonstrating the
2 availability of potable water and the disposal of waste water and sanitary sewage in
3 compliance with all applicable Town, County, and State laws.
4
- 5 5. Recreational camping vehicles shall not be located within front, side, or rear yard
6 setbacks.
7

8 **ARTICLE 8. TELECOMMUNICATION TOWERS**

9 **Section 805. Permit Required**

10 Telecommunications towers shall be sited only upon approval of a site plan review in
11 accordance with Articles 5 and 6 of this law. Such application shall be reviewed by the Planning
12 Board pursuant to the authority of NYS Town Law Section 274-b, and pursuant to the
13 procedures of Article 5 of this law. The public hearing as provided for in Section 540 of this law
14 may not be waived. Such may be issued or extended upon proof by the owner or operator that
15
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18

- 19 1. The facility is in use as a transmission facility and
- 20 2. That there is a necessity for the tower at the particular location for which application
21 is made.
22

23 **Section 810. Shared Use**

24 Shared use of exiting towers shall be preferred to the construction of new towers. Where such
25 shared use is unavailable, location of antennae on pre-existing structures shall be sought. An
26 applicant shall be required to present an adequate report inventorying existing towers within a
27 reasonable distance of the proposed site and outlining opportunities for shared use of existing
28 facilities and use of other pre-existing structures as an alternative to new construction. An
29 applicant proposing to share use of an existing tower shall be required to document intent from an
30 existing tower owner to share use. In the case of new towers, the applicant shall be required to
31 submit a report demonstrating good faith efforts to secure shared use from existing towers and to
32 secure location of antennae on pre-existing structures, as well as documenting capacity for future
33 shared use of the proposed tower. Written requests for and responses to requests for shared use
34 shall be provided.
35
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38 **Section 815. Setbacks**

39 Towers and antennae shall be set back from all lot lines a distance equal to the height of the tower
40 plus twenty-five (25) feet. Additional setbacks may be required to contain ice-fall or debris from
41 tower failure on-site, and/or to preserve privacy of adjoining residential and public property. The
42 normal setbacks for the district shall apply to all ancillary tower parts, including guy wire anchors
43 and accessory facilities.
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1 **Section 820. General Aesthetics**

2
3 All towers and accessory facilities should be sited to have the least practical adverse visual effect
4 on adjacent property and the environment. Towers shall be a galvanized finish or painted gray
5 above the surrounding tree line and painted gray, green or black below the surrounding tree line
6 unless other standards are required by the FAA. Accessory structures shall maximize use of
7 building materials, colors and textures designed to blend with the natural surroundings.
8

9 **Section 825. Lighting**

10 Towers shall not be artificially lighted except for

- 11 1. A single red aviation warning light on the top, or
12 2. As required by the Federal Aviation Administration (FAA) Towers should be designed and sited
13 so as to avoid, whenever possible, application of FAA lighting and painting requirements.
14
15

16 **Section 830. Tower Design**

17
18 Whenever feasible, tower construction shall be of a “monopole” design. Guyed towers shall be
19 preferable to free-standing structures. All towers shall be fitted with anti-climb devices. Towers
20 shall be designed to provide colocation by at least three providers, or designed so that they can be
21 retrofitted to accommodate at least three providers unless such colocation is not feasible as
22 demonstrated by competent engineering or technical proof.
23

24 **Section 835. Signs**

25
26 Signs shall not be permitted on towers except for signs displaying owner contact information and
27 safety instructions. Such signs shall not exceed five square feet in surface area.
28

29 **Section 840. Vegetation**

30
31 Existing on-site vegetation shall be preserved to the maximum extent possible. Clear cutting of all
32 trees in a single contiguous area exceeding 43,560 square feet (one acre) shall be prohibited.
33

34 **Section 845. Screening**

35
36 Evergreen tree plantings may be required to screen portions of the tower from nearby residential
37 property as well as from public sites known to include important views or vistas. Where the site
38 abuts residential or public property, including roads, the following vegetative screening shall be
39 required. For all towers, at least one row of native evergreen shrubs or trees capable of forming a
40 continuous hedge at least ten (10) feet in height within two years of planting shall be provided to
41 effectively screen the tower base and accessory structures. Planting may be required on soil
42 berms to assure plant survival. Plant height in these cases shall include the height of any berm.
43

44 **Section 850. Fencing**

45
46 The base of any tower and anchors on guyed towers shall be surrounded by a security fence eight
47 (8) feet in height. Such fence shall enclose the base of the tower as well as any and all accessory
48 equipment and structures.
49
50

1 **Section 855. Access and Parking**

2
3 Roads and parking will be provided to assure adequate emergency and service access. Maximum
4 use of existing roads, public or private, shall be made.

5
6 **Section 860. Utility and System Connections**

7
8 All utility connections shall be installed beneath the ground surface. Where technologically
9 feasible, connections between telecommunications towers and the system of which they are a part
10 shall be made by use of land line cable rather than parabolic or dish antennas. When such
11 antenna links are technologically necessary, they shall be located, painted and otherwise situated
12 so as to minimize visual impacts. In no case shall the diameter of such an antenna exceed six feet.

13
14 **Section 865. Financial Security for Demolition**

15
16 The owner/operator shall provide a demolition bond or other security acceptable to the Town for the
17 purpose of removing the facility in case the applicant fails to do so.

18
19 **Section 870. Annual Inspection**

20
21 Towers shall be inspected annually on behalf of the tower owner/operator by a New York State
22 licensed Professional Engineer for structural integrity and continued compliance with these
23 regulations. A copy of such inspection report, including findings and conclusions, shall be
24 submitted to the Enforcement Officer.

25
26 **Section 875. Annual Radiation Emission Certification**

27
28 The owner/operator shall submit certification on an annual basis, signed by a New York State
29 licensed Professional Engineer, verifying that such facility is in compliance with all applicable
30 federal, state and local radio frequency radiation emission standards. Such annual certification
31 shall be delivered to the Enforcement Officer during the month of December of each calendar year.
32 This requirement shall be considered an implied condition to any site plan and/or use variance
33 granted for the facility.

34
35 **Section 880. Maintenance**

36
37 All facilities shall be maintained in good order and repair. Routine maintenance and repair shall be
38 conducted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, except for
39 emergency repairs which may be undertaken at any time.

40
41
42 **ARTICLE 9. FINANCIAL GUARANTEE FOR INSTALLATION OF IMPROVEMENTS**

43
44 **Section 910. General**

45
46 In order that the Town has the assurance that the construction and installation of such
47 improvements as storm sewer, water supply, sewage disposal, landscaping, noise abatement
48 equipment and facilities, road signs, sidewalks, parking, access facilities, and road surfacing is
49 completed as approved, the Town Board may require that the applicant provide one or more of
50 the following financial guarantees to the Town:

- 1 1. Furnish bond executed by a surety company equal to the cost of construction of
2 such improvements as shown on the plans and based on an estimate furnished
3 by the applicant and approved by the Town Board.
- 4 2. In lieu of the bond, the applicant may deposit cash, certified check, an
5 irrevocable bank letter of credit, a certificate of deposit, or other forms of financial
6 security acceptable to the Town. Acceptable substitutes, if furnished, shall be
7 kept on deposit with the Town for the duration of the bond period.
- 8 3. Construct all improvements required in any existing permit and any additional
9 improvements required by the Town Board prior to issuance of the development
10 permit.

11
12 Such financial guarantees shall be furnished to the Town pursuant to Town Law, Article 16,
13 Section 274-a, subdivision 7, and Section 277, subdivision 9.

14 **Section 920. Conditions**

15
16
17 As an alternative to the construction of improvements, before a development permit is
18 approved, the applicant shall have executed a contract/infrastructure agreement with the Town,
19 and a performance bond, certified check, or bank letter of credit shall have been deposited with
20 the Town covering the full estimated cost of the required improvements that have been
21 determined by the Town Board.

22
23 The performance bond, certified check, or bank letter of credit shall be payable to the Town and
24 shall provide that the applicant, his heirs, successors, and assigns, their agent or servants, will
25 comply with all applicable terms, conditions, provisions, and requirements of this law; will
26 faithfully perform and complete the work of constructing and installing such facilities or
27 improvements in accordance with the infrastructure agreement and development permit. Any
28 such infrastructure agreement and financial guarantee shall require the approval of the Town
29 Board, Town Engineer, and the Town Attorney as to form, sufficiency, manner of execution and
30 surety.

31
32 Wherever a certified check is made, the same shall be made payable to the Town of Lorraine.

33 **Section 930. Extension of Time**

34
35
36 The construction or installation of any improvements or facilities, for which guarantee has been
37 made by the applicant shall be completed within two years from the date of approval of the site
38 plan. The applicant may request an extension of time, provided they can show reasonable
39 cause for inability to complete said improvements within the required time, at the end of which
40 time the Town may use as much of the financial guarantee as is necessary to construct the
41 improvements. The same shall apply whenever construction of improvements is not performed
42 in accordance with applicable agreements, standards and specifications.

1 **Section 940. Schedule of Improvements**

2
3 When any one of the financial guarantees is issued pursuant to the preceding sections, the
4 Town and applicant shall enter into a written agreement itemizing the schedule of improvements
5 in sequence with the cost opposite each phase of construction or installation, providing that the
6 financial guarantee for each cost as listed may be released to the applicant upon completion or
7 installation, after Town inspection and approval of such improvement and its installation.
8

9
10 **ARTICLE 10. NONCONFORMITIES**

11
12 **Section 1010. Intent**

13
14 The intent of this article is to recognize lots, structures and uses of land and structures which
15 legally existed prior to the enactment or subsequent amendment of this law which would be pro-
16 hibited or unreasonably restricted by the requirements herein. All rights of nonconformity shall
17 continue regardless of the transfer of ownership of nonconforming lots, structures or uses.
18

19 **Section 1020. Nonconforming Lots**

20
21 Any lot held under separate ownership prior to the enactment or amendment of this law, and
22 having a width, depth or area less than the minimum requirements set forth in this law, may be
23 developed provided that such lot has sufficient width, depth and area to undertake development,
24 Reference section 240.
25

26 **Section 1030. Nonconforming Structures**

27
28 No structure which by the enactment or amendment of this law is made nonconforming or
29 placed in a nonconforming situation with regard to set-backs, lot size coverage, height or any
30 requirement of this law, shall be changed so as to increase its nonconformity.
31

32 **Section 1040. Nonconforming Structures Damaged or Destroyed**

33
34 Any structure which is nonconforming as to yard sizes, height or any other requirement of this
35 law, which is damaged or destroyed by fire or other hazard, may be repaired, restored or
36 reconstructed provided that such work is undertaken within one year of the date on which the
37 damage or destruction occurred. No such work shall increase the nonconformity of the
38 structure.
39

40
41 **ARTICLE 11. ADMINISTRATION//ENFORCEMENT**

42
43 **Section 1110. Enforcement Officer**

44
45 The Town Board shall appoint an enforcement officer to carry out specific administrative
46 functions as designated in this law, and to enforce this law. The duties of the enforcement
47 officer shall include the following:
48

- 49 1. Issue and deny development permits and certificates of compliance in
50 accordance with this law;

2. Inspect and certify that the regulations of this law have been adhered to;
3. Refer appropriate matters to the Planning Board, Zoning Board of Appeals or Town Board;
4. Revoke permits where there is false, misleading or insufficient information;
5. Investigate violations and complaints of violations of this law, issue stop use/work orders and refer violations to the Town Justice, or the Town Board;
6. Assist in the prosecution of violators of this law.

Section 1120. Application Procedure for Development Permits

1. Applications for permits not requiring approval by any other Town Board or official shall be submitted to the Enforcement Officer and shall include three copies of a layout or plot plan showing the actual dimensions of the lot to be used; the size and location on the lot of existing and proposed structures and accessory structures; the setbacks of structures from all lot lines, road lines, mean high water lines of lakes, streams, ponds and wetlands, and any other features of the lot; the locations of all on-site sewage disposal systems and wells; and such other information as may be necessary to provide for the enforcement of this law. This information, and other relevant application data, shall be provided on forms issued by the Town Clerk or Enforcement Officer.
2. When establishing measurements to meet the required setbacks and lot sizes, the measurements shall be taken from the lot line, road margin, or nearest mean high water line to the furthestmost protruding part of the use or structure. This shall include such projecting facilities as porches, carports, attached garages, eaves, steps, etc.
3. The Enforcement Officer shall take action to approve or disapprove the application within ten days of the receipt of a completed application by the Enforcement Officer and the payment of all fees.
4. A permit shall expire one year from the date of issue if construction is not substantially started or the use has not commenced. Such permit may be renewed upon payment of all fees.
5. Any permit issued by the Town does not supersede or replace the need for required permits issued by another government agency/jurisdiction.

Section 1130. Permit Fees

A fee, as determined by Town Board resolution, shall be paid for each application for a development permit or site plan. No permit shall be issued until full payment has been received by the Town Clerk.

1 **Section 1140. Certificate of Compliance**

- 2
- 3 1. No use requiring site plan approval shall be used, or occupied, until a certificate of
4 compliance has been issued by the Enforcement Officer stating that the building,
5 structure, or proposed use complies with the provisions of this law.
- 6
- 7 2. All certificates of compliance shall be applied for coincidentally with the application for a
8 development permit. The certificate shall be issued within ten days after the erection
9 and alteration has been completed in accordance with the conditions of the approved
10 permit, and state that the use complies with the provisions of this law.
- 11
- 12 3. The Town Clerk shall maintain a record of all certificates of compliance and copies shall
13 be furnished upon request to any person having a proprietary or tenancy interest in the
14 building and/or property affected.
- 15

16 **Section 1150. Violations**

- 17
- 18 1. Whenever a violation of this law occurs, any person may initiate a complaint. All
19 complaints shall be in writing. The Enforcement Officer shall accurately record the
20 complaint, file it appropriately, and investigate it.
- 21
- 22 2. If the complaint is found to be valid, the Enforcement Officer shall then inform the owner
23 of the premises that there is a violation of the law. The owner shall be notified by
24 certified mail, or be personally served, as to the manner of the violation. The notice shall
25 specify a reasonable amount of time to correct the violation.
- 26
- 27 3. Should the violation persist, an order to stop use/work may be issued by the
28 Enforcement Officer to the owner in the same manner as a notice of violation. Such
29 order shall require that all use or construction stop immediately.
- 30
- 31 4. If a violation persists, the Enforcement Officer may file an "information and complaint"
32 with the Town Justice charging the owner with violating one or more sections of this law.
33 The Town Justice may then issue a summons for the violator to appear in court.
- 34
- 35 5. Pursuant to NYS Criminal Procedure Law Section 150.20 (3), the Enforcement Officer is
36 hereby authorized to issue an appearance ticket to any person causing a violation of this
37 law, and, if a violation persists, may cause such person to appear before the Town Justice.
- 38
- 39

40 **Section 1160. Penalties**

- 41
- 42 1. A violation of this law shall be punishable by a fine not exceeding \$350, or imprisonment
43 for a period not to exceed six months, or both for conviction of a first offense; for
44 conviction of a second offense both of which were committed within a period of five
45 years, punishable by a fine not less than \$350, nor more than \$700, or imprisonment for
46 a period not to exceed six months, or both; and, upon conviction for a third or
47 subsequent offense all of which were committed within a period of five years, punishable
48 by a fine not less \$700, nor more than \$1,000, or imprisonment for a period not to
49 exceed six months, or both.
- 50

- 1
2 2. However, for the purpose of conferring jurisdiction upon courts and judicial officers
3 generally, violations of this law shall be deemed misdemeanors and for such purpose
4 only, all provisions of law relating to misdemeanors shall apply to such violations. Each
5 week's continued violation shall constitute a separate additional violation. The Town
6 Board may maintain an action or proceeding in the name of the Town in a court of
7 competent jurisdiction to compel compliance with or restrain by injunction the violation of
8 this law.
9

10
11 **Section 1170. Board of Appeals**

- 12
13 1. **Creation, Appointment, and Organization:** A Board of Appeals is hereby created.
14 Said Board shall consist of three members. The Town Board shall appoint the members
15 of the Board of Appeals on a staggered term basis in conformance with NYS Town Law,
16 and appoint a Chairperson. The Board of Appeals shall prescribe rules for the conduct
17 of its affairs.
18
19 2. **Powers and Duties:** The Board of Appeals shall have all the power and duties
20 prescribed by Section 267 of the NYS Town Law and any subsequent similar provisions
21 of law.
22
23 3. **Procedure:** The Board of Appeals shall act in strict accordance with the procedure
24 specified by law. All appeals and applications made to the Board shall be in writing and
25 on a form prescribed by the Town. Every appeal or application shall refer to the specific
26 provisions of the law being appealed and shall exactly set forth the interpretation that is
27 claimed, the use for which the permit is sought, or the details of the appeal that is
28 applied for and the grounds on which it is claimed that the appeal should be granted, as
29 the case may be. A hearing shall be held for all variance actions in conformance with
30 the requirements of NYS Town Law. Every decision of the Board of Appeals shall
31 contain a full description of reasons for granting or denying the permit or relief
32 requested. The reasons for the action shall be set forth in the minutes of the Board of
33 Appeals meeting at which the action was taken. A tally of each member's vote shall be
34 recorded. All meetings and hearings of the Board shall be public and records thereof
35 shall be filed with the Town Clerk.
36
37

38 **ARTICLE 12. MISCELLANEOUS PROVISIONS**

39
40 **Section 1210. Amendments**

41
42 The Town Board may amend the provisions of this law pursuant to NYS Town Law Section 265
43 and NYS Municipal Home Rule Law Article 3 after public notice, public hearing, compliance with
44 the State Environmental Quality Review Act regulations (6 NYCRR Part 617), and following appro-
45 priate referral to the Jefferson County Planning Board pursuant to NYS General Municipal Law
46 Section 239-m.
47
48
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50

1 **Section 1220. Interpretation**

2
3 Interpretation and application of the provisions of this law shall be held to be minimal requirements,
4 adopted for the promotion of the public health, safety, or the general welfare. Whenever the
5 requirements of this law differ from the requirements of any other lawfully adopted rules, regu-
6 lations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.
7

8 **Section 1230. Separability**

9
10 Should any article, section, subsection, sentence or clause of this law be decided by the courts to
11 be unconstitutional or invalid, such decision shall not affect the validity of the law as a whole or any
12 part thereof other than the part so decided to be unconstitutional or invalid.
13

14 **Section 1240. Effective Date**

15
16 The provisions of this law shall take effect upon filing with the Secretary of State.
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1 **ARTICLE 13. DEFINITIONS**

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3 **Access:** An entranceway for vehicles to leave or enter a property or lot from a public road or
4 private road.
5

6 **Accessory Structure:** A subordinate structure located on the same lot with the main structure,
7 occupied by or devoted to an accessory use. Where an accessory structure is attached to the
8 main structure in a substantial manner, as by a wall or roof, such structure shall be considered
9 part of the main structure. This shall include but not be limited to garages, storage sheds, or
10 similar structures.
11

12 **Accessory Use:** A use incidental and subordinate to the principal use and located on the same
13 lot with such principal use.
14

15 **Agricultural Use:** A use which is directly related to the raising of livestock, or the growing of
16 crops for the sale of agricultural produce, including farm structures, storage of agricultural
17 equipment, horticultural and fruit operations, riding and boarding stables, and the like, or other
18 commonly accepted agricultural operations, and as an accessory use the sale of agricultural or
19 forest products raised on the property.
20

21 **Agricultural Processing Facility:** A facility for the bulk processing of agriculture products,
22 such as a cheese factory, animal bedding, meat processing, and slaughterhouses.
23

24 **Agricultural Structure:** Barns, silos, storage buildings, equipment sheds, and other structures
25 customarily used for agricultural purposes.
26

27 **Alteration:** Any change, rearrangement, extension or increase in area or height to a building or
28 structure, other than repairs; any modification in construction, or in building equipment.
29

30 **Antenna:** A system of electrical conductors that transmit or receive radio frequency waves. Such
31 waves shall include but not be limited to radio navigation, radio, television, and microwave
32 communications. The frequency of these waves generally range from 10 hertz to 300,000
33 megahertz.
34

35 **Bed and Breakfast:** A building designed to provide overnight accommodations, with or without
36 meals, for transient guests for profit, but only where the use is secondary to the continuous
37 occupancy of the dwelling by a family, and provided that no more than five rooms are for hire.
38 Each room shall have an interior entrance into the house.

39 **Buffer Area:** An undeveloped part of a lot or an entire lot specifically intended to separate and
40 thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent
41 properties.
42

43 **Building:** Shelter having a roof supported by columns or walls and intended for the shelter or
44 enclosure of persons, animals, or property.
45

46 **Building, Principal:** The building on a lot that houses the primary use on a parcel of land.
47

48 **Campground:** Land on which are located three or more cabins, travel trailers, tents, campsites,
49 shelters, or other accommodations suitable for seasonal or temporary living purposes.

1 **Commercial Establishment:** This shall include but not be limited to the following; all wholesale
2 and retail sales and services, and also including sales and service for new and used
3 automobiles, trucks, mobile homes, boats, recreational vehicles, farm machinery, and other
4 large items; businesses, providers of overnight accommodations; institutional residences, care
5 or confinement facilities; tree nurseries, storage and parking facilities, laundry mats, restaurants,
6 wholesale and retail gasoline outlets, animal hospitals, airports, essential facilities, motor vehicle
7 repair/paint shops, personal and professional services, professional offices, warehouses, etc.
8

9 **Day Care Center, Child:** Any use defined as a *Child Day Care Center* in Section 390 of Social
10 Services Law.
11

12 **Development Permit:** A permit issued under this law allowing the alteration, or construction of
13 a use after approval.
14

15 **Driveway:** The established or traveled way leading to a particular building from the margin of a
16 public or private road.
17

18 **Dwelling:** A building or part thereof used as family living quarters. The terms "dwelling", "one-
19 family dwelling", "two-family dwelling", or "multiple-family dwelling" shall not include a motel,
20 hotel, boarding house, or bed and breakfast.
21

22 **Dwelling Unit:** A complete self-contained residential unit, with living, sleeping, cooking and
23 sanitary facilities within the unit, for use by one family.
24

25 **Dwelling, Multi-family:** A building containing three dwelling units or more.
26

27 **Dwelling, Single-family:** Building designed for or occupied exclusively by one family.
28

29 **Dwelling, Two-family:** Building designed for, or occupied by, two families living independently
30 of each other.
31

32 **Educational Facility:** Includes parochial, private, public and nursery schools exclusive of day
33 care facilities, college, university, and accessory uses; and shall exclude commercially operated
34 school of beauty culture, business, dancing, driving, music, and similar establishments.
35

36 **Enforcement Officer:** An individual designated by resolution of the Town Board to assume,
37 undertake, and exercise the duties and responsibilities as provided for this office in this law.
38

39 **Essential Facilities:** The operation or maintenance by municipal agencies or public/private
40 utilities of telephone dial equipment centers; electrical or gas substations; water treatment, Fire
41 Departments/EMS, storage and transmission facilities and lines; pumping stations; power
42 generation facilities; and similar facilities, operated or maintained by municipal agencies or
43 public/private utilities.
44

45 **Fuel Distribution Operation:** Any building, land area, or other premises, or portion thereof,
46 used for the retail dispensing or sales of vehicular fuels, where 300 gallons or more of fuel are
47 stored at any one time on the premises.
48
49

1 **Gravel Pit:** A lot or land or part thereof used for the purpose of extracting stone, sand, gravel,
2 or topsoil for sale, as an industrial or commercial operation, from which more than 1,000 tons or
3 750 cubic yards, whichever is less, of material are removed from the earth during twelve
4 successive calendar months.

5
6 **Home-Based Business:** A nonresidential activity conducted for financial gain within a dwelling
7 unit or in a building or structure accessory to a dwelling unit; and is clearly incidental and
8 secondary to the use of the dwelling unit for residential purposes; and meets one or more of the
9 following criteria:

- 10 1. One or more nonresidents are employed;
- 11 2. Total floor area devoted to the business exceeds 400 square feet;
- 12 3. The business is open to motor vehicle or pedestrian customer or client traffic;
- 13 4. Two or more customers, clients or delivery people are present on the site at one
14 time.

15
16 **Junk:** As defined in Local Law #1 of 2008, Junk Law.

17
18 **Junkyard:** Any area, land, parcel, building, or structure, or part thereof, used for the storage,
19 collection, processing, purchase, sale, salvage, or disposal of junk.

20
21 **Lot:** A designated parcel or tract of land established by plat, subdivision, or as otherwise
22 permitted by law, to be used, developed or built upon as a unit.

23
24 **Lot Area:** The total horizontal area included within the lot lines of a lot. No part of the area
25 within a public right-of-way shall be included in the computation of lot area.

26
27 **Lot Frontage:** The length of the front lot line measured at the road.

28
29 **Lot Line, Rear:** The lot line opposite and most distant from the front lot line.

30
31 **Lot Line, Side:** Any lot line other than a front or rear lot line.

32
33 **Manufacturing:** A commercial activity characterized by the transformation of substances into
34 new products (including the assembly of component parts of manufactured products) such as
35 are normally associated with plants, factories, and mills utilizing power-driven machinery and
36 material handling equipment.

37
38 **Mobile Home:** Manufactured housing designed with a chassis, and constructed to be towed,
39 driven, or otherwise transported whole or in part to a site, and which is designed to permit
40 occupancy for dwelling or sleeping purposes. A mobile home shall be construed to remain a
41 mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or
42 other accessories of mobility are removed and regardless of the nature of the foundation
43 provided. The term mobile home shall not include modular homes or recreational camping
44 vehicles.

45
46 **Mobile Home Park:** A lot consisting of five or more mobile homes and buildings or other
47 structures that may be pertinent to their use, any part of which may be occupied by persons for
48 residential purposes other than recreation, traveling, or vacationing, and who are provided
49 services or facilities necessary for their use of the property.

1 **Person:** Any individual, group of individuals, partnership, firm, corporation, association, or other
2 legal entity.

3
4 **Planning Board:** The Town of Lorraine Planning Board.

5
6 **Plot Plan:** Sketch of a proposed development layout. Can be hand written or created with
7 digital software.

8
9 **Public and Semi-Public Facility:** Any one or more of the following uses, including grounds
10 and accessory buildings necessary for their use: public parks, playgrounds, and recreational
11 areas; public libraries; fire, ambulance, and public safety buildings; and public meeting halls and
12 community centers.

13
14 **Recreation, Active:** Any form of recreation requiring significant levels of organization, buildings
15 or large numbers of persons. (NOTE: small groups of persons using snowmobiles or trail bikes
16 are considered forms of passive recreation; however, a snowmobile race or a motor-cross race,
17 for example, are considered active forms of recreation.)

18
19 **Recreational Camping Vehicle:** Any enclosed motor vehicle or trailer used or designed to be
20 used for recreational travel and temporary living and/or sleeping purposes including motor
21 homes, truck campers, camping trailers, campers, travel trailers, pop-up trailers, tent trailers,
22 and over-night trailers.

23
24 **Religious Facility:** Includes church, temple, parish house, convent, seminary, and retreat
25 house.

26
27 **Road, Private:** A deeded, established or proposed route, other than a public road, which
28 affords vehicular access to multiple lots.

29
30 **Road, Public:** An established route for vehicular traffic which, under applicable law, constitutes
31 a Town, County, state, or federal highway.

32
33 **Road Right-of-Way:** The extreme margins of potential development of a road, as determined
34 by deed, dedication, or other public record. In the absence of a definitive public record, a road's
35 margins shall be deemed to be 25 feet from its centerline.

36
37 **Setback:** The distance between a lot line, road line or the mean high water line of a body of
38 water and a particular development feature of a lot such as a building, structure, on-site sewage
39 system component, or parking area.

40
41 **Sign:** A name, identification, description, display, or illustration, or any other visual display,
42 which is affixed to, or painted, or represented directly or indirectly upon a building, structure, or
43 piece of land, which directs attention to an object, product, place, activity, person, institution,
44 organization, industry, or business.

45
46 **Site Plan:** Maps, drawings, supportive data describing the project proposal or development
47 plan on which are shown the existing or proposed conditions of the lot.

48
49 **Special Areas:** Those areas defined on the NYS Tug Hill Commission Special Areas map
50 approved by the Town of Lorraine Board.

1 **Structure:** Anything constructed or built; or building of any kind, which requires location on the
2 ground, or is attached to something having a location on the ground, including but without
3 limitation, swimming pools, covered patios, towers, poles, sheds, signs, tanks, etc. excepting
4 outdoor areas, such as paved areas and walkways.
5

6 **Telecommunications Tower:** A structure on which transmitting and/or receiving antenna(e) are
7 located.
8

9 **Use, Principal:** The specific purpose for which land or a building is designed, arranged, or
10 intended, or for which it is principally utilized.
11

12 **Use, Temporary:** An activity conducted for a specified limited period of time. Examples of
13 such uses are buildings incidental to new construction which are removed after the completion
14 of the construction work.
15

16 **Vehicle and Engine Service and Repair:** A building, or portion of a building, arranged,
17 intended, or designed to be used for making repairs to motor vehicles, engines or equipment.
18

19 **Wetland:** An area that is inundated or saturated by surface water or groundwater at a
20 frequency and duration sufficient to support, and that under normal circumstances does support,
21 a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly
22 known as hydrophytic vegetation.
23

24 **Wholesale Business:** A commercial facility characterized by the sale of merchandise to retail,
25 manufacturing, institutional, or other wholesale establishment in bulk, including on-premise
26 storage and distribution facilities.
27

28 **Wind Power Generating Facilities:** Wind generating facilities which generate original power
29 with the intention to transfer to a transmission system for distribution to customers.
30

31 **Wood Processing:** A facility for the bulk processing of primary wood products, such as a
32 sawmill.