

**Village of Turin  
Rural Development Code**

**Adopted 2002**

## **Part 1. Land Use Regulations**

### **Article A. Title**

This section of the code shall be called "The Village of Turin Land Use Regulations."

### **Article B. Purpose**

The objectives of the Land Use Section are to:

1. Provide for the controlled growth of residential and commercial use of land consistent with the economic and social needs of the community without interfering with existing land use.
2. Preserve the Village's natural resources.
3. Promote the health, safety and general welfare of the community consistent with the objectives of Article 7 of the Village Law.
4. Be aware of and consistent with the goals and policies common to adjacent communities.
5. To make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.

### **Article C. Principal Uses**

Permits for the following uses shall be issued by the Enforcement Officer when the applicant has satisfactorily met the requirements in this code:

1. One and two family dwelling (BP)
2. Individual mobile homes (BP)
3. Agricultural structures (BP)
4. Home occupations (UP)
5. Accessory structures for one and two family dwellings or individual mobile homes (BP or UP)

(BP) requires a building permit; (UP) requires a use permit.

### **Article D. Conditional Uses**

All land use activities on the following list, other than junkyards, are conditional uses and shall require site plan approval by the Planning Board before a permit may be issued by the Enforcement Officer.

1. Any use involving the alteration of three or more acres of land excluding customary agricultural uses such as pasturing and crop raising.
2. Travel trailer parks and campgrounds.
3. Mobile home parks.
4. All nonresidential structures and uses, except agricultural structures and uses.
5. Multiple family dwellings (three or more dwelling units) including homes for the aged.
6. Subdivision of land into five or more lots, or any resubdivision of land.
7. Any "Type I" action as defined under Article 8 of the Environmental Conservation Law, "State Environmental Quality Review Act," Part 617 of Title 6.
8. Any use located within a designated floodplain.
9. Any use located within a distance of 100 feet from the average high water mark of any stream, lake, pond, or swamp.
10. Any proposed use wholly or partially within Wellhead Protection Overlay Districts, except for the development of one and two family dwellings, individual mobile homes, or customary agricultural uses such as pasturing and crop raising.
11. Any alteration, reconstruction, or structural change of a nonconforming use or activity within Wellhead Protection Overlay Districts, except for residential structures and uses.

## Article E. Conditional Use Requirements

1. **General:** All conditional uses will be reviewed by the Planning Board using the following requirements, the Turin Land Use Plan, Section 7-725 of the Village Law, and all other considerations necessary to promote the general welfare of the community, and shall be accepted or denied with recommendations. Development must:
  - a. Be consistent with the goals of the community as stated in the Turin Land Use Plan.
  - b. Be compatible with existing natural resources such that the activity does not substantially alter their value or quality.
  - c. Not interfere with existing nearby uses.
  - d. Be designed according to all applicable sections of this code.
  
2. **Specific Review Requirements:**
  - a. **Distance Between Principal Buildings:**
    - (1) The minimum distance between buildings on one lot in all cases shall be equal to the height of the taller building at the point of closest proximity.
    - (2) In no case shall any point on any building be less than ten feet from any point on any other building.
  - b. **Lot Coverage:** Maximum lot coverage for all development shall not exceed 50% of the gross land area.
  
3. **The following standards apply to conditional uses as indicated:**
  - a. **Automobile Service Station:**
    - (1) Minimum lot frontage: 250 feet.
    - (2) Minimum lot area: one acre.
    - (3) Minimum distance between pump islands and any public right-of-way: 20 feet.
    - (4) No exterior storage of dismantled or inoperative vehicles, vehicle parts or salvage materials shall be allowed.
  - b. **Mobile Home Parks:** Shall follow the same requirements established for major subdivisions in Part 2 of this code.
  - c. **Campgrounds and Travel Trailer Parks:** A permit for a campground or travel trailer park may be granted for five year periods and may be renewed at the end of that time. They must meet Part 7 of the New York State Sanitary Code, and meet the following standards:
    - (1) All sanitary and water facilities must be approved by the enforcement officer.
    - (2) Garbage disposal must be carried out on a regular basis, such that it does not constitute a nuisance or health hazard.
  - d. **Parking for Public and Commercial Facilities:** This section is designed to reduce problems caused by inadequate or poorly designed parking facilities. All uses shall provide adequate off-road parking for all vehicles parked during typical peak use periods. Parking should be designed to eliminate the need to back out onto the public road. A list of specific minimum standards supplementary to the basic standard cited above is included as follows:
    - (1) One parking space for every three seats in a public meeting place.
    - (2) One parking space for every employee at places of employment.
    - (3) One parking space per 250 square feet in a commercial establishment.
  - e. **Gravel Pits:** No person shall mine more than 1,000 tons of material from the earth within one calendar year without applying for a permit from the Department of Environmental Conservation, as required by Title 27 of Article 23 of the Environmental Conservation Law.
    - (1) Access drives within 200 feet of the public road shall be treated to prevent dust.
    - (2) Restored slopes shall have a ratio of 2:1 seeded on completion.
    - (3) Drainage facilities shall minimize erosion and stagnant ponds.

- f. **Uses Within Wellhead Protection Districts:** A use within the Wellhead Protection Overlay Districts shall be approved by the planning board only after meeting the following criteria:
- (1) The proposed use affords adequate protection to prevent contamination and depletion of the groundwater resources that provides drinking water for municipal wells operated by the Village of Turin. In making such determination, the planning board shall give consideration to the simplicity, reliability, and feasibility of any control measures proposed and the degree of threat to water quality and quantity that would result if the control measures failed.
  - (2) The planning board may require changes or additions to the site plan as a condition of approval to safeguard groundwater resources. No permit shall be issued unless and until such conditions have been fully met or performed. All improvements to the site shall be completed in strict conformance with the site plan as approved

## Article F. General Regulations

### 1. **Geometric Controls:**

- a. Minimum lot area for a dwelling unit or mobile home shall be 20,000 square feet. If community water supply system is used, the minimum lot area shall be 10,000 square feet.
- b. Minimum lot frontage shall be 100 feet except along streams where special conditions may require exceptions.
- c. In order to promote fire and traffic safety, setback for all buildings shall be the following distances:
  - (1) From the center line of any public road: 50 feet.
  - (2) From side and rear lot lines: 15 feet.

### 2. **Signs:**

- a. No signs shall consist of lights which flash or move.
- b. No sign shall be higher than the principal building to which it is accessory except when erected on the roof of the building.
- c. Advertising signs unrelated to the premises or not serving as a directional sign within five miles of the premises are not permitted.
- d. All existing signs at the time this regulation is adopted shall be allowed to remain as long as they are properly maintained and their use remains current.
- e. No sign shall project into public right-of-way.
- f. One on-site sign is permitted, not to exceed 32 square feet per side, to be illuminated during regular business hours only.
- g. Off-site directional signs are permitted, located within five miles of the use to which directions are indicated, not to be illuminated between 12 midnight and 6 a.m. and not to 32 square feet per side.

### 3. **Home occupations:**

- a. Shall not cause noise or other disturbance which is a nuisance to neighboring properties.
- b. Shall not detract from the property's primary use as a dwelling.

### 4. **Basic Performance Standards:** No use shall cause unreasonable nuisance adversely affecting adjacent property. This means objectionable noise, smoke, dust, air or water pollution, or any other nuisance must be restrained within property lines.

### 5. **Height of Structures:** A proposed structure in any district shall not exceed 40 feet in height unless such a structure is for agricultural purposes, e.g., a silo.

6. **Solid Waste Disposal:** No junk, garbage or refuse is permitted to be stored unenclosed in any district except where specifically authorized by this code. Solid waste shall either be disposed of on site by burial or be transported to a solid waste facility. In no case shall large amounts of refuse be incinerated without consulting local officials.
7. **Individual Mobile Homes:**
  - a. Shall be mounted upon an adequate foundation.
  - b. Shall be provided with a fire resistant skirt or covering.
  - c. Shall be provided with anchors and tie downs such as cast-in-place concrete "dead men," eyelets embedded in concrete, foundations or runways, screw augers or other devices securing the stability of the mobile home. Such anchors and tie downs shall be placed at least at each corner of the foundation and shall have adequate strength for the structure.
  - d. Shall be subject to all applicable portions of this code pertaining to single-family dwellings.
8. **Individual Travel Trailers:** Individual travel trailers shall not be occupied on an overnight basis, except in a travel trailer park which has been approved under Article F of this code, or on private land with the consent of the owner for a period not to exceed 14 consecutive days provided all health standards are met. This shall not be interpreted to prevent parking a travel trailer on an owner's lot unoccupied for storage purposes only. Individual travel trailers intended to be used as a dwelling unit shall meet all the applicable portions of this code pertaining to single-family dwellings.
9. **Storage and Handling of Hazardous Materials:** No use for any period of time shall discharge across the boundaries of the lot wherein it is located, toxic or noxious matters in such concentration as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property of others. No person shall engage in storage, transportation, treatment or disposal, including storage at the point of generation, of hazardous wastes without obtaining a permit from the Department of Environmental Conservation and complying with the requirements of Article 27, Title 9 of the Environmental Conservation Law.
10. **Wetlands:** Areas shown on DEC maps as official freshwater wetland shall be regulated according to the provisions contained in Article 24 of the N.Y.S. Environmental Conservation Law including subsequent amendments, which is adopted herein by reference.
11. **Flood Hazard Areas:** These areas are shown on the Flood Hazard Boundary Map or Flood Insurance Rate Map for the Village of Turin published by the Federal Emergency Management Agency. All activity in such areas shall conform to regulations of the National Flood Insurance Program published in Part 60 of Chapter I of Title 44 of the Code of Federal Regulations, which is adopted herein by reference.
12. **Junkyards:** All junkyards shall comply with the provisions of the County of Lewis Junkyard Law, otherwise known as Lewis County Local law No. 5 of 1987, as amended. Nothing contained in this law shall be construed so as to preempt the enforcement of the County of Lewis Junkyard Law by the County of Lewis in the Village of Turin.
13. **Sewage Disposal:** On-site sewage disposal systems shall comply with the specifications and standards set forth in Title 10 NYCRR Part 75, Appendix 75-A, entitled "Wastewater Treatment Standards -- Individual Household Systems." Alternative on-site systems may be permitted upon approval of the New York State Health Department, or, if applicable, the Department of Environmental Conservation.

14. **Prohibited Uses and Activities in Wellhead Protection Overlay District 1:** The following uses and activities are specifically prohibited in the Wellhead Protection Overlay District 1 in order to safeguard groundwater resources:
- a. Establishment of any solid waste management facility or hazardous waste treatment, storage, or disposal facility, including but not limited to: solid waste storage area or facility; transfer station; rail-haul or barge-haul facility; raw waste landfill; sanitary landfill; solid waste landfill; ash landfill; construction and demolition debris landfill; disposal facility; solid waste incinerator; refuse-derived fuel processing facility; pyrolysis facility; construction and debris processing facility; land application facility; composting facility; surface impoundment; used oil storage, reprocessing, and rerefining facility; recyclables handling and recovery facility; waste tire storage facility; junkyard; salvage yard; impoundment yard; dump; radiological waste facility; pathological or medical waste facility; or hazardous waste treatment, storage, or disposal facility.
  - b. Establishment of the following uses: airport; appliance/small engine repair shop; asphalt/concrete/coal tar plant; auto repair and body shop; boat service, repair, and washing establishment; cemetery; chemical/biological laboratory; chemical processing/manufacturing plant; car wash; cleaning service (dry cleaning, laundromat, commercial laundry); concentrated animal feeding operation with more than 300 animal units; electric/electronic/communications equipment manufacturer; fuel oil distributor; furniture manufacturer/stripper/painter; gasoline station; golf course; jewelry and/or metal plater; lawn care business; machine shop; metal manufacturer/fabricator/finisher; oil and gas drilling and production; pesticide store; pest control business; petroleum product refiner and/or manufactures; photo processor and/or printer; road and maintenance depot; trucking or bus terminal; or wood preserving/treating establishments.
  - c. Surface land application of septage, sewage, sludge, human excreta, or wastewater.
  - d. Disposal of solid waste, petroleum, radioactive material, hazardous substance, or hazardous waste into or onto land or a surface water body.
  - e. Use of the following types of wells to inject non-hazardous fluids to the subsurface: air conditioning return flow wells; cooling water return flow wells used to inject water previously used for cooling; drainage wells used to drain surface fluids, primarily storm runoff, into the subsurface; dry wells used for the injection of wastewater to subsurface formations; injection wells associated with the recovery of geothermal energy for heating, aquaculture and production of electric power; injection wells used in experimental technologies; motor vehicle waste disposal wells that receive or have received fluids from vehicular repair or maintenance activities, or any facility that does any vehicular repair work. Discharge from the washing of fertilizer/pesticide application equipment into any surface water body.
  - f. Use of water directly from a surface water body for fertilizer/pesticide makeup.
  - g. Disposal of snow containing deicing salts/chemicals removed from streets, roads, and parking areas that has been transported from areas outside of the Wellhead Protection Overlay District.
  - h. Construction of commercial pipelines or piping systems that carry petroleum or liquid hazardous substances/waste.
  - i. Construction of on-site wastewater treatment systems designed for or capable of surface or subsurface discharges of 1000 gallons per day or more.
  - j. Outdoor uncovered stockpiling or bulk storage of unlicensed vehicles, salvage metals, coal, deicing compounds, manure, pesticides, or fertilizers.
  - k. Underground storage of petroleum products, hazardous substances, hazardous waste, pesticides, or fertilizers.

- l. Aboveground storage of petroleum except for replacement of existing facilities or for on-site consumption.
  - m. Outdoor, aboveground storage of hazardous substances or hazardous waste.
  - n. New mining or commercial extraction of soils, sands and gravels that is not subject to the New York State Mineral Resources Law except for the purpose of on-site construction.
  - o. Commercial use, storage, or application of pesticides unless authorized by the New York State Department of Environmental Conservation.
14. **Prohibited Uses and Activities in Wellhead Protection Overlay District 2:** The following uses and activities are specifically prohibited in the Wellhead Protection Overlay District 2 in order to safeguard groundwater resources:
- a. Establishment and/or operation of any solid waste management facility or hazardous waste treatment, storage, or disposal facility, including but not limited to: solid waste storage area or facility; transfer station; rail-haul or barge-haul facility; raw waste landfill; sanitary landfill; solid waste landfill; ash landfill; construction and demolition debris landfill; disposal facility; solid waste incinerator; refuse-derived fuel processing facility; pyrolysis facility; construction and debris processing facility; land application facility (including septage sludge spreading); commercial composting facility; surface impoundment; used oil storage, reprocessing, and re-refining facility; recyclables handling and recovery facility; waste tire storage facility; junkyard; salvage yard; impoundment yard; dump; radiological waste facility; pathological or medical waste facility; or hazardous waste treatment, storage, or disposal facility.
  - b. Construction and operation of a disposal system, point source, or outlet designed to discharge industrial wastes and other wastes except sewage into the land, a watercourse, or a wetland without all required state and federal permits.
  - c. Construction of new sewage treatment systems (including individual household septic systems) within 100 feet of the mean high water mark of a watercourse or wetland unless it precludes the continuation of an existing business or residence.
  - d. Construction of new petroleum or hazardous substance storage tanks requiring state registration within 100 feet of the mean high water mark of a watercourse or wetland unless it precludes the continuation of an existing business or residence.
  - e. Construction of municipal/industrial sewage treatment facilities with disposal of primary or secondary effluent.
  - f. Dumping of snow removed from streets, roads, and parking areas within 100 feet of any watercourse or wetland.
  - g. Outdoor, uncovered stockpiling or bulk storage of unlicensed vehicles, salvage metals, coal, deicing compounds, chemicals, pesticides, and/or fertilizers.
  - h. Extraction or removal of materials from the ground which is not subject to the New York State Mineral Resources Law, except for the purpose of on-site construction.
  - i. Storage for use of hazardous substances or wastes without all required state or federal permits.
  - j. Commercial use, storage, or application of pesticides unless authorization by the New York State Department of Environmental Conservation.
16. **Line of Sight for Traffic Safety:** No accessory structure, fence, wall, or hedge shall be erected in such a manner as to confuse or obstruct the views of any traffic sign, signal, or device, or obstruct the visibility of vehicles entering or exiting highways. On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two feet and ten feet above the road centerline grades of two intersecting roads, in the area bounded by the road lines of such corner lot and a line joining points along said road lines 20 feet from the point of the intersection.

## **Article G. Conditional Use Review Procedure**

1. **Purpose:** Through conditional use review, it is the intent of this article to promote the health, safety, and general welfare of the village. A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the village, and in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the village and the general welfare of its inhabitants. It is intended for the planning board to attach reasonable safeguards and conditions to those uses which might otherwise produce deleterious effects on the environment, the rural and scenic character of the village or the village residents' health, safety and welfare. Furthermore, it is the purpose of conditional use review to authorize the planning board to disapprove a plan for any use, the deleterious effects of which cannot be mitigated because of the particular conditions on the site it is to occupy.
2. **Applicability:** In addition to the general regulations of this law, site plan review uses shall also be controlled by the regulations in this article. No zoning permit or certificate of compliance shall be issued for any use or structure requiring site plan review use until approval has been granted by the planning board.
3. **Waiver of Requirements:** The planning board is empowered to waive, when reasonable, any requirements for the approval, approval with modifications or disapproval of site plans submitted for approval. Any such waiver may be exercised in the event any such requirements are found not to be requisite in the interest of the public health, safety or general welfare and inappropriate to a particular site plan.
4. **Procedure:**
  - a. **Pre-Submission Conference:** The applicant is encouraged to request and attend a pre-submission conference with the planning board prior to formal submission of an application. This conference may be used to discuss rough conceptual drawings, the possible waiver of submission requirements, the review procedure and the criteria that the project must meet.
  - b. **Application for Site Plan Review:** Applications for site plan review shall be made on forms prescribed by the village. The following information shall be required of all applications, unless specifically waived by the planning board:
    - (1) Name and address of applicant and owner, if different, and of the person responsible for the preparation of such drawing;
    - (2) Date, north point, written and graphic scale;
    - (3) Boundaries of the area plotted to scale, including distances, bearings, and areas;
    - (4) A complete outline of existing or proposed deed restrictions or covenants applying to the property;
    - (5) Location and ownership of all adjacent lands as shown on the latest tax records;
    - (6) A written description of all proposed uses on the site, including all activities, and including the number and distribution by type of all dwelling units;
    - (7) Location, name, and existing width and right-of-way of adjacent roads, including traffic circulation patterns;
    - (8) Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use adjoining the property;
    - (9) Location, size, design of the following: existing and proposed buildings, driveways, parking and loading areas, outdoor storage areas, sidewalks or pedestrian paths, drainage facilities, sewage facilities, water facilities, signs, outdoor lighting, landscaping or screening, buffer areas, snow storage areas; walls and fences, energy distribution facilities, fire lanes and other emergency zones;



- (10) Plans for controlling soil erosion and sedimentation during development;
  - (11) Plans for grading and drainage showing existing and proposed contours of five foot intervals;
  - (12) Significant or outstanding natural features of the property (e.g. wetlands, creeks, high-water lines, cliffs, dense vegetation, etc.);
  - (13) Designation of the amount of gross floor area and gross leasable area proposed for each nonresidential use;
  - (14) Project construction schedule and staging phases, if applicable;
  - (15) An Environmental Assessment Form (EAF) or draft Environmental Impact Statement (EIS), pursuant to 6 NYCRR Part 617, where required;
  - (16) An agricultural data statement, pursuant to Town Law Section 283-a, when applicable;
  - (17) A statement of the nature and extent of the interest of any state employee, or officer of employee of the town in the applicant pursuant to General Municipal Law Section 809, when applicable;
  - (18) Other elements integral to the proposed development as considered necessary by the planning board including identification of any federal, state, or county permits required for the project's execution;
  - (19) The application fee.
- c. **Additional Application Requirements for the Wellhead Protection Overlay District:** Applicants proposing a use in the Wellhead Protection Overlay District shall include the following information in addition to, and not instead of, any other required information:
- (1) Map(s), plan(s), and a narrative report that details the location of the premises and all features of the system necessary for the satisfactory conveyance, storage, distribution, use and disposal of stormwater, process wastes, wastewater, petroleum, hazardous substances and wastes, solid waste, and incidental wastes.
  - (2) A description of the means of water supply. For uses involving withdrawal of groundwater, an estimate of the total daily withdrawal rate.
  - (3) A complete list, including an estimate of the volume in pounds dry weight and liquid gallons, of all petroleum, chemicals, pesticides, fuels and other hazardous substances/wastes to be used, generated, and stored on the premises.
  - (4) A description of proposed measures to protect all storage containers or facilities associated with such materials from vandalism, accidental damage, corrosion and leakage.
  - (5) A description of the proposed measures for containing and cleaning up a spill of hazardous substances/waste and notifying the Village of Turin and other appropriate local and state officials of a spill, leak, or other discharge as required by law, including but not necessarily limited to, chemical and bulk storage guidelines by the New York State Department of Environmental Conservation (NYSDEC).
  - (6) A description of proposed storage facilities for hazardous wastes and provisions for the disposal of these wastes by licensed waste haulers.
  - (7) A description of proposed measures to control runoff and drainage from the site.
  - (8) A landscape plan that indicates predevelopment areas of undisturbed, natural vegetation and proposed post development areas of undisturbed, natural vegetation.
  - (9) A completed Full SEQRA Environmental Assessment Form.
- d. **Public Hearing:** Once a completed application has been formally accepted by the planning board at a public meeting of the board, the board shall have a maximum of 62 days to hold a public hearing on the application to entertain public comment, unless the hearing is waived. This time period may be extended upon the mutual consent of the planning board and the applicant. A waiver of the hearing shall not be allowed in any one of the following circumstances:

- (1) the use is over 2000 square feet of floor or ground area;
- (2) the use is over 35 feet in height;
- (3) the use requires an increase or change in public water supply facilities, sewerage facilities, drainage facilities, sidewalks, roads, curbs, gutters, or other public improvements;
- (4) the use is determined by the planning board to be of a publicly controversial nature;
- (5) the applicant has requested a public hearing.

At least five days advance public notice of the hearing shall be published in a newspaper in general circulation in the village. A notice of the hearing shall be mailed to the applicant at least 10 days before the hearing. The notice shall be mailed to any farm operations listed on the agriculture data statement.

- c. **County Planning Board Review:** At least 10 days before the hearing, or where the hearing has been waived, before final action, the planning board shall refer all matters that fall within those areas specified under General Municipal Law Section 239-1 and -m to the county planning board. This shall include any use that falls within 500 feet of the following: the boundary of the town or any village within the town; a state or county park or recreation area; a state or county highway or expressway; a state or county owned drainage channel; state or county land where a public building or institution is located; or a farm operation in an agricultural district. If the county planning board does not respond within 30 days from the time it received a full statement on the referral matter, then the planning board may act without such report.
- f. **State Environmental Quality Review:** The planning board shall be responsible for the completion of an environmental assessment form (EAF) for each application, and for compliance with 6 NYCRR Part 617 (State Environmental Quality Review Act regulations) in cooperation with other involved agencies in the review of any application.
- g. **Final Decision:** The final decision by the planning board must be made within 62 days following the close of the public hearing, or where the public hearing has been waived, within 62 days of the official submission date. The decision shall be in writing, specifying any conditions that may be attached to an approval, the reasons that the planning board approved, approved with modifications or disapproved the proposal, and the motions/vote of the planning board. This time period may also be extended upon the mutual consent of the planning board and the applicant. All decisions shall be filed in the office of the village clerk within five business days of final action, and a copy mailed to the applicant. Within 30 days of final action on any matter referred to the county planning board, the planning board shall file a report of the final action with the county planning board.
- h. **Conditions:** In its approval, the planning board shall have the authority to impose such reasonable conditions and restrictions on the issuance of a zoning permit for the application as are directly related to and incidental to a proposed site plan.
- i. **Area Variance:** Notwithstanding any provisions of law to the contrary, where a proposed site plan contains one or more features which do not comply with the zoning law, application may be made to the board of appeals for an area variance without the necessity for a decision or determination of the enforcement officer. At the discretion of the planning board, the board may make agreement with the applicant to temporarily stay the site plan review proceedings until final action by the board of appeals on the area variance.

#### **Article H. Nonconformities**

All existing lots, structures and uses which do not meet the requirements of this code may continue except as provided in this section.

1. **Lots:**
  - a. A nonconforming lot of record may be improved with structures or utilized for permitted uses or activities, provided the provisions of Article F. 13, Sewage Disposal, above, can be met.
  - b. Where two or more adjoining nonconforming lots exist in the same ownership, such lots shall be considered as combined to meet requirements contained herein.
2. **Structures:**

A nonconforming structure may not be structurally altered during its life to an extent greater than half its present size. In no case shall such expansion increase the nonconformity although lateral additions are permitted.
3. **Uses:**
  - a. Whenever a nonconforming use has been discontinued for a period of one year, such use shall be considered abandoned and shall not thereafter be reestablished. This provision may be waived where transfer of ownership is delayed by a proceeding in Surrogate's Court.
  - b. A nonconforming use may not be changed to create another nonconforming use unless reviewed and approved by the board of appeals.
4. **Nonconforming Structures Damaged or Destroyed:**

Any structure which is nonconforming as to use, setback, lot coverage, height or any other requirement of this law, which is damaged or destroyed by fire or other hazard, may be repaired, restored or reconstructed provided that such work is commenced within one year of the date on which the damage or destruction occurred. No such work shall increase the nonconformity of the structure.

## **Part 2. Subdivision Standards**

### **Article A. Declaration of Policy**

By authority of resolution of the Village Board of the Village of Turin, pursuant to the provisions of Article 7 of the Village Law of the State of New York, the Planning Board of the Village of Turin is authorized and empowered to approve plats showing lots, blocks or sites, with or without roads, to approve the development of entirely or partially undeveloped plats already filed in the office of the County Clerk and to approve preliminary plats, within the Village of Turin. It is declared to be the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the Village. Land to be subdivided shall be of such character that it can be used safely for drainage, water supply, sewerage and other needed improvements. Proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties. The proposed roads shall compose a convenient system conforming to the Turin Land Use Plan and shall be of such width, grade and location as to accommodate the prospective traffic and facilitate fire protection. Proper provision shall be made for open spaces and adequate recreation facilities.

### **Article B. Platting Procedures**

Whenever any major or minor subdivision of land is proposed, before any contract or any offer to sell lots in such subdivision is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider shall apply to the village clerk, in writing, for approval of such proposed subdivision in accordance with the following procedures.

1. **Pre-application Conference:** Any owner of land anticipating subdivision procedure is encouraged to attend meetings of the planning board before submitting an official application in order to discuss the intent and application of these guidelines with the planning board. An environmental assessment form (EAF) may be required at this time.
  
2. **Official Submission of Plats:** The time of submission of all plats shall be considered to be the date of the regular monthly meeting of the planning board, at which plat and application must be filed with the required fee and all data required by these regulations.
  
3. **Preliminary Plat:**
  - a. **Application and Fee:** Prior to the filing of an application for final approval of a subdivision plat, the subdivider shall file an application for consideration of a preliminary plat. This application shall be accompanied by a fee according to the fee schedule established by the village board.
  - b. **Number of Copies:** Five copies of the preliminary plat shall be presented to the secretary of the planning board at least ten days prior to the planning board's regular meeting date.
  - c. Subdivider shall attend the planning board meeting.
  - d. **Study of Preliminary Plat:** The planning board shall study the advisability of the preliminary plat using the Turin Land Use Plan and other information in guiding their recommendations. The planning board shall consider all aspects, economic, social, and environmental, and judge what the net effect of the proposal would be to the community.
  - e. **Official Acceptance Date:** The official acceptance date of the preliminary plat shall be the date on which a complete application was accepted by the planning board, including a draft environmental impact statement, where required.
  
4. **Documents to be Submitted for Minor Subdivision:**
  - a. A copy of all covenants or deed restrictions intended to cover all or part of the tract.
  - b. An actual field survey of the boundary lines of the tract giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tracts shall be marked by monuments approved by the planning board and shall be shown on the plat.
  - c. Statement from the developer certifying that the sanitation and water supply facilities on the site shall meet all state, county, town, and village requirements.
  - d. Proposed subdivision name, name of village, town, and county in which it is located.
  - e. The date, north point, map scale and name and address of record owner and subdivider.
  - f. The scale of the plat should be 1"=100', and show lot lines and dimensions.
  - g. A draft environmental impact statement where required.
  
5. **Documents to be Submitted for Major Subdivision:**
  - a. A plat at the scale of 1"=100' showing:
    - (1) Proposed subdivision name, name of village, town, and county in which it is located, date, true north point, scale name and address of record owner, subdivider, engineer or surveyor including license number and seal.
    - (2) The name of the owners of record of all adjacent property.
    - (3) All parcels of land proposed to be dedicated to public use and the conditions of such use.
    - (4) Location of existing property lines, easements, buildings, water courses, marshes, rock outcrops, wooded areas, stands of trees and other significant features for the proposed subdivision.
    - (5) Contours with intervals of two feet including elevations of existing roads; approximate grading plan for the site.

- (6) The width and location of any roads or public ways and the width, location, grades and road profiles of all road or public ways proposed by the developer.
  - (7) The approximate location and size of all proposed waterlines, hydrants and sewer lines, showing connection to existing lines.
  - (8) Drainage plan, including profiles of lines or ditches.
  - (9) The proposed lot lines with approximate dimensions and area of each lot.
  - (10) An actual field survey of the boundary lines of the tract, giving complete description by bearings and distances, made and certified by a licensed surveyor. The corners of the tract shall also be marked by monuments of such size and type as approved by the planning board, and as shown on the plat.
- b. Plans and cross-sections showing sidewalks, road lighting, road trees, curbs, water mains, sanitary sewers and storm drains, the character, width and depth of pavements and sub-base, the location of any underground cables.
  - c. Preliminary designs for any bridges or culverts.
  - d. A copy of all covenants or deed restrictions intended to cover all or part of the tract.
  - e. A draft environmental impact statement, if necessary.
6. **Action on Preliminary Plat:** Within 60 days after the official acceptance of the preliminary plat, the planning board shall take action to conditionally approve, with or without modification, or disapprove the preliminary plat. The grounds of disapproval shall be stated and modifications suggested by the board. If approved, the preliminary plat shall be so certified and a copy sent to the applicant. The time limits stated herein may be extended by mutual agreement between the applicant and the planning board. Approval of a preliminary plat shall not constitute approval of the subdivision. It shall serve as a guide in preparing the final plat.
7. **Final Plat:** The subdivider shall, within six months after approval of the preliminary plat, file with the planning board an application for approval of the final subdivision plat. This application shall be accompanied by a fee according to the fee schedule established by the village board.
8. **Documents to be Submitted:**
- a. The original plat, to be filed with the county clerk, printed in ink on appropriate material, plus three copies. The scale shall be 1"=100' unless otherwise agreed upon by both the planning board and subdivider. The plat shall show:
    - (1) Proposed subdivision name and the name of the village, town, and county in which the subdivision is located, the name and address of record owner and subdivider, name, address, license number and seal of the surveyor.
    - (2) Road lines, pedestrian ways, lots, easements and areas to be dedicated to public use.
    - (3) Sufficient data acceptable to the planning board to determine readily the location, bearing and length of every road line, lot line, boundary line and to reproduce such lines on the ground.
    - (4) The length and bearing of all straight lines, radii, length of curves and central angles of all curves, and tangent bearings shall be given for each road. All dimensions of the lines of each lot shall also be given. The plat shall show the boundaries of the property, locations, graphic scale, and true north point.
    - (5) Permanent reference monuments shall be shown and constructed in accordance with planning board specifications.
  - b. NY State Health Department approval of water supply and sewerage systems proposed or installed.
  - c. An approved environmental impact statement, if necessary.
  - d. Major subdivisions shall require two copies of construction drawings including plans, profiles and typical cross-sections, as required, showing the proposed location, size and type

of roads, sidewalks, road lighting standards, road trees, curbs, water mains, sanitary sewers or septic systems, storm drains or ditches, pavements, and sub-base and other facilities.

- e. Major subdivisions shall require one copy of all offers of cession, contract, covenants and agreements, bearing the certificate of approval of the town attorney as to their legal sufficiency shall be presented to the secretary of the planning board at least ten days prior to the regular monthly meeting of the planning board.
9. **Action on Final Plat:** Upon submission of the final plat, the planning board shall hold a public hearing which shall be advertised at least once in a newspaper of general circulation and a notice of the hearing posted in at least three prominent places at least five days before such hearing. The planning board shall approve, modify and approve, or disapprove the plat within 60 days of the official submission date of the final plat. If disapproved, the grounds must be stated and modification recommended by the board to the developer.
  10. **Filing of Approved Subdivision Plat:** Upon completion of Section 9 above and such notation on the plat itself, it shall have final approval and shall be signed by the chairman of the planning board and shall be filed with the county clerk. If not filed within 90 days of final approval, the plat shall become ineffective and void. The plat shall be void if revised after approval.
  11. **Public Roads, Parks, and Recreation Areas:** The approval of the planning board of a subdivision plat does not constitute acceptance by the village of any road, easement or other space shown on the plat. When a park, or other recreation area shall have been shown on a plat, the approval of the plat does not constitute acceptance of that area or the responsibility for its maintenance by the village board.

#### **Article C. General Development Standards**

1. In considering applications for subdivision of land, the planning board shall use the standards set forth here and in the other sections of this code as well as those recommendations in the Turin Land Use Plan.
2. **General:** Land to be subdivided shall be of such character that it can be used safely for development purposes without danger to health or peril from fire, flood, erosion, or other natural acts. All required improvements shall be constructed or installed to conform to the village specifications found in Article D of this part of which may be obtained from the planning board.
3. **Design Standards:**
  - a. **Road Layout:**
    - (1) Roads shall be of sufficient width, suitably located and adequately constructed to accommodate expected traffic loads and afford access for fire fighting, snow removal, school buses, and road maintenance equipment. The arrangement of roads and lots shall be in harmony with surrounding areas and roads.
    - (2) Local roads shall be laid out to discourage through traffic.
    - (3) The arrangement of roads shall provide for the continuation of principal roads of any adjoining subdivision, and provision for future projection of principal roads into adjoining areas shall be made. Subdivisions containing 20 or more lots shall have at least two road connections with existing collector roads or major roads at least one quarter mile apart.
    - (4) At least one 50 foot right-of-way shall be reserved within the minor subdivision road frontage to allow access to land behind the frontage lots.

- (5) Dead end roads will be allowed whenever such development will not interfere with normal traffic circulation in the area. A pedestrian and utility easement may be required for continuation to the next road. These standards shall apply to dead end roads.
  - (a) Drainage toward the entrance.
  - (b) Shall not service more than 12 residences nor be greater than 1,200 feet in length.
  - (c) Shall have a turn around at the end of the road which shall have a right-of-way radius of 75 feet and a pavement radius of 50 feet.
  - (d) Shall bear a "NO OUTLET" or "DEAD END" sign at the entrance.
- (6) The road plan of proposed subdivision shall bear a logical relationship to the terrain.
- (7) No intersection of more than two roads is allowed.
- (8) Reserve strips used to control access from the proposed subdivision to any neighboring property or to any land within the subdivision itself are prohibited.
- b. **Road Design:** shall be in accordance with Part 3 of this code.
- c. **Lots:**
  - (1) Lot sizes shall conform to Part 1 of this code. Lots shall be of sufficient size to accommodate buildings and sanitary systems.
  - (2) Lot lines shall generally not meet each other or any boundaries at less than 75 degree angle nor greater than 105 degree angle.
- d. **Flood Hazard Areas:**
  - (1) Any flood hazard area must be so marked on the preliminary plat.
  - (2) Land in such areas should not be used for building or other habitable structures, unless they are flood-proofed and/or equivalent storage capacity is provided.
- e. **Preservation of Natural Features:**
  - (1) Top soil moved during the course of construction shall be replaced so as to cover all areas of the subdivision and shall be stabilized by seeding and plantings.
  - (2) Whenever possible, existing trees and shrubbery shall be conserved by the subdivider. Care should be exercised in construction so damage to existing trees and shrubs is avoided.
  - (3) Streams, lakes, ponds, and wetlands within a subdivision should be left unaltered unless an alteration to such bodies of water would serve to enhance the utility and quality of the subdivision.
  - (4) Unique physical, historical and cultural sites shall be incorporated into the subdivision in their present state or improved by the design.
  - (5) All surfaces must be graded or restored within six months of the time of completion of the subdivision so that no unnatural mounds or depressions remain.
- f. **Landscape and Ground Cover:**
  - (1) All lot areas shall be seeded where possible.
  - (2) A comprehensive planting scheme shall be reviewed and shall be finally approved by the planning board. Shade trees, shrubs and ground cover are recommended for each lot.
- g. **Open Space:** Land shall be set aside in each major subdivision as public open space and shall generally constitute at least 10% of the total area. This area shall have suitable physical conditions and adequate road access necessary for recreational purposes.

#### **Article D. Required Improvements**

The developer shall either complete all improvements to the satisfaction of the planning board or post a performance bond or certified check sufficient to insure the satisfactory completion of the following required improvements, prior to the approval of the final subdivision plat.

1. The following improvements are required in all subdivisions.
  - a. **Roads:** All roads shall conform to standards approved by the town or county highway superintendent, who shall judge what requirements are appropriate for the level of use expected as a result of the proposed subdivision according to the standards set forth in Part 3 of this code.
  - b. **Sewage Disposal Systems:** All sewage disposal systems shall meet the standards set forth by Part 1 of this code and all applicable state requirements. If soils and other factors make septic tank and leach field systems insufficient, alternative methods shall be required, either on an individual or community level.
  - c. **Water Supply:** All lots shall be capable of being served with an adequate freshwater supply, (150 gal./day/bedroom) which shall meet all applicable village, state, and county requirements.
  
2. The following improvements shall be required in all major subdivisions, but specific provisions may be waived by the planning board in special cases.
  - a. **Road Lighting:** Road lighting may be required by the planning board if it is judged to be in the best interest of the community.
  - b. **Sidewalks and Footpaths:** Sidewalks may be required if the proposed subdivision generates enough pedestrian traffic to warrant their construction. If a subdivision is located near a public facility, a footpath may be required to provide safe and adequate access to that facility.
  - c. **Road Signs and Guard Rails:** Road signs shall be provided according to village board standards and shall indicate road names shown on the final plat. Guard rails or posts shall be placed along the shoulder of any road where road construction has resulted in an embankment greater than six feet.
  - d. **Drainage:** Adequate storm drainage systems shall be required in all subdivisions, along with all other necessary provisions to reduce runoff erosion damage as required in Part 3 of this code.
  - e. **Utilities and Utility Easements:** The planning board shall require that all underground utilities be placed in the road right-of-way between the property line and the road traffic surface whenever possible. The subdivider shall install underground service connections in the road to the property line of each lot within the subdivisions. Fire hydrants, fire ponds, and water towers may be required where appropriate. Easements for utility lines shall be graded and seeded.

### Part 3. Road Standards

Before any road can be accepted by the Village of Turin, it must meet the following design and construction standards and be approved by the highway superintendent.

#### Article A. Construction Specifications for All Roads

1. **Rough Grading:**
  - a. The contractor shall remove all rock, earth and other materials, according to the plans, for the full width of the right-of-way, and shall properly dispose of this material. Earth embankments shall be constructed to established lines and grades for the full width of the right-of-way at the locations shown on the plans. Embankment materials shall be (a) natural soil, free from excessive moisture, frost, stumps, trees, roots, sod, mulch, marl, vegetable



matter or other unsuitable materials; (b) obtained from approved pits; (c) well-graded, with a minimum silt content; (d) suitable for compaction in layers not exceeding eight (8) inches in thickness; and (e) remain stable when wet.

- b. **Preparation of Subgrade:** The contractor shall prepare the subgrade to receive the pavement and drainage ways in conformity with the plans. Before the base material is placed upon the subgrade, it shall be shaped to line and grade compacted and free from hollows, mounds and wet or soft spots.
  - c. **Materials to be Used:** The source and acceptability of all road bed material shall be subject to the approval of the village and county highway superintendents and according to usual village procedure. All cost for obtaining suitable material shall be borne by the contractor.
  - d. **Placing of Layers:** Embankment materials shall be placed in horizontal layers not greater than eight inches in thickness after compaction. Each layer shall be tamped or rolled in succession. Heavy equipment shall not be operated over pipelines or culverts until at least 36 inches of backfill has been placed and properly compacted over the crown of the pipe or over the top of the culvert.
2. **Sub-base, Base and Surface Courses:**
- a. The sub-base course shall consist of gravel with stones not to exceed five inches in diameter to a depth of six inches.
  - b. The base course shall be constructed of gravel with stones not to exceed one and one-half inches in diameter to a depth of six inches. If surface is to be sealed by bituminous pavement, the base course may be constructed of gravel with stones not to exceed three inches in diameter.
  - c. The surface course shall consist of one or more layers of bituminous pavement or a stabilized surface on the approved base courses.
3. **Drainage:**
- a. Drainage ditches shall be constructed in conjunction with the new road, as specified on the plat, in such a way that all surface waters neither inundate any private property nor affect any existing roads.
  - b. Grades of all road ditches shall be a minimum of three feet below the center of the surface. Ditches shall be designed to have a minimum water carrying capacity equal to the peak runoff rate from the five-year heavy rainfall for one day. Drainage culverts shall be adequately sized and located so as to maintain pre-construction surface drainage patterns.
4. **Exceptions:** In cases where the village board feels these standards are inappropriate, exceptions may be made if the interest of the community is served.

#### **Article B. Design Standards**

1. **General:** the following standards shall apply to new roads in subdivisions.
2. **Grade:** not greater than ten percent, nor greater than three percent within 50 feet of an intersection.
3. **Horizontal curves:** shall have a minimum radius of 150 feet measured from the center line.
4. **Right-of-way:** 50 feet minimum.
5. **Width of pavement:** 18 feet minimum.

6. **Shoulders:** adequate shoulders shall be provided, but not less than five feet.
7. **Line of sight:** vertical curves shall be such that at least a 275 foot line of sight exists measured at three feet above the surface of the roadway.
8. **Tangents:** shall be at least 100 feet between reverse curves.
9. **Intersections:** shall join at a 90 degree angle for a distance of at least 50 feet. Line of sight shall be provided to observe traffic on the intersecting road at least 50 feet in advance of the intersection.

#### **Article C. Driveways**

All private road and driveway intersections with all roads shall provide maximum safety under the given location circumstances. Items to be considered in the construction of the drive include grade, drainage, line of sight and proper marking.

### **Part 5. Administration**

#### **Article A. Permits**

1. No principal structure, or accessory structure having 100 square feet of ground coverage or more, shall be built or altered nor land use changed until an appropriate permit has been issued by the enforcement officer, who shall issue such permits in accordance with the regulations in this code. Permit applications shall be filed with the village clerk who shall refer them to the enforcement officer.
2. **Building Permits:** Two copies of a plot plan drawn to scale shall be submitted with all applications for building permits. It shall show: the dimensions of the lot; location of all buildings; locations, dimensions and capacities of sanitary and water facilities; percolation test results; access to and location of public highway; and a brief description of the proposed use. The enforcement officer shall first approve the plot plan, return one copy to the applicant if all requirements of this code are met, and issue a building permit.
3. **Final Site Approval:** After a site inspection is made confirming agreement with the plot plan, the enforcement officer shall then issue final approval of the permit, file one copy with the village clerk, and return one copy to the applicant within one week of the date of final approval.
4. Any use or construction for which a permit has been issued that has not commenced one year after the issuance shall require a new application.

#### **Article B. Fees**

Permit fees shall be established by village board resolution. The cost of any additional site inspections, tests, or professional consulting needed to comply with the regulations of this code shall be paid by the applicant. The need for such information shall be determined by the enforcement officer.

### **Article C. Enforcement Officer**

The enforcement officer shall be appointed by the village board and shall issue permits only in strict compliance with this code, and shall have no authority to vary the requirements unless so directed by the board of appeals. The enforcement officer shall be empowered to make site inspections as necessary to assure compliance with this code. It shall be the mutual responsibility of the permit applicant and the enforcement officer to arrange for inspection of premises prior to permit issuance.

### **Article D. Board of Appeals**

1. The board of appeals shall consist of a five member board as described in Village Law. The board shall elect officers and prescribe rules for conduct and appoint a recording secretary.
2. The powers of the board of appeals are as follows:
  - a. **Interpretation:** Upon appeal from a decision by the enforcement officer, to decide any question involving the interpretation of any provision of this code, including exact location of a district boundary and determination of the presence of any alleged nuisance adversely affecting adjacent properties.
  - b. **Variances:** to vary or adapt the specifications of any requirements of this code.
3. The board of appeals shall act in accordance with Section 7-712 of the Village Law, the procedures specified by this code and their own bylaws. All appeals and applications made to this board shall be in writing and shall refer to the section of the code involved, state the claimed interpretation, and give reasons why this interpretation would be in the best interest of the community. Applications for appeals shall be obtained from the enforcement officer or village clerk.

### **Article E. Violations**

1. A violation of this code is an offense punishable by a fine not to exceed 50 dollars . Each week of violation shall constitute an additional, separate offense.
2. Any person may file a signed complaint when a violation of this code is suspected. All complaints must be in writing and shall be filed with the village clerk who shall immediately notify the enforcement officer. If a violation is found to exist, the enforcement officer shall order the violation to cease. Where uncertainty exists, an interpretation from the board of appeals shall determine if a violation exists.

### **Article F. Interpretation**

The provisions of this code shall supersede local laws, ordinances, codes, or regulations to the extent that they are inconsistent with the provisions of this code. However, nothing herein shall prevent the adoption and enforcement of a law, ordinance, code or regulations which is stricter or establishes a higher standard than those provided in this code; such high provisions shall take precedence over these regulations.

### **Article G. Partial Invalidity**

If a term, part, provision, section or paragraph of this code shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not invalidate the remaining terms, parts, provisions, sections or paragraphs.

## **Article H. Amendments**

The village board may amend the provisions of this law pursuant to Village Law Section 7-708 and Municipal Home Rule Law Article 3 after public notice, public hearing, compliance with the State Environmental Quality Review Act regulations (6 NYCRR Part 617), and following appropriate referral to the county planning board pursuant to General Municipal Law Section 239-m.

## **Article I. Effective Date**

This Rural Development Code shall be effective upon filing with the Secretary of State.

## **Part 6. Definitions**

Except where specifically defined, all words used in this code shall carry customary meaning. Words used in the present tense include the future and the plural includes the singular. All definitions shall apply through all sections of this code.

**Aboveground Storage:** Storage in a tank or other container that is not entirely covered with earth or other backfill material.

**Accessory Structure:** A detached structure which is of secondary importance to the principal structure of the lot, and which is not used for human occupancy.

**Advertising Sign:** A sign which is designed solely for advertising a service or product.

**Agriculture:** The raising of crops, animals or animal products, the selling of products grown on premises, incidental mechanical processing of products, and any other commonly accepted agricultural operations.

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

**Alteration:** The structural change or change in use of any principal or conditional use which results in any of the following:

1. Increase in size by 50% or more.
2. Increase in the amount of sewage created at the site.
3. Change in use.
4. Change that would not meet the dimensional requirements of this code.

A structural alteration requires a building permit; a change in use requires a use permit.

**Animal Unit:** One slaughter or feeder cattle, 1.43 dairy cows, or 0.4 swine.

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

**Building Permit:** Permit issued by the enforcement officer which indicates the applicant has submitted a satisfactory sketch plan for a use which is in compliance with this code. This permit is to be posted in plain view of the road at the site. Uses requiring a building permit are designated by (BP).

**Bulk Storage:** Materials stored in large quantities which are usually dispensed in smaller units for use or consumption.

**Campground:** Any area of land or water on which are located two or more cabins, tents, shelters, or other accommodations of a design or character suitable for seasonal or other more or less temporary living purposes, regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise.

**Commercial Use:** Refers to retail sales, consumer service establishments and offices.

**Concentrated Animal Feeding Operation:** A feeding operation in which animals are kept for more than 45 days in a year and there is no vegetation.

**Conditional Use:** A use requiring site plan review by the planning board and either a building permit (BP) or a use permit (UP).

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

**Contamination:** The degradation of natural water quality as a result of human activities to the extent that its usefulness is impaired.

**Dead End Road:** A road with only one outlet for vehicles.

**Deicing Compounds:** Any bulk quantities of chloride compounds and/or other deicing compounds (eg., urea or calcium magnesium acetate) intended for application to roads, including mixtures of sand and chloride compounds in any proportion where the chloride compounds constitute over eight percent of the mixture. Bulk quantity of chloride compounds means any quantity, but does not include any chloride compounds in a solid form which are packaged in waterproof bags or containers which do not exceed 100 pounds each.

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

**Disposal:** The abandonment, discharge, deposit, injection, dumping, spilling, leaking, or placing by any other means of any solid waste, petroleum, radioactive material, hazardous substance, hazardous waste, or wastewater into or onto land or a surface water body.

**Dwelling:** Buildings designed as the permanent living quarters for one or more families.

**Easement:** Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his property.

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

**Fertilizers:** Any commercially produced mixture generally containing phosphorous, nitrogen, and potassium that is applied to the ground to increase nutrients from plants.

**Final Plat:** A drawing, in final form, showing a proposed subdivision containing all information or detail required by these regulations to be presented to the planning board for approval, and which, if approved, may be filed by the applicant in the office of the county clerk.

**Final Site Approval:** Written indication from the enforcement officer that the applicant has completed construction in accordance with the previously approved sketch plan. (See the Administration Section for the complete procedure.)

**Groundwater:** Water below the land surface in a saturated zone of soil or rock. This includes perched water separated from the main body of groundwater by an unsaturated zone.

**Hazardous Substance:** Any substance listed as hazardous substance in 6 NYCRR Part 597, Hazardous Substance List, or a mixture thereof. In general, a hazardous substance means any substance which: 1) because of its quantity, concentration, or physical, chemical, or infectious characteristics poses a significant hazard to human health or safety if improperly treated, stored, transported, disposed of, or otherwise managed; 2) poses a present or potential hazard to the environment when improperly treated, stored, transported, disposed of, or otherwise managed; 3) because of its toxicity or concentration within biological chains, presents a demonstrated threat to biological life cycles when released in the environment.

**Hazardous Waste:** A waste, or combination of wastes, which are identified or listed as hazardous pursuant to 6 NYCRR Part 371, Identification and Listing of Hazardous Wastes. Hazardous waste include but are not limited to petroleum products, organic chemical solvents, heavy metal sludges, acids with a pH less than or equal to 2.0, alkalis with a pH greater than or equal to 12.5, radioactive substances, pathological or infectious wastes, or any material exhibiting the characteristics of ignitability, corrosivity, reactivity, or fails the Toxicity Characteristic Leaching Procedure (TCLP).

**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. Examples include professional offices, homemade product sales, and minor franchise sales.

**Human Excreta:** Shall mean human feces and urine.

**Junkyard:** Any junkyard as defined by the County of Lewis Junkyard Law, otherwise known as Lewis County Local Law No. 5 of 1987.

**Lot:** A defined parcel of land considered as a unit, occupied or capable of being occupied by buildings or accessory structures and/or uses.

**Lot of Record:** A lot for which a valid conveyance has been recorded in the county clerk's office prior to the effective date of these regulations.

**Lot Frontage:** The portion of a lot facing the principal access.

**Manure:** Shall mean animal feces and urine.

**Mobile Home:** A portable structure mounted on a frame with a chassis such that it may be towed as a vehicle from place to place, which is designed for use as a permanent dwelling; subject to design standards specified in the code pertaining to mobile homes and single family dwellings.

**Mobile Home Park:** A tract of land where two or more mobile homes are parked or where space is reserved for parking two or more mobile homes.

**Multi-family Dwelling:** A building designed or altered for use as a permanent dwelling for three or more families.

**Nonconformity:** A lot, structure or use of land lawfully existing at the time of enactment of this code which does not conform to the regulations of the district in which it is situated.

**Pesticide:** Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, fungi, weeds, or other form of plant or animal life or viruses, except viruses on or in living man/or other animal; and any substance or mixture of substances intended for use a plant regulator, defoliant, or desiccant. These substances include but are not limited to: herbicides, fungicides, insecticides, and rodenticides.

**Petroleum:** Any petroleum-based oil of any kind which is liquid at 20 degrees Celsius under atmospheric pressure and has been refined, re-refined, or otherwise processed for the purpose of: 1) being burned to produce heat or energy; 2) as a motor fuel or lubricant; or 3) in the operation of hydraulic equipment.

**Preliminary Plat:** A drawing marked "preliminary plat" showing the important features of a proposed subdivision submitted to the planning board for the purpose of consideration prior to submission of the plat in final form and of sufficient detail to advise the planning board of the layout of the proposed subdivision.

**Principal Use:** A use not requiring planning board review, but requiring either a building permit (BP) or a use permit (UP).

**Radioactive Material:** Any material in any form that emits radiation spontaneously, excluding those radioactive materials or devices containing radioactive materials which are exempt from licensing and regulatory control pursuant to regulations of the New York State Department of Labor or the United States Nuclear Regulatory Commission.

**Refuse:** Anything putrescible or nonputrescible that is discarded or rejected as useless or worthless.

**Road Width:** Means width of right-of-way measured at right angles to the center of the road.

**Septage:** The contents of a septic tank, cesspool, or other individual wastewater treatment work which receives domestic sewage wastes.

**Sewage:** The combination of human and household waste with water that is discharged to the home plumbing system.

**Setback:** The distance from lot lines, buildings, rights-of-way, water bodies or other specified boundaries to the nearest wall or corner of any building.

**Sludge:** The solid, semi-solid, or liquid waste generated from a waste processing facility, but does not include the liquid stream of effluent.

**Solid Waste:** Any garbage, refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded materials including solid, liquid, semi-solid, or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, and from community activities.

**Spill:** Any escape of a substance from the containers employed in storage, transfer, processing, or use.

**Structure:** Anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground.

**Subdivision:** The division of any parcel of land into two or more lots, blocks, or sites, for any purpose with or without roads including resubdivision and planned developments.

**Subdivision, Exempt:** A division of land approved by a probate or other court; a division of land for agricultural purposes into parcels of five acres or more not involving new roads or easements of access; conveyances of land for use as rights-of-way for rail, highway or public utilities; the sale or exchange of parcels of land between owners of adjoining property if added lots are not created and lots resulting are not reduced below minimum sizes required by this or other applicable laws; or a division of land into not more than four lots fronting on an existing public road.

**Subdivision, Major:** A subdivision of more than ten lots or any size subdivision requiring any new road or extension of municipal facilities.

**Subdivision, Minor:** Any subdivision containing five to ten lots fronting on an existing public road.

**Surface Water Body:** Those water bodies which are identified as drainage features (perennial stream or river, intermittent stream, canals, ditches, etc.), lakes, ponds, reservoirs, springs, or wetlands on United States Geological Survey or New York State Department of Transportation 7.5-minute topographic maps, United States Department of Agriculture soil survey maps, or wetland maps by the New York State Department of Environmental Conservation.

**Travel Trailer:** Any enclosed vehicle used or designed to be used for temporary living and/or sleeping quarters.

**Travel Trailer Park:** Any lot, piece or parcel of ground where two or more travel trailers are parked, located, or used, or for which said premises are held open to the public for two or more such units.

**Underground Storage:** Storage within a tank or other container that is completely covered with earth or other backfill material.

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

**Use Permit:** A permit issued by the enforcement officer acknowledging an acceptable use designated (UP).

**Wastewater:** Aqueous carried waste including, but not limited to, dredge spoil, solid waste, hazardous waste, incinerator ash and residue, septage, garbage, refuse, sludge, chemical waste, infectious waste, biological material, radioactive materials, heat, and commercial, industrial, municipal, and agricultural waste.

**Water Body:** Any lake, pond, wetland, or streambed.

**Waterborne:** Supported or carried by water.

**Wellhead Protection Overlay District:** Areas of the village, as mapped, in which additional special requirements are in effect to protect the village water supply wells, as specified in this law, in addition to the general requirements of this law which apply to the entire village.