

TOWN OF STERLING
PUBLIC HEARING
REGULAR MEETING
JUNE 23, 2014

A public hearing of the Sterling Town Board, County of Cayuga and State of New York was held at the Sterling Town Hall, 1290 State Rt. 104A, Sterling, NY on the 23rd day of June 2014 at 7 pm for Local Law #3 Land Use regulations, 7:05 pm for SEQR and 7:10 for Local Law #4 Road Preservation Law.

PRESENT:	Randy Lawrence	Supervisor
	Leigh Shortslef	Councilperson
	Gus Taft	Councilperson
	Walter Schneider	Councilperson
	Steve Keeling	Councilperson
	Lisa Cooper	Town Clerk
	Judy Snyder	Historian
	Susie Parsons	Village of Fair Haven Historian
	Grover Horn	Planning Board Member
	Sue Allen	Planning/Zoning Commission Member
	Joan Kelley	Zoning Commission Member
	June Ouellette	Planning/Zoning Commission Member
	Brian Soper	Highway Superintendent
	Lezli Parsons	Assessor/Zoning Commission Chair
	Vernon Bishop	Planning Board Member

AUDIENCE MEMBERS: 5 People

Supervisor Lawrence read over the public conduct for meetings that was adopted at the organizational meeting.

Lezli Parsons, Zoning Commission Chair, gave a short presentation of the Land Use Regulations. She stated that the committee has combined the present Zoning Law, Subdivision, Mobile Home, Mass Gathering, and Junkyard and made them more current. Joan Kelley, Zoning Commission Member, stated that three of the members are Planning Board Members. Lezli stated this document will be easier to decipher for the Town Board, Code Enforcement, Planning/Zoning Members and the public. She stated that June Ouellette has worked with the Cayuga County Planning Board for many years. She also stated the commission has incorporated the Road Preservation Law within the document. Lezli also stated the ratio lot size has been changed. Joan also stated that the commission wanted to support the current comprehensive plan.

Lezli reported the SEQR paperwork has been completed. She stated there is no negative impact on the environment. She stated that this document has been sent to the 239 Committee which is required by law.

Privilege of the Floor

Harry Snyder-Old State Rd. asked Lezli about page 34, fences. He stated that there is a 2 foot minimum for the right of way to place a fence. Lezli responded that it is written like that for mowing purposes. She also stated that the good side of the fence has to be facing out (or to the neighbor).

Grover Horn-Ira Station Rd. asked about page 36, single mobile homes. He stated that if the Town does not allow mobile homes, it will be challenged in court. Lezli responded that they will be allowed in a mobile home park. Grover also asked about treehouses. Lezli stated that a dwelling has to be 960 square feet. A treehouse that is under 144 square feet does not need a building permit.

Vernon Bishop-Ontario Shores Drive asked why the Town was passing a Local Law for road preservation. The Board responded that the town want to keep the roads maintained. High truck traffic from a single project could impact the roads in a negative manner.

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Supervisor Lawrence opened the regular meeting at 7:30 pm.

Privilege of the Floor

Bob Guminiak-c2ae gave a brief overview of Water District #1. He stated the vote for Water District #1 was 37 yes and 16 no. The Town received a letter of conditions from Rural Development. Funding is set and interest rate is set at 2 ½% not 2 5/8%. He went over the tentative schedule with the Board. He also stated they will need to obtain easements prior to starting the construction.

Vernon Bishop-Ontario Shores Drive asked if the lines were within the road right of way. Bob responded that most are in the road right of way but will need easements in some areas.

Joan Kelley-Green Rd- asked if the County had plans to update Irwin Rd. this year. Highway Superintendent Soper stated the county will wait until after the construction of the water district to repair Irwin Rd.

Highway Report

Highway Superintendent Brian Soper stated that the new pick-up truck arrived about the first of the month.

Historian Report

Judy Snyder, Historian stated that last Saturday, the Historical Society had a woman from Rochester come in and make suggestions on preservation of records.

Historical Report

Councilperson Shortslef reported they are working on the Red School House and finished replacing the roof above the bathroom. They have been cleaning and placed a new air conditioner upstairs. They also replaced the motion light in the front.

Susie Parsons, Village of Fair Haven Historian stated the Cayuga County Historical Coalition came to Sterling. They were very impressed with the museum. She also stated that 74 people attended the Historical Annual Banquet. Susie reported that she and Judy Snyder are editing Ray Sant's book, Trails, Sails and Rails.

Accept Minutes

On motion made by Councilperson Taft, seconded by Councilperson Keeling, to approve the minutes from the May 19, 2014 regular meeting. Carried.

Supervisor's Report

On motion made by Councilperson Keeling, seconded by Councilperson Shortslef, to approve the Supervisor's report for May 2014. Carried.

Correspondence

1. EBS change in minimum monthly fee
2. Planning Board recommendation to the Land Use regulations
3. IJC Plan 2014 re: water levels
4. Excellus rate change
5. USDA re: loan and grant approval
6. 2014 Planning & Zoning Schools
7. Town of Ira re: Municipal Agriculture & Farmland Protection grant
8. ORPS re: 100% equalization rate
9. CC Planning re: training on storm water regulations-June & Vernon
10. FOIL request re: delinquent tax properties & response
11. State Comptroller re: unclaimed funds

New Business

1. Lezli Parsons, Assessor, reported the Sterling Renaissance Fair is asking for donations to save the fair. She stated the Fair is asking for \$300,000. If people donate

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\$100, they will receive two free passes to get in the Fair. She stated that all four properties are in default on their taxes.

2. Supervisor Lawrence stated that he received a letter from the ZBA regarding a property that is going up for auction on the corner of King St. and West Bay Rd. Their suggestion is to have the town purchase the property and put a parking lot for the boat launch in its place. Assessor Parsons stated that there is an old mobile home and barn on the property that would have to be torn down. There was a short discussion regarding the property. It was determined that the Town would not look further into purchasing the property.

RESOLUTION #2014-116
PAY AUDITED VOUCHERS

On motion made by Councilperson Taft, seconded by Councilperson Keeling, the following resolution was

ADOPTED	AYES	5
	NAYS	0

RESOLVED, authorizing the Supervisor to pay the following audited vouchers:

General A	\$18,626.59
General B	\$269.23
Highway A	\$30,537.80
Highway B	\$118,091.57
Special	\$347.90
Trust & Agency	\$5,563.26

RESOLUTION #2014-117
TRANSFER FUNDS

On motion made by Councilperson Taft, seconded by Councilperson Keeling, the following resolution was

ADOPTED	AYES	5
	NAYS	0

RESOLVED, authorizing the Supervisor to transfer \$97.20 from A1010.4 Town Board Contractual to A1220.4 Supervisor Contractual (for postage for land use regulations).

Three fuel bids were opened. The Highway Superintendent reviewed the bids.

RESOLUTION #2014-118
AMEND LAND USE REGULATIONS

On motion made by Councilperson Taft, seconded by Councilperson Schneider, the following resolution was

ADOPTED	AYES	5
	NAYS	0

RESOLVED, that this Board amend the Land Use Regulations to change Section 7-5 and 13-8 (f) 7 to read lot length to width ratio "shall not exceed four times the lots width."

Privilege of the Floor

Lezli Parsons thanked the Zoning Commission Committee for their dedication for 3 years in putting the Land Use Regulations together.

Close Public Hearing on Land Use Regulations

On motion made by Councilperson Taft, seconded by Councilperson Shortslef, to close the public hearing on the Land Use Regulations. Time 8:21 pm.

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Close Public Hearing on SEQR

On motion made by Councilperson Taft, seconded by Councilperson Shortslef, to close the public hearing on SEQR for the Land Use Regulations. Time 8:21 pm.

Close Public Hearing on Road Preservation Law

On motion made by Councilperson Taft, seconded by Councilperson Shortslef, to close the public hearing on Road Preservation Law. Time 8:22 pm.

RESOLUTION #2014-119

LOCAL LAW #3 LAND USE REGULATIONS

On motion made by Councilperson Taft, seconded by Councilperson Schneider, the following resolution was

ADOPTED	SUPERVISOR LAWRENCE	AYE
	COUNCILPERSON SHORTSLEF	AYE
	COUNCILPERSON TAFT	AYE
	COUNCILPERSON SCHNEIDER	AYE
	COUNCILPERSON KEELING	NO

RESOLVED, that the following Land Use Regulations be adopted:

TOWN OF STERLING

LAND USE REGULATIONS

**ADOPTED BY THE STERLING
TOWN BOARD ON
JUNE 23, 2014**

Town of Sterling Land Use Regulations

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ARTICLE I **GENERAL PROVISIONS**

1-1 **Short Title**

These Land Use Regulations shall be known as and may be cited as the "Town of Sterling Land Use Regulations".

1-2 **Intent**

The intent of these Regulations shall be to:

- Promote the health, safety and general welfare of the community
- Reduce congestion on the streets and highways
- Secure safety from fire, flood, panic, and other dangers
- Provide adequate light and air
- Prevent overcrowding of land and undue concentration of population
- Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public facilities
- Conserve the value of property

And, under Article 16 of the N.Y.S. Town Law, to establish zoning districts with regulations concerning:

- The use of land, buildings and other structures for trade, industry, residence and other purposes
- The density of development
- The size of yards
- The percentage of lot that may be occupied
- The provision of parking
- The control of signs
- The most appropriate development of the Town of Sterling, meeting the intentions of the *Town of Sterling's Comprehensive Plan*. (adopted 2010)

1-3 **Procedures**

The procedures for complying with the terms of these Regulations are enumerated in Article II, Administration. Generally the procedures for all construction, alterations, and usage change of buildings in the Town require:

- Issuance of a permit by the Code Enforcement Officer in accordance with the provisions of Article II.
- Issuance of a Certificate of Occupancy/Compliance by the Code Enforcement Officer in accordance with the provisions of Article II herein.
- No permit or Certificate of Occupancy/Compliance shall be issued for any undertaking not in compliance with the provisions of this or any other, applicable local, county, state or federal law.

Refer to flow chart in **Appendix A1** for procedure.

1-4 **Definitions**

General

Unless a different intent clearly appears, the following words and phrases shall have for the purpose of these Regulations the following meanings; and for the purposes of these Regulations, words and terms used herein shall be interpreted as follows:

- Words used in the present tense include the future.
- The singular includes the plural.
- The word "person" includes a corporation, partnership, and association as well as the individual.
- The term "lot" includes the word "plot" or "parcel".

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- The term "shall" is mandatory.
- The word "building" includes the word "structure".
- The words "uses" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied.
- The word "street" shall include the word "road".
- Any word or term not defined herein shall be used with a meaning of standard usage.

Adult Oriented Business

Any business enterprise which includes any or all of the following:

A. Adult Arcade

Any business enterprise that offers or maintains one or more adult video viewing booths

B. Adult Cabaret

Any business enterprise which regularly features or offers to the public, customers or members, performances by persons who appear nude or seminude or live performances that are characterized by their emphasis on the exposure, depiction or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

C. Adult Movie Theater

Any business enterprise which regularly features or offers to the public the presentation of motion-picture films, movies or sound recordings which are characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities and which are presented to a common audience of more than five persons in an enclosed common area or are presented in a common area of more than one hundred fifty (150) square feet.

D. Adult Retail Store

A business enterprise that meets any of the following tests:

1. Offers for sale or rental items from any two of the following categories: sexually oriented materials; lingerie; or leather goods which are marketed or presented in a context to suggest their use in connection with specified sexual activities;
2. Offers for sale sexually oriented toys and novelties, except a business enterprise which devotes less than 10% of its stock-in-trade and sales and display area to sexually oriented materials, with all sexually oriented toys and novelties separated from other sales and display areas by an opaque wall at least eight feet in height with a management-controlled system of access to ensure that only persons over the age of eighteen (18) years are allowed to enter the area;
3. Devotes more than ten percent (10%) of its stock-in-trade or sales and display area to sexually oriented materials without having all sexually oriented materials separated from other sales and display areas by an opaque wall at least eight feet in height with a management-controlled system of access to ensure that only persons over the age of eighteen (18) years are allowed to enter the area;
4. Devotes more than forty percent (40%) of its stock-in-trade or sales and display area to sexually oriented materials; or advertises or holds itself out in signage visible from the public right-of-way as "X...", "adult," "sex" or otherwise as an adult oriented business.

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E. Adult Video Viewing Booth

Coin or slug-operated, or electronically or mechanically controlled, still- or motion-picture machines, projectors or other image-producing which present visual or audio material of any kind which is characterized by its emphasis on the description or depiction of specified anatomical areas or specified sexual activities and which are designed to be viewed by five or fewer persons per machine at any one time or are located in a room or booth of less than one hundred fifty (150) square feet. No part of this definition shall be construed to permit more than one (1) person to occupy an adult video viewing booth at any time.

Agricultural Activities

The activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation.

Alteration

As applied to a building or structure, a change or rearrangement in the structural parts, or as enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another.

Apartment

A self-contained single dwelling unit that occupies only part of a building.

Area (measured in square feet)

Lot area: The total area contained within the property lines of an individual parcel of land, excluding any area within an existing street right-of-way.

Building/Footprint area: The total area taken on a horizontal plane at the main grade level of the principle building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

Floor area: The sum of the areas of the several floors of a building structure, for human occupancy and basement, as measured from the exterior faces of the walls, it does not include unfinished cellars, unenclosed porches and attics not used for human occupancy.

Auto Garage

An automobile repair shop (also known as a garage) is a repair shop where [automobiles](#) are repaired by [auto mechanics](#) and [electricians](#).

Basement

A story partly underground, but having one half or more of its height (measured from floor to ceiling) **above** the average level of the adjoining ground; a basement shall be counted as a story for the purpose of height measurement or determining square foot area.

Buffer Strip

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A strip of open land along the perimeter of a lot in widths prescribed by the applicable sections of these Regulations, planted with grass, trees and/or shrubs so as to provide a pleasant aesthetic appearance and visual screen and which shall contain no buildings or structures except a fence. (See Article XV)

Building

A structure having a roof which is used or intended to be used for the shelter or enclosure of persons, animals, or property; the word "building" shall include any parts thereof.

- **Principal Building:** A building or buildings in which is conducted, or intended to be conducted, the principal or primary use of the lot on which it is located.
- **Accessory Building:** A subordinate building located on the same lot as the principle building and clearly incidental and subordinate to the principle building; any portion of the principle building devoted to an accessory use is not an accessory building.
- **Detached Building:** A building having an open space on all four sides.

Building Coverage

The percentage of the plot or lot area covered by the building area

Building Height

A vertical distance measured from the mean elevation of the proposed finish grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Line

The line formed by the intersection of a vertical plane that coincides with the exterior surface of a building on any side and the ground; in the case of a cantilevered building, the vertical plane shall coincide with the most projected surface.

Campground

As used in this standard, any parcel or tract of land under the control of any person, organization, or governmental entity wherein sites are offered for the use of the public or members of an organization for the establishment of temporary living sites for two or more camping units or recreational vehicles

Cellar

A story partly underground and having more than one half of its height (measured from floor to ceiling) **below** the average level of the adjoining ground; a cellar shall not be considered in determining the permissible number of stories or square foot area unless it is habitable.

Comprehensive Plan

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A written document that identifies the goals, objectives, principles, guidelines, policies, and strategies for the growth and development of the community

Condominium

A building or group of buildings, in which single-dwelling residential units or commercial offices are owned individually while the structure, common areas and facilities are owned jointly by all the owners on a proportional basis.

Dormitory

A building or a part thereof used as group quarters for unrelated individuals sharing common cooking, social and hygienic facilities. The definition of a dormitory includes fraternity houses, sorority houses and group homes.

Dwelling

A building or portion thereof, designed, used or intended to be used for human habitation whether inhabited or not. Dwelling does not include any recreational vehicle which is solely used for seasonal or recreational purposes off premises.

A. One Family Detached Dwelling: A building having;

1. Only one (1) dwelling unit from ground to roof;
2. Independent outside access; and
3. Open space on all sides

B. Two Family Dwelling: A building used or designed for or occupied exclusively by two (2) families living independently of each other.

C. Multiple Family Dwelling: A building used or designed or occupied as a residence for three (3) or more families living independently of each other.

D. Mobile Home or Trailer: A factory-manufactured dwelling unit built **prior** to June 15, 1976, with or without a label certifying compliance with NFPA, ANSI or a specific state standard, transportable in one or more sections, which in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or, when erected on site, is three hundred twenty (320) square feet minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

E. Manufactured Home: A factory-manufactured dwelling unit built **on or after** June 15, 1976, and conforming to the requirements of the Department of Housing and Urban Development (HUD), Manufactured Home Construction and Safety Standards, 24 CFR Part 3208, 4/1/93, transportable in one or more sections, which in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or, when erected on site, is three hundred twenty (320) square feet minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein.

Easement

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A certain right to use the real property of another without possessing it. More common types of easements are drainage, utility, conservation, slope, scenic, sewer and water lines. Terms of easements may vary and shall be set forth by legal documents.

Easement, Access

An easement created for the purpose of providing vehicular or pedestrian access to property

Excavation

The removal of sand, gravel, rock or stone, topsoil, soil or earth, turf and other similar substances from their natural location in or on the ground for any purposes, with the following **exceptions**:

A. The construction of a building, structure or part thereof for which a Zoning/Building Permit has been issued; farm pond, wildlife marsh or other conservation practice; wall, driveway, sidewalk; or for the construction of public utilities.

B. All grading of lands pursuant to plans approved by the Town Planning Board, Zoning Board of Appeals or Town Board for site preparation, public and private site development and site improvement shall also be excluded from this definition.

Family

One (1) or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit

Fence

A structure consisting of woven wire or wood, picket, board, or other material, or combination thereof, designed to either limit access to an area or screen an area from view.

Grade, finished

Before a Certificate of Occupancy is issued: The completed surface of the lawns, walks, roads and other surfaces brought to grades shown on plans or designs submitted to the Planning Board

After a C of O is issued: The completed surface of lawns, walks, roads or other surfaces in existence at the time the Certificate of Occupancy is issued

Hamlet

An unincorporated area providing some basic services similar to a small village where commercial and residential activity takes place

Home Occupation

A subordinate use of a commercial or service nature located on a lot whose primary use is residential and which is not detrimental to the residential character of said lot and surrounding neighborhood. (See Article 9-3.J)

Hydrofracking (Hydraulic fracturing)

A well drilling method which involves injecting pressurized water and chemicals into a well to crack the rock and release natural gas

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Junkyard

Any place of open storage or deposit where two or more unused vehicles, trailers, equipment or the parts and materials thereof are held. Purpose may be for resale, reclaiming use, or salvage/disposal.

Lot

A parcel of land used or set aside and available for use as the site of one or more buildings and building accessory thereto or for any other purpose, in one ownership and not divided by a street, nor including any land within the right-of-way of a public or private street upon which said land abuts, even if the ownership to such way is with the owner of the lot; a lot for the purpose of these Regulations may or may not coincide with a lot of record.

- **Corner Lot:** A parcel of land at the junction of and fronting on two or more intersecting streets.
- **Flag Lot:** A large parcel not meeting minimum road frontage requirements and shaped like a “flag” with its widest area set back some distance from a publicly and improved road, and having a narrow strip of land (the “flagpole”) that provides the property with access to the public road.
- **Through Lot:** An interior lot having frontage on two parallel or approximately parallel streets.
- **Lot Depth:** The distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.
- **Lot Width:** The width of a lot measured at the minimum set back (front building line).
- **Lot Line:** Any boundary or property line of a lot.

Manufactured Home Community (MHC)

A parcel of land which is improved for the placement of two or more manufactured homes, whether or not for compensation

Manufactured Home (Residential Design and Standard) and Mobile Home

As used in these Regulations, the terms manufactured home/mobile home are defined by the terms of the Residential Code of NYS Chapter 2 Section R202 as now constructed or hereafter amended. The terms "mobile home" and "manufactured home" shall not include any self-propelled recreational vehicle or Park Model Recreational Unit. (See definition for **Dwelling**)

Non-conforming Lot and Structure

A lot or structure that does not conform to the dimensional regulations prescribed by these Regulations for the district in which it is to be located; or to the regulations for signs, off-street parking and loading, or accessory buildings, but which lot or structure was in existence at the effective date of these Regulations and was lawful at the time it was established.

Non-conforming Use

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A use of a building or lot that does not conform to the use regulations prescribed by these Regulations for the district in which it is located but which was in existence at the effective date of this ordinance and was lawful at the time it was established.

Park Model Recreational Unit

A trailer type unit that is primarily designed to provide temporary accommodations for recreational, camping or seasonal use that meets the following criteria:

- built on a single chassis mounted on wheels;
- having a gross trailer area not exceeding 400 square feet in set-up mode; and
- Certified by the manufacturer as complying with ANSI A119.5.

Planned Development District

A planned development district (PDD), is a type of building development and also a regulatory process. As a building development, it is a designed grouping of both varied and compatible land uses, such as **residential, industrial, commercial** centers and parks, all within one contained development or subdivision. As a regulatory process, is a means of land regulation which promotes large scale, unified land development involving a change in district zoning.

Plat

A site plan or subdivision map that depicts the arrangement of buildings, roads, and other services for a development

Recreational Vehicle

Recreational Vehicle is a vehicle which is:

- built on a single chassis;
- 400 square feet or less when measured at the largest horizontal projection;
- designed to be self-propelled or permanently tow-able by a light duty truck;
- designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use; and
- able to have movement on roadways without an oversized load permit (less than 8' wide)

For use in this Land Use Regulation, the term Recreational Vehicle shall not include the term Park Model Recreational Unit (see definition)

RV Park/Campground

A recreational vehicle park (RV Park) or campground is a place where people with recreational vehicles can stay overnight, or longer, in allotted spaces known as "sites". It may also be referred to as a campground, which also provides facilities for tent camping.

Right-of-Way

Land set aside for the use as a street, alley, or for access to adjoining properties.

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Roomer, Boarder, or Lodger

A person who is occupying any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, and paying compensation for lodging or for board and lodging.

Sewer

Public Sewer: A public sewer is any municipal or privately owned sewer system in which sewage is collected from buildings and piped to an approved sewage disposal plant or central septic tank disposal system; it may also be referred to as an "off-lot" sewer.

Private Sewer: A private, or "on-lot", sewer is a septic tank disposal system generally providing for disposal of effluence for only one (1) building or a group of buildings on a single lot.

Sign

A sign shall mean device, or any device attached, painted, or represented directly or indirectly on a structure or other outdoor surface that shall display or include any letter, work, insignia, flag, or representation used as, or which is in the nature of, an advertisement announcement, visual communication, direction, or is designed to attract the eye or bring the subject to the attention of the public.

- **On Premises Sign** (See Article XVII)
- **Off Premises Sign** (See Article XVII)

Site Plan

A plan that shows a proposed development and proposed use of a parcel of land, consisting of a map and all necessary supporting materials

Sketch Plan

A drawing of the proposed action showing the property as it currently exists as well as the proposed plan

Special Use Permit

An authorization of a particular land use which is permitted in a zoning ordinance or local law, subject to requirements imposed by such ordinance or law to assure that the proposed use is in harmony with such ordinance or law and will not adversely affect the neighborhood if such requirements are met.

State Environmental Quality Review Act (SEQRA)

This State Act requires local legislators and land use agencies to consider, avoid, and mitigate significant environmental impacts of the projects that they approve, the plans or regulations that they adopt, and the projects they undertake directly.

A. State Environmental Quality Review (SEQR)

The process that reviewing boards must conduct to determine whether proposed projects may have a significant adverse effect on the environment and, if they do, to study these impacts and identify

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alternatives and mitigate conditions that protect the environment to the maximum extent possible.

1. Environmental Assessment Form (EAF)

A form completed by an applicant to assist an agency in determining environmental significance of a proposed action. A properly completed EAF must contain enough information to describe the proposed action, its location, purpose, and potential impacts on the environment.

2. Environmental Impact Statement (EIS)

A written draft or final document prepared in accordance with the SEQRA. An EIS provides a means for agencies, project sponsors, and the public to systematically consider significant adverse environmental impacts, alternatives, and mitigation strategies.

Street/Road

A public or private way used or intended to be used for passage or travel by automobile which affords access to adjoining properties.

Street/Road Line

The dividing line between the street and the lot. The street/road line shall be the same as the legal right-of-way provided that where a future right-of-way width for a road or street has been established, said future width shall determine the street line.

Structure

A combination of materials assembled, constructed, or erected at a fixed location including a building, the use of which requires location on the ground or attachment to something having location on the ground.

Subdivision

The division of any parcel of land into a number of lots with or without new roads. The term "subdivision" shall include any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed in the Office of The Cayuga County Clerk.

A. Major Subdivision

Any subdivision of a parent parcel of land into four (4) or more lots, or a subdivision of any number of lots to be serviced by new public roads, new public infrastructure or one that has been subdivided in the previous five (5) years

• **Cluster Development**

Cluster Development is a site planning approach that is an alternative to conventional subdivision development. It is a practice of low impact development that groups residential properties in a proposed subdivision closer together in order to utilize the rest of the land for open space, recreation or agriculture. A cluster development differs from a Planned Development District (PDD) due to the fact that a PDD contains a mix of residential, commercial, industrial, or other uses, whereas the cluster development primarily focuses on residential area.

B. Minor Subdivision

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Any subdivision of a parent parcel of land into less than four (4) lots, unless such lots are to be serviced by new public roads or public infrastructure. In which case, it would be considered a major subdivision.

- **Lot Line Adjustment**

A realignment of property lines between two (2) adjacent parcels, where the land taken from one parcel is added to the adjacent parcel and where no new lots are created.

Tourist Home/Bed & Breakfast

A Tourist Home or Bed & Breakfast is a dwelling in which overnight accommodations are provided or offered for transient guests for compensation with or without meals.

Townhouse

A tall narrow, traditional row house, generally having multiple floors with a common wall or walls with the adjacent unit. A modern two-or three-story house built as one of a group of similar houses.

Use

Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

- **Accessory Use:** A use located on the same lot with the principle use, and clearly incidental or subordinate to, and customary in connection with, the principle use.
- **Principle Use:** The main use on a lot.

Waiver of Submission Requirements

A procedure in which the Planning Board is authorized to waive, when reasonable, any submission requirements in accordance with Town Law § 277.7. The PB may exercise this waiver authority only when the requirements in question are found not to be requisite in the interest of public health, safety and general welfare.

Yard

An open space unobstructed from the ground up on the same lot with a structure, extending along a lot line or street line and inward to the structure; the size of the required yard shall be measured as the shortest distance between the structure and a lot line or street line.

- **Front Yard:** Between a structure and a street line and extending the entire length of the street line; in case of a corner lot, the yards extending along all streets are front yards; in case of a lot other than a corner lot that fronts on more than one street, the yards extending along all streets are front yards.
- **Rear Yard:** Between a structure and a rear lot line, extending the entire length of the rear lot line.
- **Side Yard:** Between a structure and a side lot line, extending from the front yard; in the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

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2-1 Code Enforcement Officer-Duties and Powers

The provisions herein shall be administered and enforced by the Code Enforcement Officer (henceforth shall be referred to as CEO) who shall be appointed by the Town Board. The CEO shall have the power and duty to:

A. Administer and enforce all the provisions of the NYS Uniform Fire Prevention and Building Code and the provisions of these Regulations, including receiving Zoning/Building Permit applications, reviewing plans and specifications, conducting inspections, issuing permits for the erection, alteration, relocation, addition, repair and/or demolition of buildings and structures, issuing Certificates of Occupancy/Compliance, and maintaining and filing all records necessary or the administration of the office to the satisfaction of the Town Board.

B. Pursue administrative actions, with approval of the Town Supervisor and in consultation with the Town Attorney, legal action necessary to remedy conditions not in compliance with the NYS Uniform Fire Prevention and Building Code, these Regulations of the Town of Sterling and the State of New York. In the absence of the CEO or in case of his inability to act for any reason, the Town Supervisor shall have the power, with the consent of the Town Board, to designate a person to act on behalf of the Office of Code Enforcement and to exercise all the power conferred upon him or her by the ordinance.

2-2 Zoning/Building Permits

A. No structure shall be erected, constructed, reconstructed, extended or moved; and there shall be no change in land or building usage, until a Zoning/Building Permit has been secured from the CEO.

B. Upon completion of permitted action(s), the applicant shall notify the CEO of such completion. No permit shall be considered completed or permanently effective until the CEO has inspected the work, occupancy or use and has approved such as being in compliance with the provisions of these Regulations and any applicable county, state, and federal codes.

C. Permits shall be issued with a one (1) year life, renewable for two (2) consecutive years, however, if the work has not commenced within six (6) months after the issuance of the original Zoning/Building Permit, the permit shall automatically expire and a new permit shall be required before such work or change in uses commences.

D. No permit shall be required for general maintenance work, painting, clearing woodlands, landscaping, tilling the soil, raising animals, constructing fences, terraces, steps, small storage sheds or other similar features less than 144 square feet. All such activities, however, shall conform to the requirements of these Regulations.

2-3 Special Provisions for Issuance of Zoning/Building Permits in Areas Designated as Flood Hazard Areas (FHA)

A. The CEO, when reviewing applications for Zoning/Building Permits in a FHA of any district (See **Appendix A5**), shall determine if the proposed construction is consistent with the need to minimize flood damage and make recommendations for construction in all locations which have flood hazards.

B. In reviewing all applications for construction in FHA within the Town, the CEO shall require that any such proposed construction shall:

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1. Be designed and anchored to prevent the flotation, collapse, or lateral movement of the structure or portions of the structure due to flooding;
2. Use construction materials and utility equipment that are resistant to flood damage;
3. Use construction methods and practices that will minimize flood damage;
4. Provide adequate drainage in order to reduce exposure to flood hazard; and
5. Locate public utilities and facilities on the site in such a manner as to be elevated and constructed to minimize or eliminate flood damage, such utilities and facilities including sewer, gas, electrical and water systems.

2-4 Certification of Occupancy/Compliance

No building hereafter erected, altered or extended shall be used until a Certificate of Occupancy/Compliance has been issued by the CEO stating that the buildings or proposed use thereof complies with the provisions of these Land Use Regulations.

No building hereafter erected, altered or extended shall have a change of use until a Certificate of Occupancy/Compliance has been issued by the CEO stating that the buildings or proposed use thereof complies with the provisions of these Land Use Regulations.

2-5 Application Requirements for Zoning/Building Permits

A. All applications for Zoning/Building Permits shall be made in writing by the owner; tenant, vendee under contract of sale, or authorized agent, on a form supplied by the Town, and shall be filed with the CEO. The application shall:

1. Include a statement as to the proposed use of the building or land;
2. Include a site layout drawn to scale showing the location, dimensions, and height of proposed buildings, structure or land uses and any existing buildings in relation to property and street lines;
3. Include the number, location and design of parking spaces, if applicable;
4. Include the size, dimensions, location and methods of illumination for signs, if applicable; and
5. Include any additional plans and information reasonably necessary for the CEO to ascertain whether the proposed use, change in use, erection, alteration, or addition complies with provisions of these Regulations.

B. A permit for any new use or construction which will involve the on-site disposal of sewage or waste, or a change in use or alteration which will result in an increased volume of sewage or waste to be disposed of on the site, or which will require a new or modified water supply, shall not be issued until a certificate of approval has been issued by the Cayuga County Health Department.

2-6 Issuances of Zoning/Building Permits

Zoning/Building Permits shall be granted or refused within fifteen (15) days after the written application has been filed with the CEO, except as provided elsewhere therein. Upon completion of the activity authorized by any Zoning/Building Permit, the holder of such permit shall notify the

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CEO of such completion. All applications with accompanying plans and documents shall become, and be preserved, as public record, subject to the disposition of the Town Board.

2-7 Fees

The applicant, at the time of application for a Zoning/Building Permit, shall pay to the Town Clerk, the fee for said permit as established by the Town Board. The Town Board may, from time to time, amend the fee schedule. Fees shall be established by the Town Board by resolution.

2-8 Violations

In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of this article or of any other local law, ordinance or other regulation made under authority conferred thereby, the proper local authorities of the town, in addition to other remedies, may institute an appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction alteration, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, or land or to prevent any illegal act, conduct, business or use in or about such premises; and upon the failure or refusal of the proper local officer, board or body of the town to institute any such appropriate action or proceeding for a period of ten (10) days after written request by a resident taxpayer of the town so to proceed, any three taxpayers of the town residing in the district herein such violation exists, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in like manner as such local officer, board or body of the town is authorized to do.

2-9 Fines and Penalties

For any and every violation of the provisions of these Regulations:

- A.** The owner, general agent, or contractor of a building or premises where such violation has been committed or shall exist;
- B.** The owner, general agent, contractor, lessee, or tenant of any part of a building or premises in which part such violations have been committed or shall exist; and
- C.** The general agent, architect, building contractor, or any other person who knowingly commits, takes part, or assists in any such violation, or who maintains any building or premises in which any such violation shall exist, shall be liable, upon conviction thereof, to a fine or penalty not to exceed (two hundred fifty dollars) \$250.00 or by imprisonment for a period not to exceed six (6) months or by both such fine and imprisonment. Each week's continued violation shall constitute a separate, additional violation.

Whenever a violation occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Code Enforcement Officer who shall record such complaint and investigate and report thereon to the Town Board.

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3-1 Establishment of a Planning Board

A Planning Board is established for the Town of Sterling.

3-2 Membership, Terms of Office

The Planning Board shall consist of five (5) members appointed by the Town Board for overlapping five (5) year terms.

3-3 Removal of Members

The Town Board shall have the power to remove, after public hearing, any member of the Planning Board for cause. Any Planning Board member may be removed for noncompliance with minimum requirements relating to attendance and training. The Town Board finds that appropriate attendance of Planning Board members is essential.

3-4 Minimum Attendance at Meetings

All members of the Planning Board shall be required to attend a minimum of seventy-five percent (75%) of their scheduled board meetings within a calendar year. Noncompliance with minimum requirements relating to attendance at meetings shall be deemed a proper cause for removal from office.

3-5 Procedure for Removal of Members

The Chairperson or Clerk of the Planning Board shall notify the Town Board in writing by December 1st in any year of any member who fails to comply with the minimum requirements for meeting attendance in any calendar year.

If a member has failed to comply the Town Board may remove such member for cause as herein provided.

A. Notice

Such member shall be mailed a written notice specifying the nature of the failure of such member to meet the minimum requirements.

B. Public Hearing

Such notice shall specify a date, not less than ten (10) or more days than thirty (30) from the date of mailing such notice, when the Town Board shall convene and hold a public hearing on whether or not such member should be removed from service on such Board. Such notice shall also specify the time and place of such hearing.

C. Public Notice

Public notice of such hearing shall be published in the Town's official newspaper at least ten (10) days prior to the date of the public hearing.

D. Conduct of hearing

The public hearing on the charges shall be conducted before the Town Board. The member shall be given an opportunity to present evidence and to call witness to refute the charges. The Town Board shall make a decision.

E. Action by the Town Board

Following the hearing and upon a finding that such member has not met the minimum meeting attendance established by these Regulations, the Town Board may:

1. Remove such member from the Planning Board by vote of the Town Board;

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2. Issue a written reprimand to such member without removing such member from such Board; or
3. If the Town Board shall find that the reasons for failing to meet the minimum meeting attendance requirements are excusable because of illness, injury, or other good and sufficient cause, the Town Board may elect to take no action.

3-6 Powers & Duties

The Planning Board's powers and duties shall include, but are not limited to, the following:

A. Subdivisions

The Planning Board shall have the approval authority on all lot line adjustments, minor subdivisions and major subdivisions. (See Article XIII)

B. Site Plan Review & Approval

The Planning Board shall have the approval authority to make the final decision on any site plans. (See Article XI)

C. Special Use Permits

The Planning Board shall review any use which requires a Special Use Permit. The Planning Board shall have the authority to determine whether the Special Use Permit shall be approved and what conditions, if any, will be imposed. (See Article X)

D. Planned Development District (PDD)

The Planning Board shall advise the Town Board regarding the establishment of a Planned Development District (PDD) and review those uses and developments permitted by the Town Board as a PDD to determine compliance with the applicable conditions of the regulations and the PDD. (See Article XII)

E. Amendments

The Planning Board shall periodically review the Town's Zoning and Land Use Regulations and make recommended changes and updates to the Town Board.

3-7 Procedures, Meetings, Records and Decisions

A. Procedures

The Town Board shall appoint a Chairperson and a Clerk as well as prescribe rules in accordance with the provisions of the State Statutes for the conduct of its affairs.

B. Meetings

Meetings shall be held once a month and at any such other times as the Planning Board Chairman shall specify. All meetings of the Planning Board shall be open to public attendance.

C. Records and Decisions

Minutes shall be recorded of all meetings and shall contain relevant information of every action considered together with the votes of each member and final decision of each proposed action. All decisions of the PB shall be permanently filed within five (5) days in the office of the Town Clerk. The PB shall notify the Town Board, Town Assessor and the CEO of all decisions and resolutions.

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4-1 Establishment of Zoning Board of Appeals (ZBA)

In order that the objectives of these Regulations may be more fully and equitably achieved and a means for competent interpretation of these Regulations provided, there is established a Zoning Board of Appeals for the Town

4-2 Membership, Terms of Office

The Zoning Board of Appeals (henceforth shall be referred to as ZBA) shall consist of five (5) members appointed by the Town Board for overlapping five (5) year terms.

4-3 Removal of Members

The Town Board shall have the power to remove, after public hearing, any member of the ZBA for cause. Any ZBA member may be removed for non-compliance with minimum requirements relating to meeting attendance and training. The Town Board finds that appropriate attendance of Zoning Board of Appeals member is essential.

4-4 Minimum Attendance at Meetings

All members of the ZBA shall be required to attend a minimum of 75% of their scheduled board meetings within a calendar year. Noncompliance with minimum requirements relating to attendance at meetings shall be deemed a proper cause for removal from office.

4-5 Procedure for Removal of Members

The Chairperson or Clerk of the ZBA shall notify the Town Board in writing by December 1st in any year of any member who fails to comply with the minimum requirements for meeting attendance in any calendar year. If a member has failed to comply the Town Board may remove such member for cause as herein provided.

A. Notice

Such member shall be mailed a written notice specifying the nature of the failure of such member to meet the minimum requirements.

B. Public Hearing

Such notice shall specify a date, not less than ten (10) or more days than thirty (30) from the date of mailing such notice, when the Town Board shall convene and hold a public hearing on whether or not such member should be removed from service on such Board. Such notice shall also specify the time and place of such hearing.

C. Public Notice

Public notice of such hearing shall be published in the Town's official newspaper at least ten (10) days prior to the date of the public hearing.

D. Conduct of hearing

The public hearing on the charges shall be conducted before the Town Board. The member shall be given an opportunity to present evidence and to call witness to refute the charges. The Town Board shall make a decision.

E. Action by the Town Board

Following the hearing and upon a finding that such member has not met the minimum meeting attendance established by these Regulations, the Town Board may:

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1. Remove such member from the ZBA by vote of the Town Board;
2. Issue a written reprimand to such member without removing such member from such Board; or
3. If the Town Board shall find that the reasons for failing to meet the minimum meeting attendance requirements are excusable because of illness, injury or other good and sufficient cause, the Town Board may elect to take no action.

4-6 Procedures, Meetings, Records and Decisions

A. Procedures

The Town Board shall appoint a Chairperson and a Clerk as well as prescribe rules in accordance with the provisions of the State Statutes for the conduct of its affairs.

B. Meetings

Meetings shall be held at the call of the Chairperson and at such other times as the Zoning Board of Appeals shall specify in its rules of procedure. All meetings of the ZBA shall be open to public attendance.

C. Records and Decisions

Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered together with the votes of each member and final disposition of each case. All decisions of the ZBA shall be permanently filed within five (5) days in the official Town Records. The ZBA shall notify the Town Board, Planning Board and the CEO of all decisions and resolutions.

4-7 Notice of Hearings

Upon filing with the Zoning Board of Appeals of an application for a zoning variance, or appeal from alleged error of CEO, the ZBA shall fix a reasonable time and place for a public hearing thereon and give notice as follows:

A. At least five (5) days prior to the date fixed for public hearing, publish a notice in the official paper describing the location of the building or lot and the general nature of the question involved

B. At least five (5) days before such hearing, the ZBA shall mail notices thereof to the adjacent parties, any regional state park commission that has jurisdiction over any state park or parkway within five hundred (500) feet of the property affected by such appeal, and to the county, metropolitan or regional planning agency as required by Section 239-m of the NYS General Municipal Law.

C. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the board prior to the hearing of such appeal.

4-8 Rehearing

A motion for the Zoning Board of Appeals to hold a rehearing to review any order, decision of determination of the ZBA not previously reviewed may be made by any member of the ZBA. A unanimous vote is required and the rehearing is subject to the same notice provisions as the original hearing. Upon such rehearing the ZBA may reverse, modify or annul its original order, decision or determination, by unanimous decision of members present, provided the ZBA finds that the rights vested in

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persons acting in good faith in reliance upon the reviewed order, decision or determination will not be prejudiced thereby.

4-9 Powers and Duties-Appeals from Alleged Error of Code Enforcement Officer

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determinations, including any order requiring an alleged violator to stop, cease and desist, made by the CEO in the enforcement of these Regulations.

4-10 Powers and Duties-Variances

A. To authorize, upon appeals, in specific cases such variance from the terms herein as will not be contrary to public interest where owing to special conditions a literal enforcement of the provisions of these Regulations result in unnecessary hardship, and so that the spirit of it shall be observed and justice done.

B. The applicant shall have the burden of proof in establishing his right to a variance.

C. In reaching its decision, the Board shall be guided by the following standards:

1. Use Variances

a. A use variance shall be granted by the ZBA only when the applicant has demonstrated that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the ZBA that:

i. An applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; and

ii. That the alleged hardship relating to the property is unique, and does not apply to substantial portion of the district or neighborhood; and

iii. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and

iv. That the alleged hardship has not been self-created.

b. The ZBA, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

2. Area Variances

a. In making its determination, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall consider:

i. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to

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nearby properties will be created by the granting of the area variance; and

ii. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance; and

iii. Whether the requested area variance is substantial;

iv. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

v. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.

b. The ZBA, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

D. The ZBA shall, in granting of both use and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to an incidental to the proposed use of the property, and/or the period of time such variance shall be in effect.

4-11 Who May Appeal

Appeals to the ZBA may be made by any person or Town Official aggrieved or affected by any provision of these Regulations or by any order to stop, cease and desist issued by the Code Enforcement Officer in enforcing the provisions of these Regulations.

4-12 Rules and Procedures for Filing Appeals

A. General rules and procedures for appeals.

1. Any appeal shall be made by filing the same with the Code Enforcement Officer within sixty (60) days after the date of the officer's adverse decision.

2. All appeals and applications made to the Board shall be in writing on standard forms prescribed by the Board.

3. All appeals shall refer to the specific provisions of these Regulations, the grounds thereof and the relief sought.

4. All appeals shall set forth names and addresses of all adjoining owners including those across public roads from the subject property.

B. Appeals from alleged errors. Appeals from alleged errors of the Code Enforcement Officer shall specify the alleged error, the Section or Sections herein, to which it pertains, and the interpretation thereof that is claimed.

C. Variance appeals. Appeals for variance from the terms of these Regulations shall include, the Zoning/Building Permit application denied by the Code Enforcement Officer, together with a statement with any supporting evidence regarding the requirements listed in Article IV, 4-10 §C.1 for Use Variance or Article IV, 4-10 §C.1 for Area Variance.

4-13 Review by Planning Board on Appeals for Variance

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The ZBA Clerk shall request an advisory opinion from the Planning Board for a variance application within five (5) days of receiving said application. The Planning Board is to submit a report of such advisory opinion prior to the date of the public hearing held by the ZBA on an appeal.

4-14 Appeal to Court

Any person or persons, jointly or severally aggrieved by a decision of the Zoning Board of Appeals or any officer, department, board or bureau of the Town, may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceeding shall be instituted within thirty (30) days after the filing of a decision of the board in the office of the Town Clerk.

4-15 Fees

Appeals before the Zoning Board of Appeals shall be accompanied by a payment to the Town in accordance with a fee schedule adopted by resolution of the Town.

4-16 Review by Cayuga County Planning Board

The Zoning Board of Appeals shall refer any variance appeals to the County Planning Board when required by Section 239-m of NYS General Municipal Law.

ARTICLE V AMENDMENT OF LAND USE REGULATIONS

5-1 Amendments

The Town Board may from time to time on its own motion, or on petition, or on recommendation of the Planning Board or the Zoning Board of Appeals amend, supplement or repeal the regulations and provisions of The Town of Sterling Land Use Regulations after public notice and hearing.

Every such proposed amendment or change, whether initiated by the Town Board or by petition shall be referred to the Planning Board for report thereon before the public hearing hereinafter provided for. The Town Board by resolution adopted at a stated meeting shall fix the time and place of a public hearing on the proposed amendments and cause notices to be given as follows:

A. By publishing a notice of the time and place of the hearing at least ten (10) days prior to the date of such hearing in a paper of general circulation in the Town;

B. A written notice of any proposed change or amendment affecting property within the protectively zoned area of a housing project authorized under the Public Housing Law, as such area is show on an approved zoning map filed with the CEO, shall be given to the housing authority erecting or owning the project and of the government providing financial aid of assistance thereto at least ten (10) days prior to the date of such hearing;

C. A written notice of any proposed change or amendment affecting property within five hundred (500) feet of the boundaries of any state park or parkway shall be given in the regional State Park Commission

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having jurisdiction over such state park or parkway at least ten (10) days prior to the date of such public hearing;

D. A written notice of any proposed change of amendment affecting property within five hundred (500) feet of the boundaries of any city, village, town or county, shall be given to the clerk of such municipality and to the clerk of the County Legislature at least ten (10) days prior to the date of such hearing; and

E. In cases, however, of a protest against such change signed by the owners of twenty percent (20%) or more of the area of land included in such proposed change or of that immediately adjacent extending one hundred (100) feet there from or of that directly opposite thereto, extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not become effective except by favorable vote of at least four (4) members of the Town Board.

5-2 Zoning Referral to Cayuga County Planning Board

As required under New York State General Municipal Law, certain variances, Special Use Permits and amendments shall be referred to the County Planning Board for review and recommendations.

5-3 Severability

It is hereby declared to be the legislative intent that:

A. Should the courts declare any provision herein to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Local Law shall continue to be separately and fully effective.

B. Should the courts find the application of any provision or provisions herein to any lot, building or other structure, or tract of land, to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situation shall not be affected.

5-4 Repealed

The Local Law #1 adopted April 14, 1997 and entitled "*Town of Sterling Zoning Law*", Local Law #1 adopted July 16, 2007 entitled "*Minimum Requirements for Meeting Attendance for Members of the Town of Sterling Planning Board and Town of Sterling Zoning Board of Appeals*", "*Subdivision Law*" adopted March 15, 1999, Ordinance No. 2 of the Town of Sterling "*For The Regulation of Automobile Junk Yards*" adopted March 3, 1969, Local Law #3 adopted December 28, 1989 entitled "*Town of Sterling Coastal Erosion Hazard Law*", Local Law #1 adopted July 16, 2007 entitled "*Residential Wind Power Facilities*", and "*Commercial Wind Power Facilities*", Local Law #3 of 2005 entitled "*A Local Law to Provide for the Administration and Enforcement of the NYS Uniform Fire Prevention and Building Code*", Local Law entitled "*Town of Sterling Mobile Home Law*" adopted March 22, 1999, Local Law #1 adopted 1977 entitled "*Town of Sterling Mass Gathering Local Law # 1*" and all supplements and amendments thereto, are hereby repealed. Provided, if the present Land Use Regulations are held to be ineffective or invalid by reason or some irregularity in or impediment to its passage, this repealer shall also be ineffective. It being the legislative intention that if the present enactment shall be ineffective as aforesaid, then and in that event the Law entitled "*Town of Sterling Zoning Law*" and et al together with its supplements and amendments would necessarily remain in full force and effect.

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5-5 Effective Date

The effective date of these Regulations shall be ten (10) days after publication pursuant to NYS Town Law.

ARTICLE VI ESTABLISHMENT OF DISTRICTS

6-1 Districts

For the purpose of promoting the public health, safety and general welfare of the Town of Sterling, the Town is hereby divided into the following types of districts:

- **AR- Agricultural/Residential:** The AR District is intended for portions of the town where open space is important, both for the purposes of farming and to maintain the rural character of the community. This district is intended to accommodate the continued use of existing farms while allowing for low density residential development. Residential land use within this district will rely on individual on-site septic systems for wastewater disposal within the estimated planning horizon of 20 years. Therefore, lots in this district need to be large enough to ensure that wastewater effluent does not burden local groundwater supplies.
- **H-Hamlet:** The H district is intended to provide for a cluster of moderate density neighborhood housing development and neighborhood services while maintaining the generally rural character of the town. Small commercial businesses may be in proximity to residential uses; however, large scale businesses of traffic intensive uses will be discouraged. The interspersing of residential uses is encouraged, including first floor commercial with second story residential or professional office space, to enhance or maintain a balanced historic neighborhood character. This district has potential for public water service within the 20 year planning horizon.
- **W-Waterfront:** The intent of the W district is to protect and maintain a quality waterfront within the town. Because the waterfront is a valuable resource for the community, particular attention should be paid to building and lot size, maintenance, and location so that the development patterns and uses enhance the quality of this resource. This district includes areas located primarily along the Lake Ontario shoreline and creek bank areas that because of pre-existing residential densities and sensitive environmental factors deserve special planning considerations.
- **PDD-Planned Development District** (See also Article XII): The intent of a PDD is to provide for residential, commercial, industrial or other land uses, or a mix thereof, in which economies of scale, creative architectural or planning concepts and open space preservation may be achieved by a developer in furtherance of the comprehensive plan and zoning. The PDD provides the town greater flexibility in allowing creative solutions to land development where the overall development project taken as a whole is consistent with the comprehensive plan, but individual portions of the project may not be permitted under the existing zoning district usage laws. Where deemed appropriate, and after an approval process (see Article XII), the Town Board may authorize a zoning district change for a proposed land development area from the original zoning district to a PDD. The PDD provides land use and design regulations through the use of performance criteria and land impact considerations, so that developments

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incorporating individual building sites, common property, singular land use, and/or mixed land uses may be planned and developed as a unit. Once the PDD is approved, the approved plat and a complete set of use and dimensional regulations become the basis for continuing land use controls.

6-2 Zoning Map

Said Districts are bounded as shown on a map entitled "Town of Sterling Zoning Map" certified by the Town Clerk, which accompanies and which with all the explanatory matter thereon, is hereby made a part of these Regulations. The Zoning Map is on file in the office of the Clerk of the Town of Sterling and located in **Appendix A2** of these Regulations.

6-3 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- A.** Where district boundaries are indicated as approximately following the center line of streets or highways, street lines, or highway right of ways lines, such center lines, street lines or right of way lines shall be construed to be such boundaries; or
- B.** Where district boundaries are so indicated that they approximately follow lot lines, such lot line shall be construed to be said boundaries; or
- C.** Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines or right of way lines of highways, such district boundaries shall be construed to be parallel thereto and at such distance there from as shall be determined by the use of the scale shown on the zoning map; or
- D.** In case of further uncertainty as to the true location of a zoning district boundary line in a particular instance, the Zoning Board of Appeals shall determine the location of such boundary.

ARTICLE VII LOT DIMENSIONAL REQUIREMENTS

7-1 District Regulations

The regulations for each district pertaining to minimum lot size, minimum lot width, minimum setback, and maximum height shall be specified in this section, subject to the further provisions of Article IV and Article V, **with the exception of flag lots which are specified in Article 7-6.**

The definitions of terms used in these regulations are as follows:

- A.** Lot Width is defined as contiguous linear feet of road frontage.
- B.** Front Setback is the center of the road to the closest point of the building.
- C.** Side Setback is the distance from the closest point of the building to the side property line.
- D.** Rear Setback is the distance from the closest point of the building to the rear property line.

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LOT DIMENSION REQUIREMENTS

Table 1

District	Minimum Lot Size	Minimum Lot Width	Minimum Building Setback, Front <small>(Town/County Hwy)</small>	Minimum Building Setback, Front <small>(State Hwy)</small>	Minimum Building Setback, Side	Minimum Building Setback, Rear	Maximum Building Height	Maximum Total Building Coverage
A/R	2 acres	200'	105'	113'	20'	35'	35'	35%
H	40,000 Sq. ft.	100'	75'	83'	20'	35'	35'	35%
W	40,000 Sq. ft.	100'	75'	83'	20'	35'	35'	35%
PDD*								
CPD			85'	93'	35'	35'	35'	35%
RPD			85'	93'	35'	35'	35'	35%
IPD			85'	93'	35'	35'	35'	35%

*The minimum size for a PDD is 10 acres and width of 400', except where the applicant can demonstrate that the characteristics of a property or properties will meet the intent of the PDD district; projects with less than 10 acres may qualify for such a district.

7-2 Front and Side Setbacks of Corner Lots

On a corner lot the side setback requirement shall be increased to the minimum of the front setback requirement.

7-3 Exceptions of Minimum Lot Sizes and Lot Widths

The provisions of Article VII-I shall not prevent the construction of a single family dwelling provided that sanitary requirements are observed, on any lot which was lawful when created and which prior to the effective date of these Regulations was in separate ownership duly recorded by plot or deed.

7-4 Building Height Exceptions

Maximum height regulations shall not apply to farm buildings, church spires, chimneys, wind power facilities, or other structures built above the roof and not devoted to human occupancy.

7-5 Lot Length to Width Ratio

No lot length shall exceed four (4) times the lots width, in order to avoid excessively long and narrow lots.

7-6 Flag Lots

The regulations for a flag lot in an A/R district pertaining to lot area, setbacks, and building coverage shall be specified in this section.

A. A flag lot shall only be created through a subdivision.

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- B.** When subdividing a parcel into flag lots no more than three (3) lots shall be created.
- C.** Each ‘flag’ shall have its own ‘pole’ section.
- D.** The ‘flag’ portion shall be a minimum of two (2) acres.
- E.** The ‘pole’ portion shall be a minimum of fifty feet (50’) wide and a minimum 175’ in length
- F.** There shall be no parking in the ‘pole’ section.
- G.** There shall be no structures built in the ‘pole’ other than fencing.

The definitions of terms used in the regulations refer to the **flag portion**;

- A.** ‘Flag’ Width is defined as contiguous linear feet
- B.** Front Setback is the distance from the closest point of the building to the front property line.
- C.** Side Setback is the distance from the closest point of the building to the side property line.
- D.** Rear Setback is the distance from the closest point of the building to the rear property line.

FLAG LOT DIMENSIONAL REQUIREMENTS

Table 2

District	Minimum ‘Flag’ Size	Minimum ‘Flag’ Width	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Max Bldg. Height	Maximum Total Building Coverage
A/R	2 acres	200’	80’	20’	35’	35’	35%

ARTICLE VIII USE REGULATIONS

8-1 Applicability of Regulations

Except as provided by law or in these Regulations, in each district, no building, structure, or land shall be used or occupied except for the purposes permitted in Article VIII 8-7 Table 3 and for the zoning districts so indicated.

Uses that could not have been anticipated due to changes in technology or development trends may be addressed by the Zoning Board of Appeals. Any proposed use other than those listed in Table 3 must be submitted to the Zoning Board of Appeals, who will evaluate the proposal within the context of the allowed uses within the zoning district.

8-2 Uses by Right, Special Use Permits, and Uses Not Permitted

The following describes the categories of uses as outlined in Table 3:

- A.** Uses permitted by right with building permit as required. (Denoted by “**P**” in Table 3)
- B.** Uses permitted by right, but subject to Special Conditions, as defined in Article IX. CEO Review is required before permit will be issued. (Denoted by “**SC**” in Table 3)
- C.** Uses permitted upon issuance of a Special Use Permit. The Planning Board reviews the issuance of Special Use Permits subject to the requirements of Article X and such further restrictions that said Board may require. (Denoted as “**SP**” in Table 3)
- D.** Uses that require a site plan review as part of the approval process are denoted by “**X**” in Table 3. Note that a site plan review is required for all uses requiring Special Use Permits.

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- E.** A use not permitted in a Waterfront, Hamlet or Agricultural/Residential District is denoted by the letter "**N**" (but such use may be allowable in an approved Planned Development District where that particular use has been approved by the Planning Board).

8-3 Uses Subject to Other Regulations

Permitted uses shall be subject, in addition to use regulations, to such regulations as yard, lot size, lot width, building area, provisions for off-street parking and loading, and to such other provisions as are specified in other Articles of the Land Use Regulations.

8-4 Provision Applicable to All Commercial Uses

Dumpsters, storage areas, and trash bins shall be suitably screened from view from public roads and any adjacent residential use.

8-5 General Use Regulations

The following provisions shall apply to all Zoning Districts

A. Essential Services

The erection, construction, alteration or maintenance by public utilities or town or other governmental agencies of underground or overhead gas, electrical, or water transmission or distribution systems, communication systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or town or other governmental agencies or for the public health or safety or general welfare, but not including buildings will be permitted.

B. Fences

Fences shall meet a minimum side and rear setback of two feet (2') from the lot line. The front setback shall be twenty-seven feet (27') measured from the middle of the road. In the case of a state highway, the front setback shall be thirty-five feet (35') measured from the middle of the road. The finished side of the fence is to face **outward**.

C. Traffic Visibility Across Corners (clear sight triangle)

1. On any corner lot, no wall, fence, or other structure shall be erected or altered or no hedge, tree, shrub, or other growth except agricultural crops shall be maintained which may cause danger to traffic on a public street by obscuring the view. Visual obstructions shall be limited to a height of not more than two feet (2') above street level within the triangular area bounded by the street lines and a straight line drawn between points on such line fifty feet (50') from the intersection of each street line.

2. Where a private access way intersects a public street, visual obstruction shall be limited to a height of no more than two feet (2') above street level within the triangular area bounded by the street line, the edge of the private access way, and a straight line drawn between points on both the street line and the edge of the access way twenty feet (20') from the intersection of said lines. Mail boxes and paper tubes are excluded from this height restriction.

D. Dumping of Waste Material

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Dumping, piling or accumulation of refuse, garbage (other than in closed containers which are regularly emptied in a lawful manner), waste material, scrap or other noxious substances is strictly prohibited.

8-6 Prohibited Uses

Any uses not expressly stated and permitted in Table 3 are **prohibited** in the Town of Sterling.

8-7 Permitted Uses

P = Permitted by Right

SC = Permitted with Special Conditions (CEO Review)

N = Not Permitted in District

SP = Special Use Permit Required (Planning Board Action)

X = Site Plan Review Required

W = Waterfront **H** = Hamlet **A/R** = Agricultural/Residential

PDD = Planned Development District

USAGE TABLE
Table 3

	Land Use or Activity	W	H	A/R	Reference	Site Plan Required
RESIDENTIAL USES						
1	Dwelling, single family	SC	SC	SC	Article IX §3.A	
2	Dwelling, two family	SC	SC	SC	Article IX §3.B	
3	Dwelling, Residential Designed Manufactured Home	SC	SC	SC	Article IX §3.C	
4	Dwelling, Mobile Home or Standard Manufactured Home	N	N	N	Allowable in an approved PDD Article XII §5	
5	Dwelling, Townhouse/Condominium/Apartment	SP	SP	SP	Article X §5.A	X
6	Manufactured Home Community	N	N	N	Allowable in an approved PDD Article XII §5	X
7	Conversion into a multifamily dwelling	SP	SP	SP	Article X §5.B	X
8	Residential Care Facility	SP	SP	SP	Article X	X
AGRICULTURAL USES						
9	Tilling soil, raising livestock	N	N	P	Article IX §3.D	
10	Customary agricultural activities	N	N	P	Article IX	
11	Greenhouse, Nursery, Farm Stand	SC	SC	SC	Article IX §3.E	
12	Stables/Riding School	N	N	SP	Article X §5.C	X
13	Vet Clinic/Animal Hospital/Kennel	N	N	SP	Article X §5.D	X
COMMUNITY USES						
14	Community Center/Adult Ed. & Recreation Center	SP	SP	SP	Article X §5.E	X
15	Day Care Center	SP	SP	SP	Article X §5.E	X
16	Hospital/Clinic/Nursing Home	SP	SP	SP	Article X §5.E	

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						X
17	Library/Museum	SP	SP	SP	Article X §5.E	X
18	Place of Worship	SP	SP	SP	Article X §5.E	X
19	Public, Private or Nursery School	SP	SP	SP	Article X §5.E	X
20	Utility, Public or Private	SP	SP	SP	Article X §5.E	X
21	Wireless Communication Tower	N	SP	SP	Article X §5.G	X
COMMERCIAL USES						
22	Adult Oriented Business	N	N	N	Allowable in an approved PDD Article XII §7	
	Land Use or Activity	W	H	A/R	Reference	Site Plan Required
COMMERCIAL USES						
23	Airport/Air Strip	N	N	N	Allowable in an approved PDD Article XII	
24	Artist/Photographer Studio	SP	SP	SP	Article X §5.H	X
25	Auto Sales/Rentals/Garage	N	SP	SP	Article X	X
26	Bank	N	SP	SP	Article X	X
27	Bed & Breakfast/Tourist Home	SP	SP	SP	Article X	X
28	Boats Sales/Rentals	SP	SP	SP	Article X	X
29	Car Wash, self-serve/automatic	N	SP	SP	Article X	X
30	Club/Lodge	SP	SP	SP	Article X	X
31	Funeral Home	N	SP	SP	Article X	X
32	Forestry	SC	SC	SC	Article IX §3 F	
33	Gasoline Station	N	SP	SP	Article X	X
34	Hotel/Motel	SP	SP	SP	Article X	X
35	Junkyard/Recycling Facility	N	N	N	Allowable in an approved PDD Article XII	X
36	Laundromat	SP	SP	SP	Article X	X
37	Marina	SP	N	N	Article X	X
38	Medical/Dental/Chiropractic Office	SP	SP	SP	Article X	X
39	Offices, Business & Professional	SP	SP	SP	Article X	X
40	Outdoor Firing Range	N	N	SP	Article X	X
41	Personal Services such as Barber, Beauty, Tattoo, Massage Therapy and Tailor Shop	SP	SP	SP	Article X	X
42	Recreational Facility	N	N	SP	Article X	X
43	Restaurant including Fast Food	SP	SP	SP	Article X	X
44	Retail Sales	SP	SP	SP	Article X	X
45	RV/Camper Trailer Park/Campground	N	N	N	Allowable in an approved PDD Article XII §6	
46	Self-Storage Unit Facility	SP	SP	SP	Article X	X
47	Small Engine Repair	SP	SP	SP	Article X	X
48	Tavern/Bar/Pub	SP	SP	SP	Article X	X
49	Taxi Service	SP	SP	SP	Article X	X

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	Land Use or Activity	W	H	A/R	Reference	Site Plan Required
COMMERCIAL USES						
50	Theater, Indoor/Outdoor	SP	SP	SP	Article X	X
51	Wellness Center	SP	SP	SP	Article X	X
INDUSTRIAL USES						
52	Big Box Store	N	N	N	Allowable in an approved PDD Article X §5.I	X
53	Distribution, Storage Warehouse & Delivery Center	N	N	SP	Article X §5.I	X
54	Dry Cleaning Plant	N	N	SP	Article X §5.I	X
55	Mining (Extraction)	N	N	SP	Article X §5.J	X
56	Printing/Publishing Company	N	N	SP	Article X §5.I	X
57	Research, Experimental or Testing Laboratory	N	N	SP	Article X §5.I	X
58	Production, Processing, Assemblage, Cleaning, Servicing, Testing, Repairing or Storage of Materials, goods or Services	N	N	SP	Article X §5.I	X
ACCESSORY USES						
59	Accessory Uses & Structures	SC	SC	SC	Article IX §3 G	
60	Customary Home Occupation	SC	SC	SC	Article IX §3 J	
61	Landscaping	P	P	P	Article IX §3.6c	
62	Mass Gathering	SC	SC	SC	Article XIX	
63	Off-street Parking	SC	SC	SC	Article XVI §6.1	
64	Outdoor Wood Boiler	P	P	P		
65	Park Model Recreational Unit	SC	SC	SC	Article IX §3 I	
66	Recreational Vehicle	SC	SC	SC	Article IX §3 H	
67	Sign, Commercial, off-premises	SP	SP	SP	Article XVII	X
68	Sign, On-premises	SC	SC	SC	Article XVII	
69	Wind Power Facility	N	N	SC	Article X §5.K	

ARTICLE IX SPECIAL CONDITIONS

9-1 Intent

The intent of this Article is to set forth supplemental regulations, procedures and conditions which shall apply to certain land use activities in the Town of Sterling and which are incongruous or sufficiently different in terms of their nature, location, and potential effect on the surrounding environment and the quality of the community, and which warrant special evaluation of each individual case.

9-2 Applicability

No Zoning/Building Permit shall be issued by the Code Enforcement Officer for any land use or activity listed in Article 8-7 Table 3 as having Special Conditions applicable (SC), until the CEO is satisfied that the applicable regulations set forth in this Article IX have been complied with.

9-3 Special Conditions

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The CEO shall issue a Zoning/Building Permit for the following uses only when satisfied that applicable Special Conditions, as set forth in Article IX have been complied with as well as any other relevant requirements of these Regulations.

A. Single Dwelling

1. No more than one single dwelling per lot; and
2. Has a minimum square footage of 960 sq. ft.

B. Two Family Dwelling

The lot area per family shall not be less than the minimum lot required for the district in which such lot is situated.

C. Dwelling, Residential Designed Manufactured Home

1. Has a minimum width of twenty (20) feet;
2. Roof is shingled with a minimum pitch of 4/12 (or 4" rise for every 12" of run);
3. Exterior siding is of a type of material commonly used in residential construction;
4. All towing devices, wheels, axles, and hitches must be removed;
5. Must be installed on a permanent foundation prescribed by the Uniform Building Code of the NYS Code;
6. Shall be installed in conformity with the manufacturer's installation instructions. When the manufacturer's installation instructions are not available, the home shall be installed in conformance with ANSI Code A225.1-1994. A licensed NYS engineer or architect, stamped plans for installation are also accepted; and
7. Must be installed lengthwise parallel to the road.

D. Agriculture Uses

1. Keeping and Raising Livestock

The limitation on the keeping and rearing of livestock shall not apply to household pets, which are allowed in all districts.

2. Tilling of the Soil

Noncommercial gardens are permitted as accessory uses in all districts.

3. Agricultural Structures

To the extent that agricultural structures are exempt from the New York State Fire and Building Code, they shall also be exempt from these Regulations.

E. Greenhouse, Nursery, Farm Stand

1. A farm stand shall not exceed four hundred (400) sq. ft. of gross floor area.
2. The stand may be in the front yard, but shall not be within the right-of-way.
3. The stand shall not be located within fifty feet (50') of an intersection.
4. Parking for all vehicles shall be provided off the street pavement.
5. A farm stand selling produce or plants from a home garden, for the purpose of these Regulations, does not constitute commercial agriculture.

F. Forestry

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1. **Definition of Uses:** includes and is limited to on-site harvesting and cutting of trees, logging operations, and selected clearing or cutting of vegetation. Processing, milling, storage or other manufacturing or sales operations associated with forestry shall be included under commercial or industrial operations.
2. **Vegetative cutting (logging)** adjacent to stream beds shall follow the Best Management Practices (BMP) guidelines established by the New York State Department of Environmental Conservation.
3. **Landscaping.** Selected clearing and cutting of vegetation for landscaping purposes is permitted in all districts without permit.

G. Unattached Accessory Structures including, but not limited to noncommercial greenhouse, tool shed, private garage or swimming pool shall be erected only in accordance with the following restrictions:

1. No accessory structure shall be located closer than twenty feet (20') to the side, and thirty five feet (35') to the rear lot line.
2. Every outdoor in-ground or above ground swimming pool shall comply with New York State Uniform Fire and Building Code § 720.1 and 720.2 Re: Enclosure.
3. No more than two small (less than 144 sq. ft.) accessory buildings per lot in Hamlet or Waterfront district.
4. No accessory structure shall be closer than twenty feet (20') from any other structure.

H. General Recreational Vehicle Regulations

Recreational vehicles located outside of a designated recreational vehicle park may be occupied only as follows:

1. One (1) recreational vehicle may be used as temporary lodging while parked on the same lot with a dwelling for not more than two (2) separate periods per year not exceeding three (3) weeks each.
2. With a Temporary Permit, issued by the CEO, a recreational vehicle on a vacant lot may be occupied for a period of more than one month but no more than six (6) months. The applicant shall address the following:
 - a. Applicant must provide:
 - i. garbage removal plan;
 - ii. waste water removal plan;
 - iii. sewer removal plan; and
 - b. Permit must be prominently displayed in window visible from the road;
 - c. Location of occupied recreational vehicle on lot must meet all setback requirements; and
 - d. No decks, porches, roofs, or sheds shall be affixed to any recreational vehicle.
3. An unoccupied recreational vehicle shall be stored no closer than five feet (5') to any rear or side lot line and no closer than twenty feet (20') to the road right-of-way. The recreational vehicle shall not obscure the view by neighbors or oncoming traffic. When so stored, no connections shall be permitted except electrical.

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I. Park Model Recreational Unit

A Park Model Recreational Unit is transportable and primarily designed for long-term permanent placement on a site. When set-up, park model units are to be connected to utilities which are necessary to operate fixtures and appliances, they are not self-contained as an RV. Because of its more permanent nature, Park Model Recreational Units may only be located in an approved Recreational Vehicle Park.

J. Customary Home Occupation:

1. Is customarily carried on in a dwelling unit or in a building or other accessory structure to a dwelling unit, by members of the immediate family residing in that dwelling unit. In particular, a home occupation includes the following or similar uses; art studio, home office of a lawyer, engineer, architect, writer, accountant, beauty or barber shop, chiropractor, massage therapist, dressmaking or tailor shop, handcrafts shop, teaching of not more than four (4) pupils simultaneously.
2. Is an accessory use and as such is clearly incidental and secondary to the use of the dwelling for residential purposes
3. Conforms to the following regulations:
 - a. There shall be no use of show windows or display of advertising visible outside the premises to attract customers or clients other than home occupation announcement signs under ten (10) sq. ft.;
 - b. No external alterations, additions, or changes to the structure shall be permitted in order to accommodate or facilitate a home occupation, if such in any way alters the residential character of the building;
 - c. The home occupation shall be carried on only by members of the immediate family residing in the dwelling unit plus not more than three (3) additional employees; and
 - d. The area devoted to a home occupation shall not be more than fifty percent (50%) of the floor area of the principle residential structure.

ARTICLE X

SPECIAL USE PERMITS

10-1 Intent

The intent of this Article is to set forth supplemental regulations, procedures and conditions which shall apply to certain land use activities in the Town of Sterling and which are incongruous or sufficiently different in terms of their nature, location, and potential effect on the surrounding environment and the quality of the community, and which warrant special evaluation of each individual case.

10-2 Applicability

No Zoning/Building Permit shall be issued by the Code Enforcement Officer for any land use or activity listed in Article 8-7 Table 3 as requiring a Special Use Permit (SP) until the Planning Board has approved the application. The Planning Board shall approve the applications for Special Use Permits only when satisfied that applicable requirements, as set forth in this Section have been complied with, in addition to all other requirements of these Regulations.

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10-3 Procedure for Obtaining Special Use Permits

The Planning Board shall hear and decide upon any applications for SP as listed in Article 8-7 Table 3. Applicants shall have the burden of proof in establishing his/her right to a SP.

10-4 General Requirements and Standards Applicable to all Special Use Permits

- A.** The Planning Board shall grant a SP only if it finds adequate evidence, that any proposed use submitted for a SP will meet all of the following general requirements as well as any specific requirements and standards listed for the proposed use. The Board, shall, among other things, require that any proposed use and location be:
1. In the best interest of the Town, the convenience of the community, the public welfare, and be a substantial improvement to property in the immediate vicinity;
 2. Suitable for the property in question, and designed, constructed, operated and maintained so as to be in harmony with, and appropriate in appearance with the existing or intended character of the general law;
 3. In conformance with all applicable requirements of these Regulations; and is
 4. In compliance with the Town of Sterling Road Preservation Law.
- B.** In granting a Special Use Permit, the Planning Board may impose whatever conditions regarding layout, circulation, and performance it deems necessary to insure that any proposed development will secure substantially the objectives of these Regulations. These conditions may include but are not limited to the following:
1. Increasing the required lot size or yard dimension.
 2. Limiting the height, size or location of buildings.
 3. Controlling the location and number of vehicle access points.
 4. Increasing the number of required off-street parking spaces.
 5. Limiting the number, size, location and lighting of signs.
 6. Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
 7. Designating sites for open space.
- C. Special Use Permit applications**
Applications for Special Use Permits shall include a Zoning/Building Permit application with all information required therein, an approved site plan, and a statement with any supporting evidence regarding the merits of the proposed use at the proposed location and how the proposal complies with the general and specific requirements of these Regulations.
- D. Public hearing and Planning Board action on Special Use Permits**
1. Within sixty-two (62) days of the receipt of an application for Special Use Permit, the Planning Board shall conduct a public hearing.
 2. Notice of hearing. The Planning Board shall at least five (5) days prior to the date fixed for public hearing, publish a notice in the official paper.

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3. The Planning Board shall make a decision on the application within sixty-two (62) days after such hearing and file said decision within five (5) business days after the day such decision such decision was rendered with the Town Clerk, and mail such decision to the applicant with a copy to the CEO. The time within which a decision must be rendered may be extended by mutual consent of the applicant and the Planning Board.
- E. Referral to the County Planning Board must be made at least ten (10) days before hearing under provisions of Section 239-m of the NYS General Municipal Law.
- F. SEQRA requirements shall be met.
- G. Town of Sterling Road Preservation Law requirements met.

10-5 Conditions Applicable to Special Use Permits

A. Apartments, Condominiums, Townhouses, and Multiple Family Dwellings

Must be on a separate lot containing not more than six (6) units, provided these dwellings are in character with the surrounding area, and subject to the following provisions:

1. **Density**
The overall density of occupancy in any permitted multiple family dwelling development shall not exceed six (6) dwelling units for each lot area.
2. **Lot Area**
Any parcel of land development under the terms of these Regulations shall contain a total minimum lot area of five (5) acres with a width of not less than three hundred feet (300') at the building setback line.
3. **Floor Area**
A maximum .141 square feet of floor area shall be permitted for each square foot of land area.
4. **Open Space**
 - a. At least 5.5 square feet of lot area per one (1) square foot of floor area shall be open space.
 - b. Open space is the total horizontal area of all uncovered and unpaved (non-parking areas) open space. Covered open space is exterior space that is open on its sides to the sky and weather, such as roofed porches, roofed carports, and covered balconies.
5. **Recreation Space**
 - a. At least .33 square feet of lot area per one (1) square foot of floor space shall be recreation space.
 - b. All recreation space counted shall be at least twenty (20) feet away from any residence containing a ground floor window and at least one hundred (100) feet for each dimension, except that an area of lesser dimension is permissible if the total required recreation space is less than 10,000 sq. ft.
6. **Sewage Disposal**
All multiple family dwellings shall be connected to public sewer and water, where available.

B. Conversions

Existing buildings converted for occupancy by not more than four (4) families, subject to the following conditions:

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1. The lot should not be reduced thereby to less than that required for the district which it is situated.
2. The yard, building area, and other applicable requirements for the district shall not be reduced thereby.

C. Stables/Riding School

No stable shall be less than two hundred (200) feet from any lot line.

D. Veterinarian Clinic, Animal Hospital, Kennel:

1. If in conjunction with a residence, no animals other than pets of the household shall be kept in the residence.
2. A kennel or animal hospital shall be designed so that any animals kept therein shall not be an annoyance to any surrounding residences.

E. Community Uses (uses #14 – 19 in Table 3)

1. Minimum lot size shall be three (3) acres;
2. All buildings shall not be less than one hundred feet (100') from any lot line; and
3. Completely detached buildings on the same lot shall not be less than twenty feet (20') feet from one another.

F. Public or Private Utilities

Commercial antenna, micro relay station, transformer station, substation, pumping station, or automatic telephone exchange, subject to the following provisions:

1. Such public service structure shall be permitted only if it is essential to service such districts;
2. Suitable landscaping shall be installed; and
3. No supporting wires shall be closer than fifty feet (50') to any lot line.

G. Wireless Communication Towers

1. Definitions

As used in this section the following terms have the meaning hereinafter designated:

a. Commercial Tower

Includes any tower, edifice, pole, or other structure, whether attached to a building or freestanding and whether guyed or self-supporting, designed to be used as or for the support of devices to be used as or for the transmission and/or reception of radio or telephone frequency signals, such as, but not limited to, broadcast, short-wave, citizen band, FM, or television signals excluding residential satellite dishes.

b. Attached Tower

Includes a tower, which is rigidly attached to a building

c. Freestanding Tower

Includes a tower, which is not attached to a building by a rigid member

i. Class 1 Tower

Includes a tower, the base of which is set back from the nearest property line, a distance equal to or greater than its overall height

ii. Class 2 Tower

Includes a tower, the base of which is closer to the nearest property line than a distance equal its height

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2. Exceptions and Limitations

- a. There shall be a limit of two (2) towers per parcel.
- b. No person or other entity shall construct a tower without fulfilling the requirements for site plan review and SP with the following exceptions:
 - i. **Preexisting towers**, which are physically constructed on the effective date of these Regulations
 - ii. **Attached towers**, which do not exceed thirty-five (35) feet above the grade or fifteen (15) feet above the ridge of the roof of the structure to which it is attached, whichever is greater.
- c. No tower shall be erected within 1000' from the nearest residence.

3. Permit Requirements shall follow standard requirements for site plan review and SP with the following additions:

- a. Each applicant for a Class 1 or Class 2 tower shall provide a complete plan drawn to scale, showing the location of the tower on the site; the location of all structures, power lines or other utility lines within a radius equal to the proposed tower height; dimensions and sizes of the various structural components of the tower's construction; design data which shall indicate the basis of the design; and certification that the tower was designed to withstand wind and ice load requirements for structures as set forth in the New York State Uniform Fire Prevention and Building Code.
- b. Where the applicant is not the owner or a contract vendee of the premises, the application shall also be accompanied by the original, or a true and complete copy of the lease of the premises consenting to the construction of the tower on the premises. All limitations that refer to the property lines within the case of leased property become the lines of the area leased, not the total area of the owner's premises.

4. Maintenance and Safety permits and approvals issued hereunder may prescribe reasonable rules and regulations for the maintenance and safety of such towers.

5. Location Guy Wires and anchors for towers shall not be located within ten (10) feet from any property line(s) or street right of way.

6. Height Limitations the following height limitations shall apply to the construction of any tower:

- a. Attached towers in waterfront districts which are attached to the roof of a structure shall not exceed thirty-five (35) feet above the grade or fifteen (15) feet above the ridge of said roof, whichever is greater. These restrictions do not pertain to the ground based attached towers.
- b. Class 1 towers in all areas shall not exceed a total height of one hundred fifty (150) feet from the ground to the top of the tower.
- c. Class 2 towers in all areas shall not exceed a total height, from the ground to the top of the tower, of twice the minimum distance from the centerline of the tower's structure to the nearest property line or a maximum of one hundred (100) feet.

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- d. The height of the tower for the purposes herein shall include the height of any device affixed to the tower.

7. Right of Entry and Inspection

The Code Enforcement Officer of the Town of Sterling or a registered professional engineer retained by the Town, shall have the right at any reasonable time to enter, in the company of the owner or his agent, the premises on which said tower has been constructed to inspect all parts of said tower installation and require that repairs or alterations be made if, in his or her judgment, there exists a deficiency in the structural stability of said tower. However, it shall not be required that the owner or his agent be present in the event of an emergency situation involving danger to life, limb or property.

8. Removal

a. At the time of application submission for a special approval for a telecommunication facility, the applicant shall submit an agreement to remove, within ninety (90) days, all antennas, driveways, structures, buildings, equipment sheds, lighting, utilities, fencing, gates, accessory equipment or structures, as well as any tower(s) dedicated solely for use within a telecommunications facility if such facility becomes technologically obsolete or ceases to perform its originally intended function for more than six (6) consecutive months. Upon removal of said facility, the land shall be restored to its previous condition, including but not limited to the seeding of exposed lands.

b. At the time of obtaining a building permit, the applicant must provide a financial security bond for removal of the telecommunications facility and property restoration, with the Town of Sterling as the assignee, in an amount approved by the Town Board, but not less than forty thousand dollars (\$40,000).

c. At times of modification or removal of the special approval, the Town Board may adjust the required amount of the financial security bond to adequately cover increases in the cost of removal of the telecommunications facility and property restoration.

H. Artist/Photographer Studio

Designed or used primarily as a studio with retail capacities, separate and apart from a residence. Adequate off-road parking shall be provided.

I. Industrial Uses (uses #52, 53, 54, 56-59 in Table 3) are subject to the following additional provisions:

1. The minimum land area shall consist of three (3) contiguous acres;
2. All industries shall have a buffer strip along the side and rear property lines. Such buffer strips shall be at least twenty-five (25) feet in depth and consist of interlocking trees and foliage acceptable to the Town Planning Board. The maintenance of the buffer strips shall be the continuing obligation of the industry. (See Article XV);
3. No industrial structures or area for the storage of materials or area for the storage of equipment shall be located closer than twenty five (25) feet from the street right-of-way or other property line;

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4. A minimum frontage of two hundred fifty (250) feet shall be required;
5. A minimum of one (1) parking space shall be required for each employee, per shift;
6. Suitable landscaping, including lawns and plantings shall be installed, maintained and be subject to the approval of the Planning Board;
7. All industrial uses shall be subject to site plan review; and
8. In addition to the above provisions, the Planning Board may, when it deems necessary and pertinent to a full understanding of the scope and nature of a particular proposal, require information regarding the production, emission, or transmission into the general neighborhood of dust, smoke, refuse, odor, gas, fumes, noise, vibration, or similar substance or condition.

J. Mining and Extraction of Resources (other than Hydrofracking)

1. **Definitions.** As used in this section the following terms have the meanings hereinafter designated.

a. Excavation

The permanent removal of sand, gravel, stone, ore, earth (including topsoil) or other minerals from the ground
Excavation shall also include the movement of earth to changed grades or contours where an area of more than one half (1/2) acre of ground surface is disturbed and where the depth of the cut or embankment exceeds two (2) feet. Exceptions are listed in Article 1-4 Definitions.

b. Mining

The use of any land or other premises for the extraction of ores or stone from the earth, whether by subterranean or surface digging or other process

c. Quarry Operation

The use of any land or other premises for the extraction of, cutting of, crushing, screening, washing or processing of stone or stone like material

d. Sand & Gravel Operation

The use of any land or other premises for the excavation of removal of sand or gravel there from or for the crushing, screening, washing or processing of sand or gravel in any manner therein.

2. In addition to the application for the use of the land in the Town of Sterling for the purpose of sand, gravel, quarry, mining, or excavation operations complying with these Regulations, the following conditions must be met:
 - a. A New York State Department of Environmental Conservation Permit is required where applicable;
 - b. Evidence must be submitted that the site is served by an adequate highway transportation network suitable to the carrying of the unique traffic to be generated by the proposed operation. Traffic generated by the operation is prohibited in districts where mining is not permitted;
 - c. At no time shall any sand, gravel, quarry, mining, or excavation operation permitted herein be conducted any nearer to any property line or boundary line of any street or roadway than one hundred (100) feet. Note: (if adjacent properties are used for like purposes these requirements may be waived by written consent of the

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property owners) or within one thousand (1000) feet of any structure if structure is not owned by excavating operator;

- d.** Access roads at all points, including but not limited to the main entrance and exit, shall be at least one thousand (1000) feet from any existing residence or public building;
- e.** A structural barrier shall be provided to secure the site to achieve public safety. This barrier shall consist of a seven foot (7') berm along the side, front and back property lines with no opening except necessary gates for egress and ingress along the front property line. All gates shall be closed and locked at all times, except during working hours of such operation or when employees shall be within;
- f.** Hours of operation will be 7 a.m. to 5 p.m. Monday through Friday. Saturday operation will be limited to residential deliveries between the hours of 8 a.m. to 4 p.m. There will be no operating permitted on Sunday or on legally declared holidays;
- g.** A dust-preventative layer shall be spread on traveled roadways at all operations where required to protect the public and the countryside against windblown sand and dust. All loads shall be covered with no part of the load visible for dust control; and
- h.** Annual review of the site reclamation plan to confirm implementation of the plan as each section is mined and ensures reclamation requirements are followed as specified in the mined land reclamation permits issued by the New York State Department of Environmental Conservation.
- i.** The Town of Sterling Road Preservation Law requirements are met.

K. Wind Power Facilities

1. Residential

- a.** Unless otherwise required by the Town, all development applications for a wind powered facility (WPF) shall be accompanied by:
 - i.** A site plan showing and labeling the information outlined in this section, and the location of overhead utilities abutting the site;
 - ii.** Scale elevations and/or photographs of the proposed WPF showing total height, tower height, rotor diameter, and color;
 - iii.** Specifications for the foundation and/or anchor design, including location and anchoring of any guy wires;
 - iv.** An explanation as to whether or not the applicant intends to interconnect the WPF with any existing electrical distribution or transmission system;
 - v.** An analysis of the visual impact on the project, especially with respect of the scenic qualities of the area landscape.
 - vi.** An analysis of the potential for noise, both at the site of the installation and the boundary of the property containing the tower;

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- vii.** A State Environmental Quality Review form must be completed by the applicant to assist the Planning Board in determining any environmental considerations dealing with land disturbance, impacts on wildlife and vegetation, or other issues identified by the town;
 - viii.** Any information regarding public safety;
 - ix.** Any potential impact to the local road system including required access from municipal roads.

- b.** A WPF shall meet the following minimum setbacks:
 - i.** A WPF shall comply with all setbacks related to roadways as specified in these Regulations.
 - ii.** A WPF shall be set back the height of the tower from all property lines. If the topography of a site warrants a lesser setback, the PB may reduce the required setback provided mitigated measures are employed, to the satisfaction of the PB.
 - iii.** A WPF shall be located not less than twice the height of the tower from a dwelling not belonging to the owner of the land containing the facility or not less than the height of the tower from the owners dwelling.

- c.** Where, in the opinion of the PB, the minimum setbacks referred to in Section K1.b.ii are not sufficient to reduce the impact of a WPF, the PB may increase the required setback.

- d.** WPF employing a horizontal axis rotor shall have a minimum blade clearance of 25 ft. as measured from the lowest point of the rotor arc of the grade level, unless otherwise required by the Town.

- e.** WPF shall be secured from intruders;
 - i.** No ladder or permanent tower access device shall be located less than 12 ft. from grade level, and/or
 - ii.** A locked device installed on the tower to preclude access to the top of the tower.
 - iii.** A separate locked and vented power storage building (shed).

- f.** Unless otherwise required by the Town, a WPF shall be finished in a non-reflective matte finish and in a color which minimizes the obtrusive impact of a WPF to the satisfaction of the PB.

- g.** No lettering or advertising shall appear on the towers or blades. In other parts of the WPF, the only lettering will be the manufacturers' identification.

- h.** The Town shall require a reclamation or a decommission plan to form part of an agreement. Unless otherwise required by the Town, this plan shall include:
 - i.** Treatment of footings;
 - ii.** Reclamation of roads and other disturbances;
 - iii.** Notice to adjacent land owners;
 - iv.** Containment of hazardous materials;
 - v.** Site security; and

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- vi.** Time line indicating when reclamation/ decommissioning would commence after the WPF ceases power conversion.
- i.** All towers must comply with FAA regulations.

2. Commercial Wind Power Facilities

- a.** Unless otherwise required by the Planning Board, all development applications for a wind powered facility (WPF) shall be accompanied by:
 - i.** A site plan showing and labeling the information outlined in this section, and the location of overhead utilities abutting the site;
 - ii.** Scale elevations and/or photographs of the proposed WPF showing total height, tower height, rotor diameter, and color;
 - iii.** Potential electromagnetic interference;
 - iv.** Specifications for the foundation and/or anchor design, including location and anchoring of any guy wires;
 - v.** An explanation as to whether or not the application intends to interconnect the WPF with any existing electrical distribution or transmission system;
 - vi.** An analysis of the visual impact on the project, especially with respect of the scenic qualities of the area landscape;
 - vii.** An analysis of the potential for noise, both at the site of the installation and the boundary of the property containing the tower;
 - viii.** A State Environmental Quality Review form must be completed by the applicant to assist the Planning Board in determining any environmental considerations dealing with land disturbance, impacts on wildlife and vegetation, or other issues identified by the town;
 - ix.** Any information regarding public safety;
 - x.** Any impact to the local road system including required access from municipal roads.
- b.** A WPF shall meet the following minimum setbacks:
 - i.** A WPF shall comply with all setbacks related to roadways as specified in these Regulations.
 - ii.** A WPF shall be set back the height of the tower from all property lines. If the topography of a site warrants a lesser setback, the PB may reduce the required setback provided mitigated measures are employed, to the satisfaction of the PB.
 - iii.** A WPF shall be located not less than twice the height of the tower from a dwelling not belonging to the owner of the land containing the facility or less than the height of the tower from the owners dwelling.
- c.** Where in the opinion of the PB, the minimum setbacks referred to in Section K2.b.ii are not sufficient to reduce the impact of a WPF, the PB may increase the required setback.
- d.** WPF employing a horizontal axis rotor shall have a minimum blade clearance of twenty-five (25) ft. as measured from the

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lowest point of the rotor arc to grade level, unless otherwise required by the PB.

- e.** WPF shall be fenced to the satisfaction of the PB, which may include;
 - i.** A security fence with a lockable gate surrounding the tower(s) not less than six (6) ft. in height.
 - ii.** No ladder or permanent tower access device shall be located less than twelve (12) ft. from grade level, and/or
 - iii.** A locked device installed on the tower to preclude access to the top of the tower.
 - iv.** A separate locked and vented power storage building (shed).
- f.** Unless otherwise required by the PB, a WPF shall be finished in a non-reflective matte finish and in a color which minimizes the obtrusive impact of a WPF to the satisfaction of the PB.
- g.** No lettering or advertising shall appear on the towers or blades. In other parts of the WPF, the only lettering will be the manufacturer's identification.
- h.** The PB may establish a maximum density for WPF on a parcel of land.
- i.** Removal and reclamation agreement
 - i.** At the time of the application submission for a Special Permit for a commercial wind power facility, the applicant shall also submit an agreement for removal and reclamation, for such a time when the WPF becomes technologically obsolete or ceases to perform its originally intended function for more than six (6) consecutive months or the owner wishes to remove the WPF. Unless otherwise stated by the PB, the agreement shall include:
 - ii.** A plan for reclamation of roads and other disturbances;
 - iii.** A plan to notify to adjacent land owners of the removal;
 - iv.** Containment of hazardous materials;
 - v.** Site security; and
 - vii.** Time line indicating when reclamation/ decommissioning would commence after the WPF ceases power conversion.
 - viii.** Removal and reclamation plan for driveways, structures, buildings, equipment, lighting, utilities, fencing, gates, accessory equipment or structures, as well as any tower(s) dedicated solely for use as a wind power facility. Upon removal of said facility, the land shall be restored to its previous condition, including but not limited to the seeding of exposed lands.
 - iv.** At the time of obtaining a building permit, the applicant must provide a financial security bond for removal of the commercial wind power facility and property restoration, with the Town of Sterling as the assignee, in an amount approved by the Town Board, but not less than sixty thousand dollars (\$60,000).

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- x.** At times of modification, the Town Board may adjust the required amount of the financial security bond to adequately cover increases in the cost of removal of the wind power facility and property restoration.

- j.** Physical Environment
 - i.** The PB will consider the environmental impact of any proposed development when reviewing the SEQR. The PB may refer the proposal to a relevant department for a comment on the nature of the environmental concern. Where a development is considered to have a significant negative environmental impact, the PB may request the developer to have an Environmental Impact Statement prepared and submitted by an appropriate professional, or undertake its own EIS regarding the proposed development at the developer's expense.
 - ii.** All towers must comply with FAA regulations.

ARTICLE XI Site Plan Review & Approval

11-1 Intent

The purpose of Site Plan Review is to implement the recommendations of the Comprehensive Plan. Site Plan Review is intended to determine compliance with the objectives of these Regulations where inappropriate development may cause a conflict between uses in the same or adjoining Zoning district by creating conditions which would adversely affect the public health, safety, or general welfare.

11-2 Procedures for Site Plan Review & Approval

A. Sketch Plan

A sketch plan conference may be held between the Planning Board and the applicant prior to the preparation and submission of a formal site plan. The intent of such a conference is to enable the applicant to inform the Planning Board of his proposal prior to the preparation of a detailed site plan; and for the Planning Board to review the basic site design concept, advise the applicant as to potential problems and concerns and to generally determine the information to be required on the site plan. In order to accomplish these objectives, the applicant should provide the following:

- 1.** A statement and rough sketch showing the locations and dimensions of principle and accessory structures, parking areas access signs (with descriptions), existing and proposed vegetation, and other planned features; anticipated changes in the existing topography and natural features; and where applicable, measures and features to comply with flood hazard and flood insurance regulations;
- 2.** A sketch or map of the area which clearly shows the location of the site with respect to nearby streets right-of-way, properties, easements and other pertinent features; and
- 3.** A topographic or contour map of adequate scale and detail to show site topography.

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B. Application for Site Plan Review

An application for Site Plan Approval shall be made in writing to the chairman of the Planning Board and shall be accompanied by information contained on the following checklist. Where the sketch plan conference was held, the accompanying information shall be drawn from the following checklist as determined necessary by the Planning Board at said sketch plan conference.

1. Site plan checklist:

- a.** Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
- b.** North arrow, scale and date;
- c.** Boundaries of the property plotted to scale;
- d.** Existing watercourses;
- e.** Stormwater Pollution Prevention Plan (SWPPP)
- f.** Grading and drainage plan, showing existing and proposed contours;
- g.** Location, design and type of construction, proposed use and exterior dimensions of all buildings;
- h.** Location, design and type of construction of all parking and truck loading areas, showing access and egress;
- i.** Provision for pedestrian access;
- j.** Location of outdoor storage, if any;
- k.** Location, design and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences;
- l.** Description of the method of sewage disposal and location, design and construction materials of such facilities;
- m.** Description of the method of securing public water and location, design and construction materials of such facilities;
- n.** Location of fire and other emergency zones, including the location of fire hydrants;
- o.** Location, design, and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
- p.** Location, size and design and type of construction of all proposed signs;
- q.** Location and proposed development of all buffer areas, including existing vegetative cover;
- r.** Location and design of outdoor lighting facilities;
- s.** Identification of the location and amount of building area proposed for retail sales or similar commercial activity;
- t.** Detailed landscaping plan and planting schedule (See Article XV);
- u.** An estimated project construction schedule;
- v.** Environmental Form, as required by the SEQRA
- w.** A record of application for and approval status of all necessary permits from state and county officials;
- x.** Identification of any state or county permits required for the project's execution; and
- y.** Other elements integral to the proposed development as considered necessary by the Planning Board.
- z.** Compliance with the Town of Sterling Road Preservation Law.

The Planning Board shall take into consideration any other special or unique circumstances or conditions that may exist on the site, including, but not limited to unique animal habitats, water features, woodlots, hedgerows, prime agricultural soils, soil erodibility, and steep slopes.

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C. Review of Site Plan

The Planning Board's review of the site plan shall include, as appropriate, but is not limited to, the following general considerations:

1. Location, arrangement, size, design, aesthetics, and general site compatibility of buildings, lighting and signs;
2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls;
3. Location, arrangement, appearance and sufficiency of off-street parking and loading;
4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience;
5. Adequacy of storm water and drainage facilities;
6. Adequacy of water supply and sewage disposal facilities;
7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation;
8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants;
9. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion;
10. Size, location, arrangement and use of required open space and adequacy of such open space to preserve scenic views and other natural features, to provide suitable screening and buffering; and to provide required recreational areas;
11. Protection of adjacent or neighboring properties against noise glare, unsightliness, or other similar nuisances; and
12. Results of SEQRA findings.

D. Waiver of Procedure

The Planning Board is authorized to waive, when reasonable, any requirement or improvement for the approval of site plans submitted for review in accordance to Town law. The Planning Board may exercise this waiver authority only when the requirements in question are found not to be a requisite in the interest of the public health, safety and general welfare (or found not to be) inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed action. The Planning Board must state its grounds for waiving certain submission requirements in writing and file such statement with the application and supporting documents. Even then, any waiver is subject to appropriate conditions imposed by the Planning Board in its reasonable discretion.

E. Public hearing and Planning Board action on site plan.

1. Within sixty-two (62) days of the receipt of a completed application for site plan, (assuming a negative SEQR declaration or within sixty-two (62) days of final EIS if positive SEQR declaration) the Planning Board shall conduct a public hearing.
2. Notice of hearing. The Planning Board shall mail notice of said hearing to the applicant at least ten (10) days prior to said hearing and at least five (5) days prior to the date fixed for public hearing, publish a notice in the official paper.
3. The Planning Board shall make a decision of the application within sixty-two (62) days after such hearing, and said decision will be filed within five (5) days with the Town Clerk, and within five (5)

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days mail such decision to the applicant with a copy to the CEO. The time within which a decision must be rendered may be extended by mutual consent of the applicant and Planning Board.

4. Referral to the County Planning Board at least ten (10) days before hearing or, if there is no public hearing, before action is taken under provisions of Section 239-m of the NYS General Municipal Law.

5. Upon approval of the site plan and payment by the applicant of all fees and reimbursable costs due to the Town, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward a copy to the applicant, CEO, and file same with the Town Clerk.

6. Upon disapproval of a site plan, the Planning Board shall so inform the CEO and the CEO shall deny a Zoning/Building Permit to the applicant. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval. Such disapproval shall be filed with the Town Clerk.

7. Reimbursable costs. Reasonable and necessary costs incurred by the Planning Board for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan shall be charged to the applicant.

8. Performance guarantee. No Certificate of Occupancy shall be issued until all improvements shown on the site plan are installed or an appropriate financial surety, such as a certified check, irrevocable bank letter of credit or certificate of deposit has been posted for improvements not yet completed. The sufficiency of such financial surety shall be determined by the Town Board after consultations with the Planning Board, CEO, Town Attorney and other appropriate parties.

9. Inspection of improvements. The CEO shall be responsible for the overall inspection of site improvements including coordination with the Planning Board and other officials and agencies, as appropriate.

10. Integration of procedures. Whenever the particular circumstances of proposed development require compliance with either the special use procedure in these Land Use Regulations or other requirements of the Town, the Planning Board shall attempt to integrate, as appropriate, site plan review as required by this section with the procedural and submission requirements for such other compliance.

11-3 Appeal to Court

Any person or persons, jointly or severally aggrieved by a decision of the Planning Board or any officer, department, board or bureau of the Town, may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceeding shall be instituted within thirty (30) days after the filing of a decision of the board in the office of the Town Clerk.

11-4 Fees

Applications for Site Plan Review and Special Use Permits shall be accompanied by a payment to the Town in accordance with a fee schedule adopted by resolution of the Town and are non-refundable.

11-5 Review by Cayuga County Planning Board

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The Planning Board shall refer all applicable materials to the County Planning Board when required by Section 239-m of the NYS General Municipal Law.

ARTICLE XII PLANNED DEVELOPMENT DISTRICTS

12-1 Intent

In Planned Development Districts (PDD), parcels and buildings may be used to accommodate a wide range of development and/or redevelopment regardless of the underlying zoning district(s), as authorized by the Town Board in creation of a PDD. The intent of the PDD is to provide flexible land use and design regulations through the use of performance criteria and land impact considerations, so that developments incorporating individual building sites, common property, singular land use, and/or mixed land uses may be planned and developed as a unit. Where deemed appropriate, the Town Board may consider a proposed planned development through an approval process requiring a zoning district change from the original district to PDD, in which the approved plan and a complete set of use and dimensional regulations become the basis for continuing land use controls.

12-2 Objectives

In order to carry out the purpose of this article, a PDD shall achieve at least the following objectives:

- A.** Work as a concentrated whole unit, being self-contained and un-conducive to expansion outside its boundaries at a future date, unless such expansion when added to the original PDD can act with it to create a large self-contained unit;
- B.** Provide open space as an integral part of the plan;
- C.** Provide convenient location of commercial and service areas;
- D.** Preserve trees, outstanding natural topography and geologic features and prevent soil erosion and ground and surface water pollution;
- E.** Make creative use of land and related physical development that allows an orderly transition of land from rural to more urban areas;
- F.** Provide a development pattern in harmony with the objectives of the Town's Comprehensive Plan; and to
- G.** Provide a more desirable environment for dwelling, working and/or recreation than would be possible through the strict application of the present regulations for the underlying district as determined in these Regulations.

12-3 General Requirements

- A. Minimum Area**
The minimum area requirements for a PDD shall be ten (10) contiguous acres of land, not separated by existing streets, highways, or other properties. Where the applicant can demonstrate that the characteristics of his land holdings will meet the requirements of this Article, projects with less acreage may be considered.
- B. Ownership**
That tract of land for the PDD shall be owned or under legal option to purchase by the applicant who may be a single person, corporation, or a group of individuals or corporations. The application shall be filed by the owner or jointly by the owners of

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all property included in the PDD. In the case of multiple owners, the approved plan shall be binding on all owners.

C. Location

The PDD shall be applicable to any area of the Town of Sterling where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this article and the spirit of this local ordinance. A PDD proposal must demonstrate compatibility with the surrounding land uses, neighborhood character, and traffic pattern, capacity and volume.

D. Intensity of Land use

Relatively high land use intensity or dwelling unit density may be permitted if it is demonstrated that a good overall dwelling, working and/or recreational environment is thereby produced. In determining the suitability of land use intensity or dwelling unit proposed for a PDD, each use shall be considered separately. Proposed land use intensity ratings and/or dwelling unit densities shall be completely documented by all facts, opinions, and judgments, used to justify the selections of the intensity rate or unit density.

E. Common Property

Common property in a PDD is a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which is shared by the owners and occupants of the individual building sites. When common property exists (and such may be required), the ownership of such common property may be either public or private; when common property exists in private ownership, satisfactory arrangements shall be made for the improvement, operation and maintenance of such common property and facilities thereon, including, but not limited to private streets, drives, service and parking areas, open space and recreation areas.

F. Permitted Uses

The use of land or buildings in a PDD may be for any lawful purpose as authorized by the Town Board in accordance with the procedures of this Article. The following general uses, or combinations thereof, may be considered:

1. Residential Planned Development (RPD)

a. Residential Uses

Residences may be a variety of types. In developing a balanced community, the use of a variety of housing types and densities shall be deemed most in keeping with the objectives of this article and the applicant shall demonstrate that he is reaching as abroad an economic market as possible.

b. Commercial, service and other non-residential uses

in primarily residential PDD. These uses may be permitted (or required) where such uses are scaled primarily to serve the residents of the residential PDD. Consideration shall be given to the project as it exists in its larger setting in determining the appropriateness of such uses. In no case shall more than twenty-five (25) percent of the gross site area be permitted for commercial uses, services, or non-residential uses other than open space and non-profit recreation.

2. Commercial Planned Development (CPD)

If designed and organized toward the purposes and objectives of the article, a PDD with commercial uses as the major land use may

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be approved. All proposed shopping centers in the town shall be subject to approval through the PDD procedures.

3. Industrial Planned Development (IPD) If designed and organized toward the purposes and objectives of this article, a PDD with industrial uses as the major land use may be approved. All proposed industrial developments for the Town of Sterling shall be subject to approval through the PDD procedures. Industrial uses shall not be permitted in combination with any residential uses.

12-4 Procedures for PDD Approval

For approval of a proposed PDD, the applicant shall first secure a zoning district change from the Town Board for the subject property from its present district to a Planned Development District. If the zoning district change is approved, these regulations shall be amended to include the PDD plan and all related specifications, including use & dimensional regulations. After the PDD district change has been approved, subdivision and platting of all lands in the PDD shall be subject to Article XIII within these Regulations. Before construction and occupancy of buildings or land, the proper permit(s) shall be secured by the applicant in accordance with these Regulations.

Before any permit for erection of a permanent building in a PDD shall be granted, and before any subdivision plat or any part thereof may be filed in the Cayuga County Clerk's Office, the applicant or his authorized agent shall apply for and secure approval of PDD district change in accordance with the specific procedures defined below (a summary of these procedures is shown in the flowchart in **Appendix A3**):

A. Pre-application Discussion Stage

Prior to formal application the applicant shall present the proposed PDD to the Town Planning Board in rough sketch and written descriptive form to get the initial opinions concerning the suitability of the concepts, and general elements of the development, and to make sure the required procedures for the PDD application are fully understood by the applicant. In this stage, it is advised that all the items be addressed at least in rough form by the applicant.

B. Application for PDD Zoning District Change

A complete application for the establishment of a PDD shall be made to the Town Board in plan that consists of a plat and narrative (drawn to scale) and written application on forms provided by the CEO. The acceptability of a PDD shall be based upon the Town Board's judgment concerning the overall quality of the PDD proposal, and the extent of its impact upon the Town, its citizens, and their properties. In order for the Town Board to evaluate the PDD proposal the application (in its plan and written form) shall address the following areas:

1. Project Particulars

Shall include the name and location of the project, name(s) and address(s) of the owner(s), a legal description of the property, and the names of the owners of abutting properties

2. Type of Development

The type of development shall be fully described, including at least the following information.

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a. Residential

Total acreage of residential area and each residential portion of the development; total number of dwelling units and number in each residential portion; percentage and numbers of dwelling units by type (single family, garden apt., town houses, etc.) dwelling unit density per gross site acreage; estimated population of the development and estimated number of school-age children.

b. Commercial

Total acreage of commercial area; gross leasable floor area in square feet; land use intensity rating; general description of commercial types and their general requirements for receiving and delivering goods

c. Industrial

The total acreage of the industrial area; land use intensity rating; types of industry and individual process involved; source, type of general quantities and method of shipment for raw materials; general quantities and method of shipment for products; types of wastes and residuals

3. Staging of Development

Description on plan and in written form(s) of the planned staging of the project (and such staging may be required).

4. Natural Site

A description of each natural site shall be included with at least the following information: soil characteristics and limitations; extent of and treatment intended for the site's vegetative cover (especially trees); topographical features (on topographical map) existing and proposed site drainage; foreseeable needs of the site for construction precautions; existing conditions of and the projected effects upon the ground and surface waters of the site and community; possible air pollution hazards.

5. Site Planning and Design Considerations

Descriptions and illustrations of the following; ingress and egress; parking; on-site pedestrian and vehicular circulation; general landscaping treatment; general location of buildings and other structures; locations of all facilities; and general visual description.

6. Transportation and Traffic

Description of at least the following: existing streets serving the area; the level of service provided by existing streets in terms of traffic count; street traffic capacities; expected modifications for existing street systems required by project; estimated daily automobile trips generated by the residential and other uses; availability of public transportation to site; and design considerations for preventing on-site and area traffic congestion.

7. General Market Information

Describe the need for the proposed land uses in their proposed locations and their proposed quantities; and the intended market structures for the residential units (prices and rents, describe whether low-income, middle, luxury, etc.).

8. Project Fiscal Impacts on Town

Calculations of projected Town revenues and costs expected by the Town as a result of the proposed development

9. Utilities and Related Services

Describe the following and detail their intended locations on the plan(s); the method and projected quantities of waste water (sewage) from the development; demands and source for water; level of service needed and available for fire protection; demands

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for and availability of gas and electricity; projected quantities of and method of disposal for solid wastes; and a *Storm Water Pollution Prevention Plan (SWPPP)* shall also be provided. In addition, a description of the potential impact to the local school district(s) shall be furnished.

10. General Effects of Development on Neighborhood and Community Appearance and Land Use

Description of the effects on the appearance and relationship of project to predominant character and land use in area (compatibility)

11. Relationship of proposed PDD to Official Town and County Development Policies

Information on how the proposed PDD relates to local and area wide goals and policies as stated the Town of Sterling Comprehensive Plan and Land Use Regulations.

12. Development, Operation and Maintenance of Open Space and Common Properties

A general statement concerning the responsibility for these and proposed methods for their implementation

13. Developer Competence

Evidence in the applicant's behalf to demonstrate his competence to carry out plan and his awareness of the scope of the project, physical and financial

14. Other

Any other such information as the Town Board deems to be reasonably pertinent to the adequate consideration and evaluation of the proposed project.

C. Planning Board Review & Recommendation and SEQR Review

Prior to the Town Board action, to insure that the proposal is within the intent of the Comprehensive Plan of the Town, the Town Board shall immediately after receipt of the completed application, refer it, for the purpose of review and recommendations, to the Planning Board. At any point during review, the Planning Board or the Town Board may also request an informal review by the Cayuga County Planning Board. In addition, the Town Board shall refer the completed application including all the information necessary to make a SEQRA Determination of Significance, to the lead agency for SEQR (the lead agency may be the Town Planning Board). The lead agency for SEQR will make the Determination of Significance (of either a negative declaration or positive declaration) within twenty (20) days of receiving the completed application and at the subsequent Public Hearing for SEQR. In the case of a positive declaration, the applicant must perform an Environmental Impact Study (EIS) if he/she wishes to proceed with the project. Within sixty-two (62) days of a negative declaration (or within sixty-two days of the Final EIS, in the case of a positive declaration), the Planning Board shall give its recommendation to the Town Board. The recommendation can be either approval, approval with modifications or disapproval of the application.

Failure of the Planning Board to act within 62 days shall be deemed to be a recommendation of approval by the PB. The 62 day time period may be extended if mutually agreed upon by the PB and applicant. In the event that approval subject to modifications is recommended, the applicant shall, within ten (10) days after receiving a copy of the Planning Board's recommendations, notify the Town Board in writing of all such modifications. In the event that the applicant does not notify the Town Board within said period of his acceptance or refusal

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of all said modifications, approval of the application subject to such modifications shall stand as recommended.

The Town Board shall forward the completed application along with any SEQR documentation to the Cayuga County Planning Board and request a formal review. The Cayuga County Planning Board has 62 days from receipt of this request to provide its recommendation.

D. Public Hearing

Upon receipt of both the Town Planning Board and Cayuga County Planning Board's recommendations or once the specified review period expires, whichever occurs first, the Town Board shall, within 62 days, schedule and conduct a public hearing for the purpose of considering the change in zoning district to PDD for the applicants plan in accordance with the procedures required under Section 264 of the NYS Town Law. The Town Board, at their discretion, may call additional public hearings as needed.

E. Town Board Action

Within sixty-two (62) days after the public hearing closes, the Town Board shall render its decision on the PDD application. If the Town Board grants the PDD zoning, the Zoning Map shall be so noted, and the Law shall be amended so as to define the legal boundaries of the PDD, but such action shall only grant permission for development of the specific proposed land uses in accordance with the use and dimensional specification, plans and related materials filed with the Town, any conditions and requirements for the applicant to meet. The approved plan and the related attachments shall be deemed an amendment to this Law and shall serve as continuing land use controls for the specific Planned Development District; the first such zoned PDD shall be designated "PDD 1", with subsequent unrelated Planned Development District to be numbered in continuing sequence.

F. Subdivision Plat Approval

If any portion of a PDD is intended for sale or other form of transfer, whether immediate or future, the development shall be considered a subdivision of land and shall be subject to the Subdivision Regulations of the Town of Sterling; where the requirements and specifications of the subdivision regulations are in conflict with the PDD plan approved by the Town Board the approved plan shall take precedence.

G. Annual Review of PDD

The CEO shall review the PDD annually in order to determine the amount and quality of the progress made by the developer toward fulfilling the specifications and plans and any attached conditions, and make a report to the Town Board. Based upon the progress made by the developer, the Town Board may reconsider the PDD and further amend the Law in relation to it. ***If progress is not to the satisfaction of the Town Board or not in keeping with the staging approved by the Town Board, the Town Board may consider changing the zoning of the property to the original or other district.***

12-5 Manufactured Home Community within a RPD

The Town of Sterling Planning Board may establish a Manufactured Home Community within a Residential Planned District in the Town of Sterling through the following procedures:

- A.** In addition to the general requirements for a PDD, a completed and approved application for the establishment of a MHC shall include the proposed methods of providing:
- 1.** Sanitary waste collection and disposal;

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2. Potable water supply;
 3. Fire protection;
 4. Refuse collection;
 5. Adequate drainage including Storm Water Pollution Prevention Plan (if required);
 6. Electrical service;
 7. Mail delivery;
 8. Snow removal; and
- B.** Any additional information as the Planning Board may require for adequate review of the proposed community.
- C. Construction and design standards**
1. MHC site drainage shall be properly designed to ensure adequate drainage during and following rainfall. An SWPPP may be required.
 2. The number of home sites shall not exceed six (6) per gross acre of the MHC.
 3. MHC shall be screened from neighboring properties by a buffer zone. Refer to Article XV.
 4. The layout and design of individual sites, streets and recreation areas must preserve, as much as practical, the existing topography to include features such as mature trees, rock outcroppings or other significant and beneficial aesthetic features.
 5. There shall be a minimum of twenty (20) feet between homes.
 6. Each home shall enjoy a minimum yard space of fifteen (15) feet in the rear; minimum width of five (5) feet of any side yard. The total minimum width of both side yards shall be twenty (20) feet.
 7. All home sites shall have a permanent foundation to accommodate and secure the home structure per Manufacturers' Installation Manuals; NYS code ANSI 225.1-1994, etc.
 8. The perimeter of the home shall be enclosed with approved skirting.
 9. Two (2) off-street parking spaces shall be provided for each home site.
 - Each parking space must be a minimum of eighteen by ten feet (18' X 10') and may be grouped with others in a common or semi-common parkway bay. Parking on access roads and community streets is prohibited
 10. An area shall be provided solely for the parking/storage of all recreational vehicles, boats, trailers and any other equipment as may be owned by the residents of the MHC.
 11. Exposed ground surfaces shall be protected with grass, plant material or any other material approved by the Planning Board for the prevention of erosion and the elimination of dust.
 12. All accessory structures are restricted to rear or side yard locations. Minimum setback for an accessory building shall be three (3) feet from rear or side site line
 13. There shall be no construction without first securing a Zoning/Building Permit from the Code Enforcement

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Officer after prior approval has been granted by the MHC owner or operator.

D. Inspections

Before a MHC commences operations, the Code Enforcement Officer shall make an inspection of the site. He/she shall determine that all requirements of the community plan approval have been complied with and shall issue a Certificate of Compliance.

E. Permit, Renewals and Enlargements

1. A Manufactured Home Community may commence operations after receiving a Certificate of Compliance and additionally, a MHC Operational Permit (see fee schedule) from the Code Enforcement Officer.
2. MHC Operational Permits are to be renewed on a yearly basis. Renewals will only be issued if the community has been maintained in accordance with the plans and conditions attached to the initial approval
3. Enlargement of an existing community shall follow the same procedure as required for a new community development.

F. Continuance of lawful uses

Any non-conforming use of any manufactured home community existing on the effective date of this Article may be continued.

G. Expansion of existing communities

Expansion of existing manufactured home communities shall be in accordance with this Article.

12-6 Recreational Vehicle Park/Campground within a CPD

The Town of Sterling Planning Board may establish a Recreational Vehicle Park or Campground within a Commercial Planned District within the Town through the following procedures:

- A. In addition to the general requirements for a PDD, a completed application for the establishment of a RV Park or Campground shall include the proposed methods of providing:
 1. Sanitary waste collection and disposal;
 2. Potable water supply;
 3. Fire protection;
 4. Refuse collection;
 5. Adequate drainage;
 6. Electrical service;
 7. Shower facilities;
 8. Adequate lighting; and
- B. Any additional information as the Planning Board may require for adequate review of the proposed park/campground
- C. **Construction and design standards**
 1. Site drainage shall be designed to ensure proper site drainage during and following rainfall. A SWPPP may be required.
 2. The number of camping sites shall not exceed ten (10) per gross acre of the RV Park or Campground.
 3. RV Park or Campground shall be screened from neighboring properties by a buffer zone. Refer to Article XV.

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4. The layout and design of individual sites, streets and recreation areas must preserve, as much as practical, the existing topography to include features such as mature trees, rock outcroppings or other significant and beneficial aesthetic features.
5. There shall be a minimum of twenty (20) feet between camp sites.
6. RV's, camping trailers or tent sites shall be located at least fifty (50) feet from any property line and set back at least 100 feet from any public road.
7. One toilet for each sex for each ten (10) sites shall be provided within three hundred (300) feet of each site. A minimum of two (2) toilets for each sex shall be provided.
8. Lavatories or other hand washing facilities shall be provided at a ratio of one (1) for each ten (10) sites for each sex
9. Shower facilities shall be provided at RV Parks or campgrounds of fifty (50) sites are more and must be served with hot and cold running water and be available at a ratio of two showers for each thirty (30) sites for each sex.
10. Utility sinks shall be provided.
11. Exposed ground surfaces shall be protected with grass, plant material or any other material approved by the Planning Board for the prevention of erosion and the elimination of dust.
12. Adequate off road parking shall be provided to accommodate at least two (2) cars per camp site.
13. There shall be no construction to any RV site without first securing a Zoning/Building Permit from the Code Enforcement Officer after prior approval has been granted by the RV Park/campground owner or operator.

D. Inspections

1. Before a RV Park or Campground commences operations, the Code Enforcement Officer shall make an inspection of the site. He/she shall determine that all requirements of the plan approval have been complied with and shall issue a Certificate of Compliance.
2. The Code Enforcement Officer shall have the authority to enter the RV Park/campground to inspect for compliance with the approved plans and conditions of the plan, to investigate complaints or any other provision of these Regulations or NYS Property Maintenance Code at any reasonable time.

E. Permit, Renewals and Enlargements

1. A RV Park/Campground may commence operations only after receiving a Certificate of Compliance and additionally, an Operating Permit (see fee schedule) from the Code Enforcement Officer.
2. Operating Permits are to be renewed with the CEO annually and accompanied by a fee established by the Town Board.
3. Renewals will only be issued if the park/campground has been maintained in accordance with the plans and conditions attached to the initial approval

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4. Enlargement of an existing park/campground shall follow the same procedure as required for a new park/campground development.

F. Continuance of lawful uses

The nonconforming use of any RV park/campground existing on the effective date of this Article may be continued.

G. Expansion of existing communities

Expansion of existing RV park/campgrounds shall be in accordance with this Article.

12-7 Adult Oriented Business

In order to prevent the negative secondary effects of adult entertainment establishments, the following restrictions apply:

- A. No adult-oriented business shall be permitted in a building any part of which is used for residential purposes, including non-conforming residential uses;
- B. No more than one adult oriented business shall be permitted in any building, or on any lot;
- C. No minor (under the age of 18) shall be permitted onto the premises of any adult oriented business;
- D. The exterior of the adult oriented business structure shall be consistent with the character of the surrounding structures and shall not detract from the appearance of the neighborhood;
- E. An adult oriented business shall not be located within fifteen hundred (1500) linear feet from any building used for: residential purposes, a group care facility, a child care center, a regular place of religious worship, a public or private school, a public or semi-public building, a medical center, a community center, or another adult oriented business. Distance shall be measured from closest lot lines;
- F. An adult oriented business shall not be located or operated within fifteen hundred (1500) linear feet of the property line of a public park, recreational facility, health facility, or trail;
- G. All adult-oriented business shall be conducted within enclosed buildings;
- H. There shall be no use of show windows, displays, or advertising visible outside the business to attract customers or clients other than signs as permitted.

ARTICLE XIII SUBDIVISION REGULATIONS

13-1 Intent

These regulations have been enacted for the purpose of providing for the future growth and development of the Town of Sterling in accordance with the Comprehensive Plan, and to ensure that the division or consolidation of parcels of land adequately provide for the safety, health, and welfare of its population.

13-2 Definitions

Cluster Development

Cluster Development is a site planning approach that is an alternative to conventional subdivision development. It is a practice of low impact development that groups residential properties in a proposed subdivision closer together in order to utilize the rest of the land for open space,

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recreation or agriculture. Cluster development differs from a Planned Development District (PDD) due the fact that a PDD contains a mix of residential, commercial, industrial, or other uses, whereas the cluster development primarily focuses on residential area.

Final Plat

A drawing prepared in accordance with these regulations showing all information shown on the preliminary plat if required and the modification of such information as was required by the Planning Board at the time it approved the preliminary plat, if it, in fact, did approve said preliminary plat.

Lot Line Adjustment

A realignment of property lines between two (2) adjacent parcels, where the land taken from one parcel is added to the adjacent parcel and where no new lots are created.

Major Subdivision

Any subdivision of a parent parcel of land into four (4) or more lots, or a subdivision of any number of lots to be serviced by new public roads, new public infrastructure or one that has been subdivided in the previous five (5) years

Minor Subdivision

Any subdivision of a parent parcel of land into less than four (4) lots, unless such lots are to be serviced by new public roads or public infrastructure. In which case, it would be considered a major subdivision.

Preliminary Plat

A drawing prepared in accordance with these regulations showing the layout of the subdivision including the layout and dimensions of roads and lots, topography and drainage, existing and proposed public or private infrastructure (unsized).

Subdivision

The division of any parcel of land into a number of lots with or without new roads. The term "subdivision" shall include any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed in the Office of The Cayuga County Clerk.

13-3 General Procedures for all Subdivisions (See Appendix A4)

A. Pre-application Discussion with Planning/Zoning Clerk

Prior to applying for a subdivision, the applicant shall discuss the basic process with the Planning/Zoning Clerk, and schedule a sketch plan conference with the Planning Board.

B. Sketch Plan Conference

Prior to the submission of a formal application for subdivision approval, the applicant shall meet with the PB for a sketch plan conference. This meeting is intended to assist the applicant in the planning and preparation of the preliminary or final plat. The applicant shall provide a sketch of the proposed subdivision drawn on a topographical map of the land involved. It shall show in simple sketch form, the relationship between the existing physical conditions and the proposed lot layout. The Planning Board will advise the applicant on the following:

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1. The potential classification as a lot line adjustment, minor subdivision, or major subdivision;
2. Compliance with the lot dimensional requirements found in Article VII;
3. The potential need for a variance from the Zoning Board of Appeals;
4. The requirements of the State Environmental Quality Review Act (SEQRA);
5. The possible involvement of other government agencies in the review process;
6. The determination of wetlands or floodplains;
7. The need for referral to the County Planning Board pursuant to General Municipal Law Section 239-m; and
8. The potential for a waiver of requirements

C. Initial Plat Review

The purpose of this meeting between the applicant and the PB is for the Planning Board to determine that the application is complete in accordance with the Town of Sterling Land Use Regulations and there are no significant environmental impacts. The applicant shall submit the application and fees to the Town Clerk at least fifteen (15) days prior to the Planning Board meeting at which the subdivision is to be reviewed.

This application shall contain all items as required in Section 13.5, including one paper copy of the preliminary plat and the completed Environmental Assessment Forms, as required by SEQR. The official submission date of the application will be the date the Planning Board determines the application is complete. The application shall be considered complete only when all the information required in Section 13.5 has been provided and either a negative environmental declaration has been filed or a notice of completion of a draft Environmental Impact Statement has been filed in accordance with the provisions of 6NYCRR Part 617.

D. Referral to County Planning

The Planning Board shall refer all applications that fall within those areas specified under General Municipal Law Section 239-m to the Cayuga County Planning Board. If the county does not respond within thirty (30) days from the time it received a full statement on the referred matter, the Planning Board may act without such report.

E. Mandatory Public Hearing

Within sixty-two (62) days of the submission of the completed application, assuming a *negative environmental declaration* (or within sixty-two days of the receipt of a final EIS, in the case of a *positive environmental declaration*) the Planning Board shall hold a public hearing.

1. **In the case of minor a subdivision, the applicant shall bring five (5) paper maps and one (1) Mylar of the final plat, marked "Final Plat". In the case of a major subdivision, the applicant shall bring five (5) paper maps of the preliminary plat, marked "Preliminary Plat".**

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2. Any revisions requested at the initial plat review shall be incorporated into the maps presented at this hearing.

3. At least five (5) days prior to the public hearing, a notice thereof shall be published at least once in the newspaper of general circulation in the town and certified notification mailed to owners of all adjacent properties of the proposed subdivision. This public hearing may also fulfill the SEQR hearing requirements. The hearing shall be closed within one hundred twenty (120) days after it is opened.

F. Planning Board Action

Within sixty-two (62) days of the close of the hearing, the PB shall approve, conditionally approve, or disapprove the application. The time in which the PB must take action may be extended by mutual consent of the applicant and the Planning Board. A copy of the resolution granting conditional or final approval shall be filed with the Town Clerk and mailed to the applicant within 5 days of the action. If disapproved, the grounds for disapproval shall be stated in the record of the Planning Board.

G. Conditional Approval

Conditional approval may be granted contingent upon applicant's submission of additional information required by the Planning Board. Once the requirements are completed, final approval will be granted. The requirements must be completed within one hundred eighty (180) days of filing the conditional approval, or the conditional approval is considered null and void.

H. Filing of the Final Plat

The applicant must file the final plat for lot line adjustment or minor subdivision in the Office of the Cayuga County Clerk within sixty-two (62) days of final approval. Should the final plat not be filed or filed in excess of sixty-two (62) days, the subdivision or lot line adjustment will be considered null and void; all fees are non-refundable.

13-4 Major Subdivision Final Plat Procedures

A. Final Plat Review

The purpose of this meeting with the applicant is for the Planning Board to determine that all of the requirements or modifications have been met for final plat approval.

Approval of a preliminary plat for a major subdivision shall not constitute approval of the final plat. The applicant must submit the final plat to the PB at least fifteen (15) days prior to the scheduled Final Plat Review meeting. **The Final Plat shall consist of five (5) paper copies and one (1) Mylar marked "Final Plat".**

B. Final plat Approval

All major subdivisions shall require final plat approval by the Planning Board. The applicant has six (6) months from approval of the preliminary plat to submit the final plat to the PB, or the Planning Board may revoke the preliminary plat approval.

C. Public Hearing

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An additional public hearing may be waived by the PB if the final plat is consistent with the preliminary plat. However, if there have been substantial modifications, a new public hearing shall be held within sixty-two (62) days of the official submission date of the final plat and a new determination of significance under SEQRA must be made by the Planning Board. The hearing shall be advertised at least once in the official newspaper five (5) days before the date of the hearing. The hearing shall be closed within one hundred twenty (120) days after it was opened.

D. Action on Final Plat

The Planning Board shall by resolution approve, conditionally approve or disapprove the final plat within sixty-two (62) days of the close of the public hearing. If no public hearing is held on the final plat, the PB shall act within sixty-two (62) of the final plat submission date. The time in which the PB must take action may be extended by mutual consent of the applicant and the PB. A copy of the resolution granting conditional or final approval shall be filed with the Planning Board, the Town Clerk, and mailed to the applicant within five (5) business days of the action. If disapproved, the grounds for disapproval shall be stated in the record of the Planning Board. If the matter was referred to the County Planning Board, a report of the final action shall be filed in their office within thirty (30) days of the final action.

E. Conditional Approval

Conditional approval may be granted contingent upon applicant's submission of additional information required by the Planning Board. Once the requirements are completed and accepted by the Planning Board, final approval will be granted. Conditional approval shall expire one hundred eighty (180) days after the date of the resolution is granted.

F. Filing of the Final Plat

The applicant shall file the Final Plat in the Office of the Cayuga County Clerk within sixty-two (62) days of the final approval. Should the final plat not be filed or filed in excess of sixty-two (62) days, the major subdivision will be considered null and void; all fees are non-refundable.

13-5 Required Documentation for Subdivisions

A. Application Requirements for Lot Line Adjustment, Minor Subdivision and Major Subdivision

1. One copy of the completed application form;
2. A nonrefundable application fee;
3. A copy of any covenants or deed restrictions intended to cover all or part of the tract;
4. One copy of the plat prepared by a licensed surveyor of a scale of not more than one (1) inch to one hundred (100) feet, or as otherwise specified by the Planning Board; and
5. The required Environmental Assessment Form.

B. Plat Requirements for Lot Line Adjustment, Minor Subdivision and Major Subdivision

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1. Subdivision name with the name and address of the owner;
2. Scale;
3. North arrow;
4. Name of surveyor and seal;
5. Date;
6. Subdivision boundaries as they exist and as proposed;
7. Contiguous properties with owner's names, addresses, and tax map numbers, including those directly across the street;
8. Existing and proposed parcels indicated with width, depth, and acreage;
9. Land contours at two (2) foot intervals unless otherwise specified by the Planning Board;
10. Indicate road layout, sewers, wells, and driveways, and any buildings with setbacks;
11. Indicate water courses, wetlands, wooded areas, flood plains, or other features of significance on or within 100 feet of the boundary lines;
12. Public utilities and easements;
13. Sufficient data from an actual field survey to determine the location, bearing, and length of every road line, lot line, boundary line, and to reproduce such lines upon the ground; and
14. Any other information deemed necessary by the Planning Board

C. Additional Plat Requirements for Major Subdivision (Preliminary Plat)

1. The location and size of all proposed waterlines, hydrants, and sewer lines;
2. Width, location, grade, and road profile of any road or public way proposed;
3. Plans and cross-sections showing sidewalks, lighting, trees, curbs, water mains, storm drains, and any underground cables;
4. Permanent reference markers shall be shown and constructed in accordance to Planning Board specifications;
5. Approval by the Cayuga County Health Department of any sewage or water supply systems;
6. All parcels of land proposed to be dedicated to public use and the conditions for such use and maintenance agreements; and
7. A *Storm Water Pollution Prevention Plan (SWPPP)* in accordance with the most current version of the NYS Storm Water Management Design Manual, if required by the Planning Board.

D. Additional Documentation for Major Subdivision (Final Plat)

Any additional information required by the Planning Board as a result of preliminary plat review.

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The Planning Board may waive any of the submission requirements above where it deems that the information is either not applicable or necessary for a particular review.

13-7 Performance Bond or Security

A. General

To assure the Town that the construction and installation of such improvements as storm sewers, public water supply, road signs, sidewalks, and roads will be constructed, the applicant shall enter into the following agreement with the Town:

1. Construct all improvements directly affecting the subdivision as required by these regulations and by the Planning Board, prior to final plat approval; or the applicant may:
2. Furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the Town Attorney; or
3. Deposit a certified check in sufficient amount equal to the cost of construction of such improvements as shown on the plans and based on the above estimate.

B. Conditions

1. If the applicant elects to furnish a security pursuant to Section 13-7, before the final plat is approved, the applicant shall have executed a contract with the Town, and a performance bond or certified check shall have been deposited covering the estimated cost of the required improvements.
2. The performance bond or certified check shall be to the Town of Sterling and the contract shall provide that the applicant, his heirs, successors, and assigns, their agents or servants, will comply with all applicable terms, conditions, provisions, and requirements of these regulations; will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with such laws and regulations.
3. Any such bond shall require the approval of the Town Board and the Town Attorney as to form, sufficiency, manner or execution and surety.
4. Wherever a certified check is made, the same shall be made payable to the Town of Sterling.

C. Extension of Time

1. The construction or installation of any improvements or facilities for which guarantee has been made by the applicant in the form of a bond or certified check deposit, shall be completed within one (1) year from the date of approval of the final plat.
2. Road improvements shall be completed within two (2) years from the date of approval of the bond or certified check.
3. The applicant may request an extension of time, provided he can show reasonable cause for inability to perform said improvements within the required time.
4. The extension shall not exceed six (6) months, at the end of which time the Town may use as much of the bond or check deposit to construct the improvements as necessary.
5. This section shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications.

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D. Agreement – Schedule of Improvements

1. When a certified check or performance bond is made pursuant to the preceding sections, the Town and applicant shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the applicant upon completion and approval after inspection of such improvement or installation.
2. Ten percent (10%) of the check deposit or performance bond shall not be repaid to the applicant until one (1) year following completion, inspection and acceptance by the Town of all construction and installation covered by the check deposit or performance bond as outlined in the applicant contract.

E. Inspections

1. Periodic inspections during the installation of improvements shall be made by the Code Enforcement Officer to insure conformity with the approved plans and specifications as contained in the applicant's contract and these regulations.
2. The applicant shall notify the Code Enforcement Officer when each phase of improvements is ready for inspection.
3. Upon acceptable completion of installation and improvement, the Planning Board shall issue a letter to the applicant or his representative and such letter shall be sufficient evidence for the release by the Town of the portion of the performance bond or certified check deposit as designated in the applicant's contract to cover the cost of such completed work.

13-8 General Design Standards

A. Streets (width, location and construction)

1. All streets, whether intended for dedication as public streets or not, shall be of sufficient width, suitably located and adequately constructed to accommodate prospective traffic and afford access for firefighting, snow removal, and road maintenance equipment. Streets should be located so as to compose a convenient overall street system within the proposed subdivision and in relationship to the overall area or neighborhood.
2. All streets, whether intended for dedication as public streets or not, shall be located within a right-of-way of at least 50 feet width. Unless exceptional circumstances can be demonstrated, the center of the street shall be located at the center of the right-of-way within which it is located.
3. All streets intended for dedication as public streets, and all non-residential streets shall be constructed in accordance with the most current specifications obtained from the Town Highway Superintendent and shall only be eligible for dedication upon determination by the Town Highway Superintendent that said specifications were met.
4. When deemed appropriate, the Planning Board may permit a subdivision to be served by a private residential street. In such cases any plans filed or offerings made to the sell the lots served by such private street shall clearly label the street as "private, not eligible for dedication to the town as a public street", and contain an explanation as to the manner by which the private street shall be maintained and kept free of snow or other blockage.

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5. The arrangement, character, extent, width and location of all streets shall conform to the requirements of this article and standards as established by the Town Engineer or Highway Superintendent. The design of proposed streets shall provide for both continuation of existing streets and access to adjacent unplatted lands so that the entire area can be served with a coordinated street system.
6. Road improvements shall be installed at the expense of the applicant.
7. **Street Classification**
 - a. Major arterial thoroughfares shall be planned for continuation of movement of fast traffic between points of heavy traffic generation and from one section of the community to the other. They shall contain as few intersections with minor streets as possible. Such thoroughfares should traverse the community and should be spaced approximately one (1) mile apart.
 - b. Collector streets shall provide a traffic route for local streets to major arterial thoroughfares. Collector streets normally contain a relatively large number of intersections with local streets and few intersections with major arterial thoroughfares. These streets should be spaced at least one fourth (1/4) mile apart.
 - c. Local streets shall provide direct access to each lot and shall be laid out so that their use by through traffic will be discouraged.
 - d. Parallel streets or marginal access streets, rear service alleys, reverse frontage lots may be required to provide adequate and safe access to major arterial thoroughfares.
 - e. Service drives shall be designed to provide only secondary access.
8. To the extent feasible, based upon the geography of the site, provision shall be made for the extension of roads to adjoining areas at future dates. When a proposed street is continued to the edge of a presently undeveloped area, a temporary turnaround shall be provided.
9. Unless there is an existing or proposed street to be extended, it shall generally be undesirable to terminate a street at a property line. When this creates a problem in providing access to corner lots, an "eyebrow" may be used or other technique employed.
10. When a subdivision abuts any New York State highways, special measures may be required by the Planning Board to minimize traffic impact on these major arterials. Such measures may include requiring a marginal access road, requiring reverse frontage lots with screen planting and no vehicular access, limiting points of access to none, or other means of preventing excessive private vehicle access to the arterial.
11. Dead-end streets or cul-de-sacs may be employed where appropriate to the geography of the area and density of the development. When permitted, unless other standards are set by the Highway Superintendent, a cul-de-sac shall have a paved turn around area at its point of termination with a radius of 60 feet. A dead-end street when permitted shall have a hammer head at its point of termination sufficient to permit a vehicle to reverse direction in three maneuvers. A

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dead-end street or cul-de-sac street shall not exceed 800 feet in length.

12. Taken as a whole, the streets within a proposed subdivision shall form a system of blocks. No single block shall be less than 400 feet or greater than 1200 feet in length.
13. In order to provide for traffic visibility, a combination of steep grades and curves shall be avoided. Also, twenty (20) foot end portions of any corner lot shall be kept free of any obstruction greater than three (3) feet in height and depicted upon any approved plan as so restricted.
14. All intersections shall be rounded with a curved radius of at least twenty (20) feet.
15. Streets should intersect at right angles and not acute angles. Centerline of street intersections should be offset far enough to deter traffic cutting diagonally across them. Intersections should be located on straight sections of streets rather than slopes. Four way intersections should be avoided except at the crossing of major streets where traffic signals are or will be installed.
16. Street names shall be included on a final plat and approved by the Planning Board. Names shall be substantially different from those in the Town or in other towns near the subdivision. Generally, no street shall change direction by more than 90 degrees without a name change.

B. Utilities

1. Where available, all subdivisions shall include public water and public sewer service. Lines for these services and any other public utilities serving the subdivision shall be installed underground and in street right-of-ways between the street and property lines. Connections to the property line of each lot shall be installed by the developer prior to street surfacing.
2. Fire hydrants and street lighting shall be installed by the developer in accordance with the standards of the Town. Fire hydrants shall meet the requirements of the fire department having jurisdiction. Street lights shall meet the requirements of the electrical utility having jurisdiction.
3. Power lines may and should be encouraged to be placed underground in accordance with the related laws of New York State.

C. Watercourses (including flood prone areas, wetlands)

1. An effort should be made to avoid locating lots so that they can only be accessed by crossing a watercourse. Where this cannot be avoided and a watercourse separates a proposed street from abutting property, provision shall be made to access lots by means of culverts or other structures designed by a licensed engineer and approved by the Town. Where watercourses, drainage way, channel, or stream traverses the subdivision, a storm water easement or drainage right-of-way shall be provided of not less than twenty (20) feet in width.
2. Lots shall be laid out so as to locate areas included in a storm water or drainage easement along property lines. While easements are not required for flood prone or protected wetland areas, areas designated on FEMA Flood

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Insurance Maps as prone to flooding and areas identified by State or Federal authorities as protected wetlands (Appendix A6) shall generally be located along property lines.

3. Where a lot includes a flood prone or wetland area, or storm water or drainage easement, the approved plat shall clearly identify such portions of the lot as unbuildable. If necessary, the size of such a lot shall be increased to provide sufficient area for construction.

D. Drainage

See Article XX Stormwater Management

E. Preservation of Natural and Aesthetic Elements

1. Whenever possible all natural features that add to the value and appearance of the residential setting or contribute to the rural character of the Town should be preserved.
2. In the event trees are removed or not found upon the site, the Planning Board may require that one tree per lot be planted by the developer in accordance with a plan to be submitted by a licensed landscape architect or qualified nursery.
3. When a significant natural feature (s) is identified such shall be shown on the plat and the plat shall clearly indicate that such an area is not to be built upon so as to preserve the feature.

F. Lots

1. **Pedestrian Walkways**
Pedestrian walkways, not less than ten (10) feet wide, or of such greater width as deemed necessary by the Planning Board, shall be required across blocks, where the Planning Board deems that pedestrian access to schools, playgrounds, shopping centers, transportation, and other community facilities is necessary.
2. **Zoning Conformance**
The lot size, width, depth, and minimum building setback lines shall conform to the existing town zoning regulations.
3. **Corner Lots**
Corner lots shall have extra width to permit appropriate building setback from and orientation to both streets.
4. **Access to Public Streets**
The subdividing of land shall provide each lot with access to an existing public street.
5. **Double-frontage Lot**
Lots shall not be so laid out that they have frontage on more than one (1) street except:
 - a. Where lots are adjacent to the intersection of two (2) streets.
 - b. Where it is necessary to separate residential lots from major arterial thoroughfares. Where double-frontage lots are created adjacent to major arterial thoroughfares, a reserve strip along the major arterial thoroughfare shall be deeded to the Town. The plat shall state that there shall be no right of access across such reserve strip. The Planning Board may require that a six (6) foot high solid board fence or masonry

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wall be constructed or that a ten (10) foot wide planting screen be provided.

6. Lot Lines

Lot lines shall be substantially at right angles or radial to street lines.

7. Lot Depth

No lot shall exceed three and one-half (3 ½) times the lot width.

13-9 ENFORCEMENT

A. Violations

The Applicant for Subdivision of real property who commits or permits any acts in violation of any of the provisions of these regulations or fails to comply with the provisions thereof shall be deemed to have committed an offense against the Land Use Regulations for the Town of Sterling and also be liable for any such violation or the penalty therefore. Each day such violation shall continue or be permitted to exist shall constitute a separate violation.

B. Penalties for Offenses

1. For every violation of any provision of these regulations, the person violating the same shall be subject to a fine of not more than two hundred fifty dollars (\$250.00) for each such offense. Such penalty shall be collectable by and in the name of the Town of Sterling for each day that such violation shall continue.
2. In the event that the Town of Sterling maintains a legal action, pursuant to the provisions set forth in this Article, and a violation continues to exist after finding of a violation by a court of competent jurisdiction, the person held to be in violation of these regulation shall be subject to a fine of not more than five hundred dollars (\$500.00) for each day that the violation continues to exist after finding of said violation.

C. Enforcement

In addition to the above mentioned violations and penalties, the Town Planning Board may also maintain an action or proceeding in the name of the Town of Sterling in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provisions of these regulations.

13-10 Lot Line Adjustment

A. Definition

A lot line adjustment is the realignment of property lines between two adjacent parcels, where the land taken from one parcel must be less than two (2) acres and must be added to the adjacent parcel. The realignment shall not result in a new buildable lot, create a nonconforming lot, cause either parcel to become nonconforming or increase the degree of nonconformity.

B. Intent

The intent of this section is to establish procedures, review criteria and regulations for approval of lot line adjustments. A lot line adjustment is to be used to make adjustments in a lot line between adjacent parcels having a common boundary line, to create logical boundaries, or to

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resolve existing ownership conflicts. All lot line adjustments must be consistent with the provisions of the Town of Sterling Land Use Regulations and Comprehensive Plan.

C. Review Criteria

A lot line adjustment:

1. Does not create an additional building lot;
2. Is a conveyance and subsequent merger of a portion of one parcel of land to the adjoining parcel;
3. Will not create a nonconforming parcel, or cause any other parcel to become nonconforming, or increase the degree of nonconformity;
4. Will comply with all applicable Town of Sterling Land Use Regulations, NYS Department of Health regulations pertaining to well and septic system distances from parcel boundaries;
5. Will not impair or negatively affect third party rights in share or individually held ROW or easements;
6. Which, after merger, would conform to the Town of Sterling Land Use Regulations, including but not limited to the provisions which address minimum lot size, required lot frontage, lot width at front yard setback, building setbacks and building lot coverage;
7. The total amount of land transfer will be less than two (2) acres; and
8. Land transferred will have an average slope of the property less than 15%.

13-11 Cluster Development

A. Applicable Provisions

The Planning Board may consider, or require, applications for major subdivisions which include the following deviations from the Land Use Regulations for any of the following purposes:

1. To eliminate side and rear yard requirements to allow for innovative attached housing types
2. To reduce side and rear yard requirements for existing structures on the site of a plat where, in unique and special circumstances, it will result in more efficient use of land
3. To reduce road frontages to allow cul-de-sacs
4. To reduce lot areas, widths, depths, yard sizes, lot coverage, and road frontages to accomplish cluster development

B. General Criteria for Cluster Development

The Planning Board may allow, or require, cluster development when the proposed development:

1. Will be in harmony with general purpose, goals, objections, and standards of the *Town of Sterling Comprehensive Plan* and these Land Use Regulations;
2. Complies with all applicable provisions of the Town of Sterling Land Use Regulations, except as modified pursuant to the authority of these Regulations;
3. Will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare;
4. Will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property;

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5. Will be served adequately by essential public facilities and services such as roads, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; and
6. Will not result in destruction, loss, or damage of any natural, scenic, or historical feature of significant importance.

C. Required Clustering

Cluster development may be required by the PB to meet any one of the following objectives:

1. The clustering of development will preserve open space, recreational areas, large groves of trees, water course and falls, beaches, historic spots, vistas and other similar assets, in furtherance of the *Comprehensive Plan* for the community; and/or
2. The clustering of development will aid in the provision of road right-of-ways or for the protection of future road right-of-ways in the furtherance of the *Comprehensive Plan* for the community; and/or
3. The clustering of development will provide for the economical and efficient provision of the municipal utilities and road services.

D. Determination of Overall Development Density

Cluster development subdivision applications shall include the submission of a sketch plat showing a conventional, unclustered development which complies with all provisions of the zoning district in which it is located. The purpose of this sketch plat shall be to aid the PB in determining the maximum number of dwelling units permissible, the overall development density, on the parcel under the Land Use Regulations. All lots on the sketch plat shall be buildable lots. The PB shall make a determination of the maximum permissible number of dwelling units permissible on the parcel prior to the acceptance of an application for a cluster development.

E. Approval of Cluster Open Space

The area, configuration, location, ownership, use and maintenance of residual open spaces created by clustering shall be subject to review and approval of the PB.

F. Use of Cluster Open Space

Cluster open space may be made accessible to all residents of the subdivision or available for the use of the general public unless the PB finds that the size, location, type of development, or cost of the development or maintenance of such cluster open space, or the availability of public use undesirable or unnecessary

G. Undedicated Cluster Open Space

If cluster open space is not dedicated to public use, it shall be protected by legal arrangements, satisfactory to the PB, sufficient to assure its maintenance and preservation for whatever purpose it is intended.

Covenants or other legal arrangements shall specify ownership of the cluster open space; method of maintenance; responsibility for maintenance; maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the PB; and any other specification deemed necessary by the Planning Board.

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Fees for subdivision reviews shall be established in the Town of Sterling Fee Schedule and are nonrefundable.

ARTICLE XIV NON CONFORMITIES

14-1 Continuation

The lawful use of any structure or land existing at the effective time of these Land Use Regulations may be continued although such use does not conform with the provisions herein except as otherwise provided in this Article.

14-2 Alteration or Extension

A use of land or structure which does not conform to the Regulations herein shall not be altered, reconstructed, extended, or enlarged, except in accordance with the following provisions:

- A.** Such alteration or extension shall be permitted only upon the same lot as in existence at the date the use became nonconforming.
- B.** Any increase in volume, area, or extent of the nonconforming use or structure shall be allowed, so long as the expansion does not increase the degree of non-conformity. For purposes of this section "volume" does not mean volume of business but rather an increase of cubic volume within a structure.

14-3 Restoration

No structure damaged by fire or other causes to the extent of more than seventy-five (75) percent of its fair market value shall be repaired or reconstructed except in conformity with these Regulations. Structures with damage to the extent of seventy-five (75) percent or less of the fair market value may be reconstructed, repaired or used for the same nonconforming use subject to the following provisions:

- A.** The reconstructed structure shall not exceed the height, area, or volume of the damaged structure; and
- B.** Reconstruction shall begin within six (6) months from the date of damage and shall be carried on without interruption.

14-4 Discontinuance of Non-Conformity

Whenever a nonconforming use has been discontinued for two (2) continuous years, such use shall not thereafter be reestablished and any future use shall be in conformity with these Regulations.

14-5 Changes

Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use. A non-conforming use may be changed to another non-conforming use only under the following conditions:

- A.** Such changes shall be permitted only by Special Use Permit, under the provisions of Article X. The applicant shall show that the non-conforming use cannot reasonably be changed to a permitted use in the district where such non-conforming use is located;
- B.** The applicant shall show that the proposed change will be less objectionable in external effects than the existing non-conforming use with respect to:

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1. Traffic generation and congestion including truck, passenger car, and pedestrian traffic;
2. Noise, smoke, dust, noxious matter, heat, glare, vibration;
3. Storage and waste disposal; and
4. Appearance.

14-6 Displacement

No non-conforming use shall be extended to displace a conforming use.

14-7 District Changes

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification the foregoing provisions shall also apply to any non-conforming uses or structures existing therein.

14-8 Zoning/Building Permit Required

Zoning and Zoning/Building Permits shall be issued by the Code Enforcement Officer for lawful non-conforming uses existing at the effective date of this enactment. The Zoning/Building Permit shall include a statement that the use is non-conforming and shall list the specific conditions under which said use may continue. It shall be signed by both the CEO and the owner.

Article XV Landscaping, Screening, and Buffering

15-1 Intent

The following standards are intended to implement the goals and policies of the Comprehensive Plan by assuring an acceptable degree of buffering between land uses, particularly between residential and non-residential uses, providing a balance between developed uses and open space, enhancing the visual and aesthetic appearance of the community and encouraging preservation of existing natural features. Specifically, these regulations are intended to:

- A. Provide natural visual screening of parking areas and along property boundaries to protect the existing visual quality of adjacent lands;
- B. Reduce surface runoff and minimize soil erosion through the natural filtering capability of landscaped areas;
- C. Provide natural buffers that reduce glare and noise, provide wildlife corridors and protect wildlife habitats, wetlands, stream corridors and other significant environmental features;
- D. Moderate the microclimate of parking areas by providing shade, absorbing reflected heat from paved surfaces and creating natural wind breaks;
- E. Enhance the overall visual quality of the community by surrounding developed areas with a variety of plant materials that are consistent and compatible with the existing natural vegetation of the area; and
- F. Applies to all uses in all districts; and
- G. Provide adequate requisites for any development activities requiring site plan approval. Applicants shall submit, as part of such approval, a landscaping plan in accordance with Article 15-2.

15-2 General Requirements

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- A. All required landscaping shall be of healthy stock, planted according to accepted horticultural practices.
- B. All plant material adjacent to parking areas, loading areas and driveways shall be protected by barriers, curbs or other means by damage from vehicles or from storm water runoff.
- C. Trees for screening shall be of species and stock that will provide a visual screen from the ground up, at least 5 feet in height.

15-3 Landscaping Plan

Based on the scale and location of the project, the PB shall determine whether the landscaping plan must be prepared by a professional such as a licensed landscape architect, or landscape designer. All landscaping plans shall contain the following information:

- A. A title block with the name of the project, the name of the person preparing the plan, a scale, north arrow and date;
- B. All existing significant plant materials on site;
- C. Existing and proposed structures;
- D. Topographical contours at two-foot intervals;
- E. Parking areas;
- F. Access aisles;
- G. Drainage patterns;
- H. Location, size and description of all landscaping materials existing and proposed, including all trees and shrubs, and shall identify those existing plant materials that are to be removed;
- I. Other information as may be required by the PB;
- J. Existing site vegetation and unique site features, such as stone walls, shall be incorporated into landscaping plans to the maximum extent feasible. Existing healthy trees which are retained be credited against the requirements of these Regulations in accordance with their size and location;
- K. Landscaping plans shall clearly indicate who is responsible for plant maintenance during the first 12 months after planting, and a performance guarantee shall be posted for assuring replacement in kind of plants, which die or become diseased within that time; and
- L. Alternative landscaping plans may be submitted, provided that they meet the purpose and intent of these Regulations.

ARTICLE XVI OFF-STREET PARKING AND LOADING

16-1 Required Off-Street Parking and Loading Spaces

- A. **Parking Space**

The following off-street parking provisions constitute the minimum space required for the following buildings and uses hereafter erected, converted, or otherwise established in any district.

 - 1. **One Family Detached Dwelling, Two Family Dwelling and Residential Designed Manufactured Home**

Two (2) off-street parking spaces for each dwelling unit
 - 2. **Multiple Family Dwelling and Mobile Home in a Manufactured Home Community**

One and one-half (1½) parking spaces for each dwelling unit
 - 3. **Senior Citizen Housing**

One (1) parking space for each dwelling unit plus two visitor parking spaces
 - 4. **Motel/Hotel**

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One and one half (1½) off-street parking space for each rental room or suite to accommodate boats on trailers with the potential for larger turnarounds, plus one (1) additional space for each full-time employee on the premises at one time.

5. Eating or Drinking Establishment

One (1) off-street parking space for each fifty (50) square feet of floor area devoted to customer uses, plus one (1) additional space for each full-time employee on the premises at one time.

6. Church, Library and Fire Station

One (1) off-street parking space for every four (4) seats provided for patrons, customers, members or guests, plus one (1) additional space for each full-time employee on the premises at one time.

a. Where places of public assembly are provided with benches rather than fixed undivided seats, each two lineal feet of bench equal one seat.

b. Where no fixed seats are used, each fifty (50) square feet of floor area shall equal one seat.

7. Retail and Office uses

One (1) off-street parking space for each hundred (100) square feet of gross floor area

8. Institutions

One off-street parking space for each patient or resident bed (excluding bassinets), plus one space for each full-time employee on the premises at one time. However, hospitals, sanitariums, or convalescent home primarily providing long term custodian care for patients need not provide more than one space for each four (4) patient beds.

9. Home Occupation

Two (2) off-street parking spaces in addition to the requirement for the dwelling. In addition Bed and Breakfast establishments must have one and one-half (1½) parking spaces for each rental room with adequate turnaround space to accommodate boats on trailers.

10. Agricultural, Nursery and Greenhouse Establishment

One (1) off-street parking space for each one hundred (100) square feet of area occupied by the stand, but in no case fewer than three (3) such spaces.

11. Loading and Unloading Space

Off street loading and unloading space sufficient to accommodate the maximum demand generated by the use of the lot, shall be provided on any lot on which a building for commercial use is hereafter erected or substantially altered. All off-street loading and unloading spaces shall provide safe and convenient access and use during all seasons.

16-2 Design of Off-Street Parking and Loading Facilities

All parking and loading facilities provided under this article shall be located off the public right-of-way and shall contain an area of at least two hundred (200) square feet per automobile parking space exclusive of access ways, aisles, and maneuvering space. Each space shall have an all-weather surface, which may consist of gravel, crushed stone, concrete or blacktop.

A. Two or more establishments may join in meeting the requirements of the Article, provided that the total area for parking is the sum of the individual requirements.

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- B.** Driveways and parking areas for nonresidential uses except home occupation shall include, within the property lines, turning areas so constructed and surfaces that a vehicle entering or leaving the property is not required to back onto the street.
- C.** All illumination on parking lots shall be shielded so as not to intrude upon abutting properties.

ARTICLE XVII SIGNS

17-1 Definition

- A. On premises signs**
A sign which directs attention to a person, product, business, industry, profession, home occupation, or activity conducted on the same lot.
- B. Off premises signs**
A sign which directs attention to a person, product, business, industry, profession, home occupation, or activity not conducted on the same lot. Off premises signs that remunerate the lot owner shall be considered a commercial activity and requires a Special Use Permit.

17-2 General Sign Regulation

The following requirements shall apply to all signs unless noted otherwise:

- A.** No sign shall have flashing animated or intermittent illumination;
- B.** No sign shall be located within ten (10) feet of any side property line;
- C.** All signs over sixteen (16) square feet in area except government signs shall require issuance of a Zoning/Building Permit before erection or replacement. All signs must comply with all of the regulations contained herein, irrespective of whether a permit is required;
- D.** All signs except temporary signs shall be constructed of durable material and kept in good condition and repair;
- E.** Signs shall not be permitted which block any State, County or Town safety or informational signs;
- F.** Temporary signs are permitted announcing a campaign, drive, or event. Such signs shall be removed within two (2) weeks upon completion of the campaign, drive or event;
- G.** Memorial signs or tablets shall be permitted in all districts;
- H.** Business signs are permitted as follows:
 - 1.** Signs attached to the exterior of a building, provided the total area of all such signs shall not exceed two (2) square foot for each linear foot of front building wall;
 - 2.** One (1) freestanding sign for each street frontage of a lot provided that the total area of such sign shall not exceed one (1) square foot for each linear foot of lot frontage to a maximum of one hundred (100) square feet;
 - 3.** Special temporary promotional devices, signs or displays such as banners, pennants, or balloons;
- I.** Home Occupation signs of not more than ten (10) square feet;
- J.** No sign shall exceed the maximum height requirements in any district;
- K.** Nonconforming signs once removed, must be replaced with conforming signs, however, nonconforming signs may be repainted or repaired provided that such repainted or repaired sign does not exceed the dimensions of the existing sign;
- L.** Where the sign consists of individual letters or symbols attached to, printed or painted on a surface, building, walls, awnings or windows, the

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sign area shall be considered to be that of the smallest rectangle, which encompasses all the letters and symbols.

ARTICLE XVIII Natural Resource Protection Overlays

18-1 Natural Resource Protection Overlay Districts (See Appendix A5)

A. Intent

Natural resource protection overlay districts provide special controls over land development areas where standard zoning controls are not adequate to protect vital environmental features and resources. The purpose of this section is to minimize or assist in minimizing adverse impacts on natural resources which can lead to decreased property values, increased public costs, and possible irreversible loss of such resources.

The intent of this section is not to restrict the general development of the Town of Sterling, but rather to allow for reasonable uses which complement the natural and visual character of the Town and guide land use proposals into areas where they can enhance the general welfare of the community.

Regulations associated with overlay districts do not replace, but rather supplement other zoning district provisions. Natural resource protection overlay districts are superimposed upon other zoning districts and represent an additional level of review and regulation specific to the protection of identified environmental features.

B. Permitted Uses

Where land is included in one or more natural resource overlay districts, permitted uses shall be those permitted by the underlying district (the district which is not an overlay district) subject to the regulations and restrictions of the underlying district in addition to the regulations and restrictions of the overlay district(s). Whenever a requirement of one district in which land is included is at variance with a requirement of any other district in which the same land is included, the most restrictive requirement, or that imposing the higher standards, shall govern.

18-2 Steep Slopes Overlay (SSO) District

A. Definitions

1. Slope

The amount or degree of variation from the horizontal of an inclined surface

2. Steep Slope

A portion of ground having a slope of 15% (15 feet of vertical distance for each 100 feet of horizontal distance) or greater

B. Intent

The intent of the steep slopes overlay district is to protect environmental resources, the aesthetic qualities of lands, and the public health, safety and general welfare by guarding against problems, which can result from the disturbance of steep slopes. Such problems include accelerated runoff, intensified erosion, silting of lower lying areas, slide damage, flooding problems and on site disposal (septic system) problems.

C. District Boundaries

The steep slopes overlay district shall include all land with a slope of a 15 percent or greater as determined by a topographic survey.

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When an applicant contemplates activities in an area which either the applicant or the Code Enforcement Officer (or the Planning Board, as appropriate) suspects might contain steep slopes, the applicant shall be required to determine the boundaries of the steep slopes overlay district through the performance of a topographic field survey applying the steep slope definition. Delineation of steep slopes shall be performed in accordance with any other procedures the Code Enforcement Officer or the Planning Board, as appropriate, may specify. Evidence documenting the results of the boundary survey may also be required.

D. Design and Sitting of Structures

Structures in the steep slopes overlay district shall be situated and designed to adapt to the natural hillside topography and retain the visual character of the site and the aesthetic qualities of the area.

E. Disturbance of Excessively Steep Slopes

Disturbance of slope areas of 25 percent (25 feet of vertical distance for each 100 feet of horizontal distance) or more shall be avoided whenever possible. When a building is proposed to be constructed in a slope area of 25 percent or greater, the Code Enforcement Officer shall require a statement prepared by a registered architect or engineer providing an explanation of the building methods to be used in overcoming foundation and other structural problems created by steep slope conditions.

F. Vegetation

Existing vegetation shall be maintained wherever possible. If removal of vegetation is necessary, the site shall be replanted with self-sufficient plant materials that are compatible with surrounding vegetation.

G. Erosion and Sediment Control

The quantity of runoff during and after development shall not be substantially altered from predevelopment conditions.

18-3 Flood Hazard Area Overlay (FHO) District

A. Definition

Flood Hazard Area-The area where there is a one percent (1%) or greater chance of flooding in a given year. It is also commonly referred to as the 100-year floodplain.

B. Intent

Flood conditions can cause damage and other losses, which adversely affect the public health, safety and welfare. Flood losses are attributable to the cumulative effect of obstruction in the flood plain causing increases in flood elevations and velocities and by the presence in the flood hazard area of uses, which are inadequately elevated, flood proofed, or otherwise protected. The purpose of the flood hazard overlay district is to assist in controlling the alteration of natural flood plains and help minimize the potential for public and private losses due to flood conditions.

C. District Boundaries

The flood hazard area overlay district shall include all flood hazard areas located within the jurisdiction of the Town of Sterling. These include all areas of special flood hazard as shown in **Appendix A5**

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and as further identified by the Federal Emergency Management Agency (FEMA) Flood Insurance Study. The Flood Insurance Study and its accompanying maps are hereby adopted by reference and declared to be part of this chapter. The Flood Insurance Study and its accompanying maps shall be on file in the office of the Town Clerk.

D. Regulations

Development within the flood hazard area is regulated by restrictions required under the Federal Emergency Management Agency (FEMA). Whenever development within the flood hazard area is proposed, no structure shall be constructed, located, extended, converted or altered and no land excavated or filled until a Floodplain Building Permit has been obtained from the Code Enforcement Officer. The Code Enforcement Officer issues such a permit only after determining from a review of permit application materials that the development standards and other requirements of the local law have been met.

E. Subdivisions

No subdivision plat or site plan relating to a proposal involving development within the flood hazard area overlay district may be approved by the Planning Board until the Code Enforcement Officer has reviewed the proposal and provided the Planning Board with a letter indicating intent to issue the necessary Floodplain Building Permit(s).

18-4 Freshwater Wetlands Overlay (FWO) District

A. Definition

Freshwater Wetlands-bogs, marshes, swamps, wet meadows, and other areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

B. Intent

Freshwater wetlands serve many natural functions, which promote and protect the public health, safety and general welfare. They play a vital role in flood damage prevention, maintaining groundwater supplies, pollution treatment, erosion control, and maintaining the ecological balance in freshwater systems. Wetlands also provide critical wildlife habitat, recreational opportunities, and outdoor classrooms for scientific research and education. The purpose of the freshwater wetlands overlay district is to assist in the preservation, protection and conservation of freshwater wetlands and the benefits derived there from, consistent with the general welfare and beneficial to the economic, social and agricultural development of the Town of Sterling.

C. District Boundaries

The freshwater wetlands overlay district includes all freshwater wetlands located within the jurisdiction of the Town of Sterling which are larger than 5 hectares (approximately 12.4 acres) in area as well as any smaller wetlands of "unusual local importance". Such wetlands are designated as "regulated wetlands" by the New York State Department of Environmental Conservation (DEC). The district includes all areas within 100 feet of such wetlands. These

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include all regulated wetlands identified in **Appendix A6**, which is hereby adopted by reference and declared to be part of this chapter. This Wetland Map is also included in the *Town of Sterling Comprehensive Plan Adopted 2010* and on file with the Town Clerk.

D. Regulations

1. Regulated wetlands are protected by the State Freshwater Wetlands Act (Article 24 and Title 23 of Article 71 of the Environmental Conservation Law). A Freshwater Wetland Permit is required from the DEC for draining, dredging, grading, excavating, filling, placing of obstructions, or conducting any other activity that might substantially impair wetland benefits in or within one hundred (100) feet of a regulated wetland.

2. Applicants should also be aware that areas not included in freshwater wetlands overlay districts may be protected by federal laws relating to wetlands. These laws include the U.S. Clean Water Act, the River and Harbor Act of 1899, and the Marine Protection Research Sanctuaries Act of 1972. Under federal regulations applicable to freshwater wetlands, all wetlands, regardless of size, are considered to be equally deserving of protection from the placement of dredged or fill material into those wetlands. These wetlands may be smaller than the 5 hectare or larger wetlands included in the freshwater wetlands overlay district and protected by New York State Regulations, and may also include linear (stream or tributary) wetlands.

3. Although DEC and Corps of Engineers have a joint wetland permit application agreement, any given wetland may require submission of separate state and federal wetland permit applications. Issuance of a wetland permit by the DEC does not guarantee that a permit will be issued by the Corps of Engineers and vice versa.

18-5 Coastal Erosion Hazard Overlay (CEHO) District

A. Definitions

1. Coastlines and Coastal Waters

These are lands adjacent to the Town's coastal waters. Coastal waters in the Town of Sterling are Lake Ontario and the connecting water bodies, bays, harbors, shallows, and marshes.

2. Erosion Hazard Area

An area of the coastline, which is a structural hazard area, or a natural protective feature area

B. Intent

Coastal erosion hazard areas are prone to erosion from wave action, currents running along shore, and wind driven water and ice, surface and ground water. This can cause extensive damage to public and privately owned property, and to natural resources, as well as endangering human lives. The purpose of the Coastal Erosion Hazard Overlay District is to protect and prevent damage to structures from coastal flooding and erosion, and to protect natural protective features and other natural resources.

C. District Boundaries

The Coastal Erosion Hazard Overlay District includes land and water areas within the Town of Sterling based on shoreline recession rates or the location of natural protective features. These

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boundaries are established by the New York State Department of Environmental Conservation (DEC).

D. Regulations

1. No person may engage in any regulated activity in a Coastal Erosion Hazard Area without first obtaining a Coastal Erosion Hazard Permit. No Coastal Erosion Management Permit is required for unregulated activities.

2. Proposed regulated activities will be permitted only when they are reasonable and necessary, considering reasonable alternatives, and to the extent that the proposed activity requires a shoreline location. The proposed regulated activity should not be likely to cause a measurable increase in erosion at the proposed site and at other locations. The proposed regulated activity should prevent or minimize adverse effects on natural protective features, their functions, and protective values, existing erosion protection structures, and natural resources.

Article XIV Mass Gathering

19-1 Intent

In order to promote proper government and insure the proper protection, order, conduct, safety, health, welfare and well-being of persons and property within the Town of Sterling, it is in the public interest to regulate the assembly of persons where such assembly exceeds five hundred (500) persons at any place within the Town of Sterling, exclusive of the Village of Fair Haven.

19-2 Definitions

The assembly of persons, with prior knowledge of such a gathering, exceeding five hundred (500) at any place within the town, exclusive of the Village, with or without the levy of an admission fee, for a purpose, such as, but not limited to, sports events, circuses, carnivals, festivals, music festivals, religious observances, etc.

19-3 Application Requirements for Permit

- A.** No person shall use, allow, let or permit to be used property for the assembly of persons in excess of five hundred (500) persons, nor shall any person use, allow, let or permit to be used property for any part or portion of such gathering of persons, which total gathering in the aggregate is in excess of five hundred (500) persons, unless upon written permit authorizing such use and gathering issued by the Town Board through its CEO.
- B.** Application for such permit shall be by verified petition on forms to be furnished by the Town, addressed to the Town Board, filed with the Town Clerk at least thirty (30) days prior to the date upon which such use and assembly are requested.
- C.** Application for a permit to promote or hold a mass gathering shall be made by the person who will promote or hold the mass gathering, or by the owner of the property upon which the said gathering shall be held.
- D.** Water and sewage facilities shall be constructed and operational not later than 48 hours prior to the first day of the mass gathering.
- E.** The application shall be accompanied by plans, reports and specifications showing necessary water supply and sewage facilities, drainage, toilet and lavatory facilities, refuse storage and disposal facilities, sleeping areas if necessary, and facilities for

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wholesome and sanitary food service. Also, medical facilities, fire protection and such other matters as may be appropriate for security of life or health in no event less than required by the State Sanitary Code.

- F.** All applications for a permit to conduct a mass gathering shall be accompanied by the following information:
- 1.** The name, age, residence, mailing address and telephone number of the applicant, a statement of the applicant's legal status, such as individual, partnership, corporation, etc. If the applicant is a partnership, state the names and addresses of all partners, and if a corporation, the names and addresses of all corporate officers, together with a list of the names and addresses of all persons directly in charge of the activity;
 - 2.** The location and legal description of the property where the activity is proposed, including all lands to be used directly, indirectly and incidental to the proposed activity or any part thereof; also, attach to the application statements disclosing the nature of the interest of the applicant relating to such property;
 - 3.** The date or dates and hours during which the activity is to be conducted;
 - 4.** If the gathering is to continue from one day to another, a statement specifying housing facilities available or to be made available on the premises shall be submitted.
 - 5.** Applicant shall also furnish the program and plans of the activity in its entirety, with particular emphasis on the following:
 - a.** A statement specifying the plans for parking facilities off public roadways able to serve all reasonable anticipated requirements at a rate of up to 150 passenger cars per acre or 50 buses per acre;
 - b.** A statement from the County Sheriff, State Police, New York State Department of Transportation, or other law enforcement agency certifying that the traffic control plan is satisfactory;
 - c.** An outline map of the area to be used showing the location of all privies or toilets and hand washing facilities, all water supply sources (lakes, ponds, streams, wells, storage tanks, etc.), all areas of assemblage, including separate over-night camping areas for sleeping, including number of occupants, all food service areas and all refuse storage handling and disposal areas, and emergency access and egress roads;
 - d.** A plan for limiting attendance, including methods of entering the area, number and location of ticket booths and entrances, and provisions for keeping non-ticket holders out of the area;
 - e.** A statement agreeing to complete all construction and installation of services and facilities, including water supply, toilet and hand washing facilities, sewage disposal, roads, food service equipment, and refuse handling facilities, at least 48 hours prior to the commencement of the event;
 - f.** A statement specifying whether food or beverage is intended to be prepared, served or distributed. If food

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or beverages are intended to be prepared, sold or distributed, a statement shall be submitted specifying:

- A plan for sanitary food service in compliance with the New York State Sanitary Code then in effect.
- 6.** A detailed plan for use of signs to locate all facilities and roadways;
 - 7.** A statement from local fire authorities having jurisdiction over the area verifying that they are aware of the event and are willing to cooperate if needed;
 - 8.** A detailed plan for emergency situations including: medical supplies, facilities and personnel; an evacuation program; emergency access roads.
 - 9.** A communication system satisfactory to the CEO shall be established for gatherings in excess of 2500 persons;
 - 10.** A statement specifying whether any private security guards or police will be engaged, together with plans for security enforcement;
 - 11.** The location and construction of toilet and hand washing facilities designed to serve fully all reasonably anticipated requirements which meet the requirements of the New York State Sanitary Code;
 - 12.** The location and construction of water supply facilities, designed to serve fully all reasonably anticipated requirements at a rate of one pint of potable water per person per hour, for the maximum estimated hourly attendance;
 - 13.** Detailed plans for internal storage and collection of refuse, including provisions for disposal and cleaning of the property and immediate surrounding properties within 48 hours after the event;
 - 14.** A statement containing the type, number and location of any radar device, sound amplifier, loudspeaker, sound truck or other similar equipment, including detailed plans for amplifying equipment designed to control the noise level at the perimeter of the site to no more than 85 decibels on the A scale of a sound level meter which meets the specifications of the American National Standards Institute;
 - 15.** Detailed plans for lighting designed to illuminate the areas of the site;
 - 16.** A plan showing that the proposed activity is adequately buffered, as determined by the town permit issuing official and/or Town Board from all residential areas within 500 feet;
 - 17.** Public liability and property damage insurance:
 - The applicant shall provide public liability and property damage insurance in a recognized insurance company licensed to do business in the State of New York in an amount of at least \$300,000/\$500,000 to cover the Town of Sterling against any risks or hazards in any way arising out of the proposed activity, together with a hold harmless agreement to the Town of Sterling for any loss or damage above and beyond insurance coverage.

G. Additional requirements for a Mass Gathering Permit:

- 1.** A maintenance staff and if deemed necessary, an internal security staff acceptable to the CEO and/or Town Board shall be provided;
- 2.** The operator of a mass gathering shall see to it that no flammable or volatile liquids or materials shall be stored in or adjacent to the area of the gathering, unless adequate firefighting equipment is available;
- 3.** A separate permit shall be required for each mass gathering. No mass gathering shall be allowed to continue for a period of more than three (3) days without a new permit being issued;

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4. A permit may be revoked by the Town Board, the CEO, the Cayuga County Health Department, or the State Commissioner of Health, if any of them find that the mass gathering for which the permit was issued is maintained, operated or occupied in violation of this local law, or the sanitary code of the health district in which the mass gathering is located. A permit may be revoked upon request of the permitted or upon abandonment of the operation;

5. A permit issued for the operation of a mass gathering shall be posted or kept on file and made available by the operator on request of any person.

6. No permit shall be issued unless the owner and his tenant or lessee, if any, shall furnish the town with written authorization to permit the town or its lawful agents to go upon the property at any time for the purpose of inspecting the same, the facilities provided thereon and the cleaning of the premises after the termination of the assembly; and

7. Any permit issued may be revoked by the Town Board through the CEO if at any time it should be determined that the applicant has failed to provide the facilities as specified in the application or that the setting up of the facilities provided for in the application cannot be reasonably accomplished within the time or date set for the mass gathering.

19-4 Fees

Each application shall be accompanied by a fee (refer to fee schedule) at the time of its submission. The fee shall compensate the Town for its examination and processing of such application and shall not be refundable in whole or part.

The applicant shall further provide a security deposit of five hundred dollars (\$500.00) per 15 acres of assemblage areas or portion thereof to the Town to insure the removal of trash and other waste material, as provided for by this Article. Such deposit shall be returned to the applicant within ten (10) days from the date of termination of the assembly after deduction therefrom of all expenses caused by the applicant's noncompliance with this Article and the non-removal of said trash and other waste material.

Article XX Storm Water Management

20-1 Findings of Fact

It is hereby determined that:

- A.** Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase storm water runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
- B.** This storm water runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;
- C.** Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
- D.** Improper design and construction of storm water management practices can increase the velocity of storm water runoff thereby increasing stream bank erosion and sedimentation;
- E.** Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow;

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- F.** Substantial economic losses can result from these adverse impacts on the waters of the municipality;
- G.** Storm water runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of storm water runoff from land development activities.
- H.** The regulation of storm water runoff discharges from land development activities in order to control and minimize increases in storm water runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with storm water runoff is in the public interest and will minimize threats to public health and safety;
- I.** Regulation of land development activities by means of performance standards governing storm water management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

20-2 Intent

The purpose of this Article is to establish minimum storm water management requirements and controls to protect and safeguard the general health, safety and welfare of the public residing within this jurisdiction and to address the findings of fact in Section 1 hereof. This Article seeks to meet those purposes by achieving the following objectives:

- A.** Require land development activities to conform to the substantive requirements of the NYS Department of Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-0-10-001 or as amended or revised;
- B.** Minimize increases in pollution caused by storm water runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels;
- C.** Minimize increases in pollution caused by storm water runoff from land development activities which would otherwise degrade local water quality;
- D.** Minimize the total annual volume of storm water runoff which flows from any specific site during and following development to the maximum extent practicable; and
- E.** Reduce storm water runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through storm water management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

20-3 Applicability

- A.** This Article shall be applicable to all land development activities as defined in Article XX, Section 20-1.
- B.** The Town of Sterling has designated the Storm Water Management Officer to be the Highway Superintendent, who shall accept and review all Storm Water Pollution Prevention Plans (SWPPP) and forward such plans to the Town of Sterling Planning Board. The Storm Water Management Officer may review the plans, consult with the staff of the Cayuga County Soil & Water Conservation District and upon approval by the Town Board may engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost to be charged to the applicant.

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- C.** All land development activities subject to review and approval by the Town of Sterling Planning Board under these Land Use Regulations shall be reviewed subject to the standards contained in this Article.
- D.** All land development activities not subject to review as stated in Section 20-3(C) shall be required to submit a Storm Water Pollution Prevention Plan (SWPPP) to the Storm Water Management Officer who shall approve the SWPPP if it complies with the requirements of this Regulation.

20-4 Exemptions

The following activities may be exempt from review under this Article:

- A.** Agricultural activity as defined in **Definitions** (See **Appendix A7**).
- B.** Silvicultural activity (Forest Management i.e. logging)
- C.** Routine road repaving maintenance activities that disturb less than five (5) acres and performed to maintain the original line and grade.
- D.** Repairs to any storm water management practice or facility deemed necessary by the Storm Water Management Officer.
- E.** Any part of a subdivision if a plat for the subdivision has been approved by the PB and filed with Cayuga County on or before the effective date of these Land Use Regulations.
- F.** Land development activities for which a Building/Zoning Permit has been approved on or before the effective date of this law.
- G.** Cemetery graves.
- H.** Installation of fence, sign, telephone & electrical poles and other kinds of posts or poles.
- I.** Individuals involved in home gardening by growing flowers, vegetables or plants primarily used by that individual.
- J.** Landscaping or horticultural activities in connection with an existing structure.
- K.** Emergency activity immediately necessary to protect life, property or natural resources.

20-5 STORM WATER POLLUTION PREVENTION PLANS (SWPPP)

No application for approval of any land development activity shall be reviewed until the appropriate board has received an SWPPP prepared in accordance with the specifications of this Article and approved by the Storm Water Management Officer.

A. Contents of SWPPPs

All SWPPPs shall provide the following background information and erosion and sediment controls:

- 1.** Background information about the scope of the project, including location, type and size of project;
- 2.** Site map/construction drawing(s) for the project in a 1" to 100' scale, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent offsite surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material waste, borrow or equipment storage areas; and location(s) of the storm water discharges;

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3. Description of the soil(s) present at the site;
4. Construction phasing plan consistent with the NY Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP.
5. Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in storm water runoff;
6. Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of materials to storm water and spill-prevention and response;
7. Temporary and permanent structural and vegetative measures to be used for soil stabilization, run-off control and for each stage of the project from the initial land clearing and grubbing to project close-out;
8. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
9. Dimensions, material specifications and installation details for all erosion and sediment control practices, including siting and sizing any temporary sediment basins;
10. Temporary practices that will be converted to permanent control measures;
11. Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
12. Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
13. Name of receiving water(s);
14. Delineation of SWPPP implementation responsibilities for each part of the site;
15. Description of structural practices designed to divert flows for exposed soils, store flows, or otherwise limit runoff and discharge of pollutants from exposed areas of the site to the degree attainable; and
16. Any existing data that describes the storm water runoff at the site;
17. Site map/construction plans & description of each post-construction storm water management practice.

20-6 Post Construction Storm Water Runoff Controls

Land development activities as defined in Section 1 of this Article and meeting Condition "A", "B" or "C" below shall also include water quantity and water quality controls (post-construction storm water runoff controls) as set forth below as applicable:

Condition A – Storm water runoff from land development activities discharging a pollutant of concern to either impaired water identified on the Department's 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

Condition B – Storm water runoff from land development activities disturbing five (5) or more acres.

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Condition C – Storm water runoff from land development activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.

A. SWPPP Requirements for Condition A, B and C:

1. All information in Section 20-5 of this Article;
2. Description of each post-construction storm water management practice;
3. Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction storm water management practice;
4. Hydrologic and hydraulic analysis for all structural components of the storm water management system for the applicable design storms;
5. Comparison of post-development storm water runoff conditions with pre-development conditions;
6. Dimensions, material specifications and installation details for each post-construction stormwater management practice;
7. Maintenance schedule to ensure continuous and effective operation of each post construction storm water management practice;
8. Maintenance easements to ensure access to all storm water management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;
9. Inspection and maintenance agreement binding on all subsequent landowners served by the on-site storm water management measures in accordance with Section 20-3 of this Article; and
10. For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this Article.

20-7 Other Environmental Permits

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan. Any activity that disturbs more than one (1) acre of soil may be required to have a SPDES Permit.

20-8 Contractor Certification

- A. Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or storm water management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: “I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Storm Water Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards.”
- B. The certification must include the name and title of the person providing the signature, address and telephone number of the

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contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

- C. The certification statement(s) shall become part of the SWPPP for the land development activity.
- D. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

20-9 Water Quality Standards

Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.

20-10 Maintenance, Inspection and Repair of Storm Water Facilities

A. Maintenance and Inspection during Construction

The applicant or developer of the land development activity or their representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this local law. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.

B. Maintenance Easement(s)

Prior to the issuance of any approval that has a storm water management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town of Sterling Highway Superintendent to ensure that the facility is maintained in proper working condition to meet design standards. The easement shall be recorded by the grantor in the Cayuga County Clerk's Office after approval by the Town Board.

C. Performance Guarantee

In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Town of Sterling in its approval of the Storm Water Pollution Prevention Plan, the Town of Sterling may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Town of Sterling as the beneficiary. The security shall be in an amount to be determined by Town of Sterling based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Town of Sterling provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility have been constructed in accordance with the approved plans and specifications and that a one year inspection has been conducted and the facilities have been found to be acceptable to the Town of Sterling. Per annum interest on cash

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escrow deposits shall be reinvested in the account until the surety is released from liability.

D. Maintenance after Construction

The owner or operator of permanent storm water management practices installed in accordance with this law shall ensure they are operated and maintained to achieve the goals of this law. Proper operation and maintenance also includes as a minimum, the following:

1. A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this law.
2. Written procedures for operation and maintenance and training new maintenance personnel

E. Maintenance Agreement

The Town of Sterling may approve a formal maintenance agreement for storm water management facilities binding on all affected landowners and recorded in the Cayuga County Clerk's Office as a deed restriction on the property **prior to final plan approval**.

Furthermore, the Town of Sterling, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future storm water management facility, provided such facility meets all the requirements of these Land Use Regulations and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance. For each storm water management facility dedicated to the Town of Sterling, a special drainage district will be established for that area of development to provide the proper essential funds for on-going maintenance, including costs for engineering, materials and construction related to that maintenance. Only those properties affected by the SMF will be included in each newly established drainage district.

F. Erosion and Sediment Control Inspection

The Town of Sterling Storm Water Management Officer may require such inspections as necessary to determine compliance with these regulations and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this law and the stormwater pollution prevention plan (SWPPP) as approved. Under the SPDES Permit, developers are required to hire a third-party certified inspector to conduct weekly inspections. The Storm Water Management Officer may review these reports to aid in his/her own inspections. To obtain inspections, the applicant shall notify the Town of Sterling Storm Water Management Officer at least 48 hours before any of the following:

1. Start of construction;
2. Installation of sediment and erosion control measures;
3. Completion of site clearing;
4. Completion of rough grading;
5. Completion of final grading;
6. Close of the construction season;

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7. Completion of final landscaping; and
8. Successful establishment of landscaping in public areas.

If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Storm Water Management Officer.

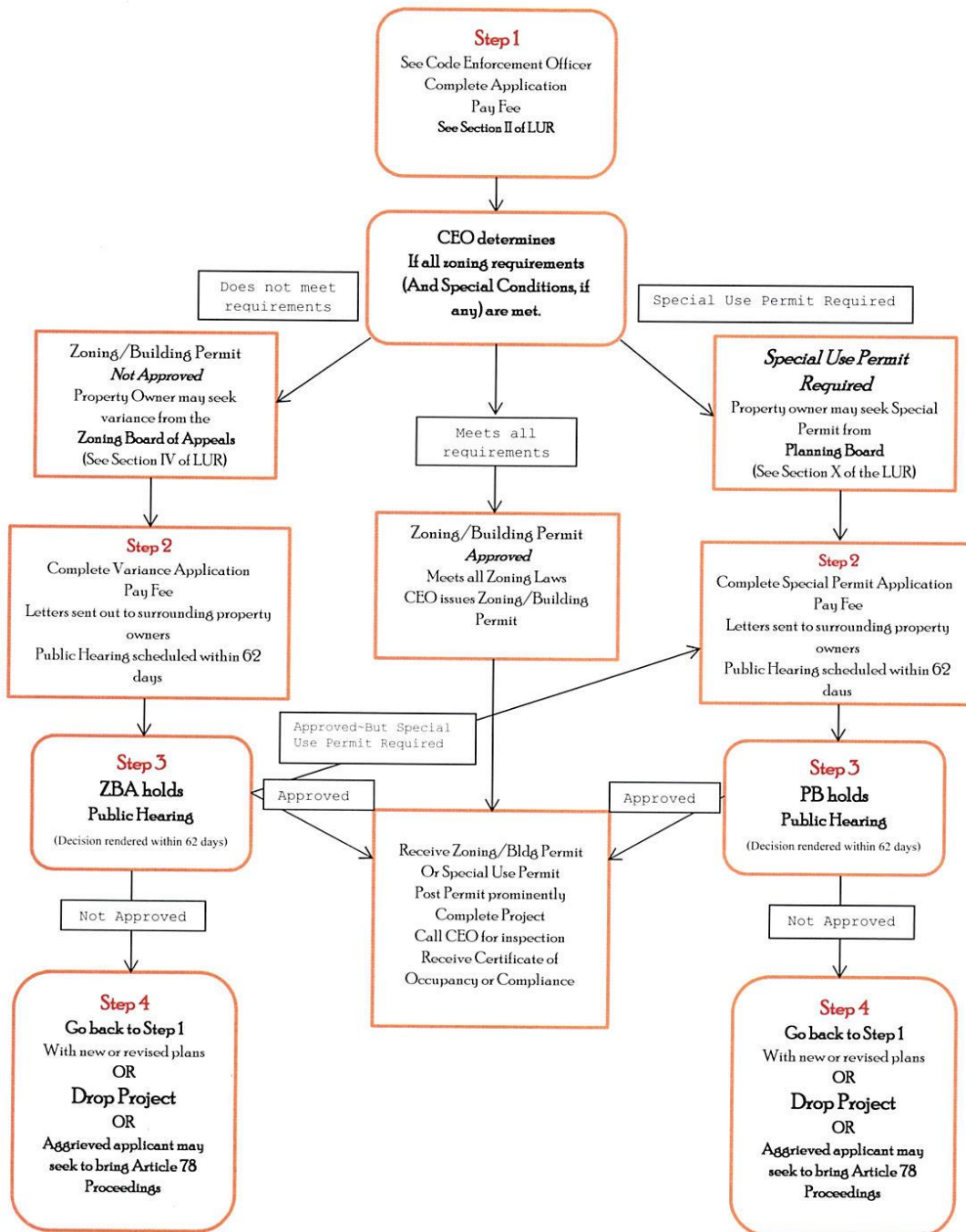
G. Storm Water Management Practice Inspections

The Town of Sterling Storm Water Management Officer is responsible for conducting inspections of storm water management practices (SMPs). All applicants are required to submit “as built” plans for any storm water management practices located on-site after final construction is completed. The plan must show the final design specifications for all storm water management facilities and must be certified by a professional engineer.

H. Inspection of Stormwater Facilities after Project Completion

Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES storm water permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other storm water management practices.

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Property Owner Seeks to Erect New Structure
or Change Use of Existing Structure

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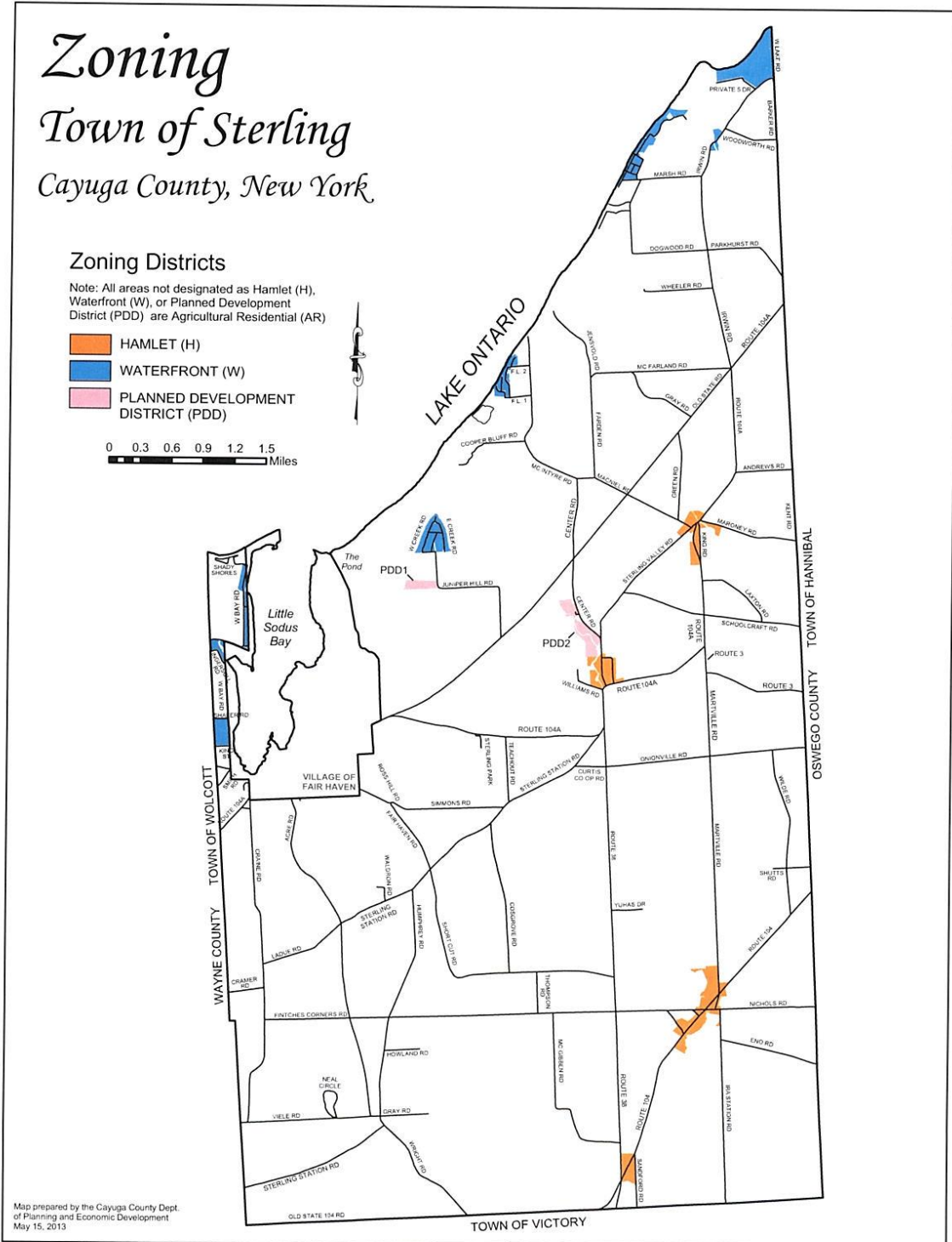
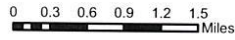
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Zoning
Town of Sterling
 Cayuga County, New York

Zoning Districts

Note: All areas not designated as Hamlet (H), Waterfront (W), or Planned Development District (PDD) are Agricultural Residential (AR)

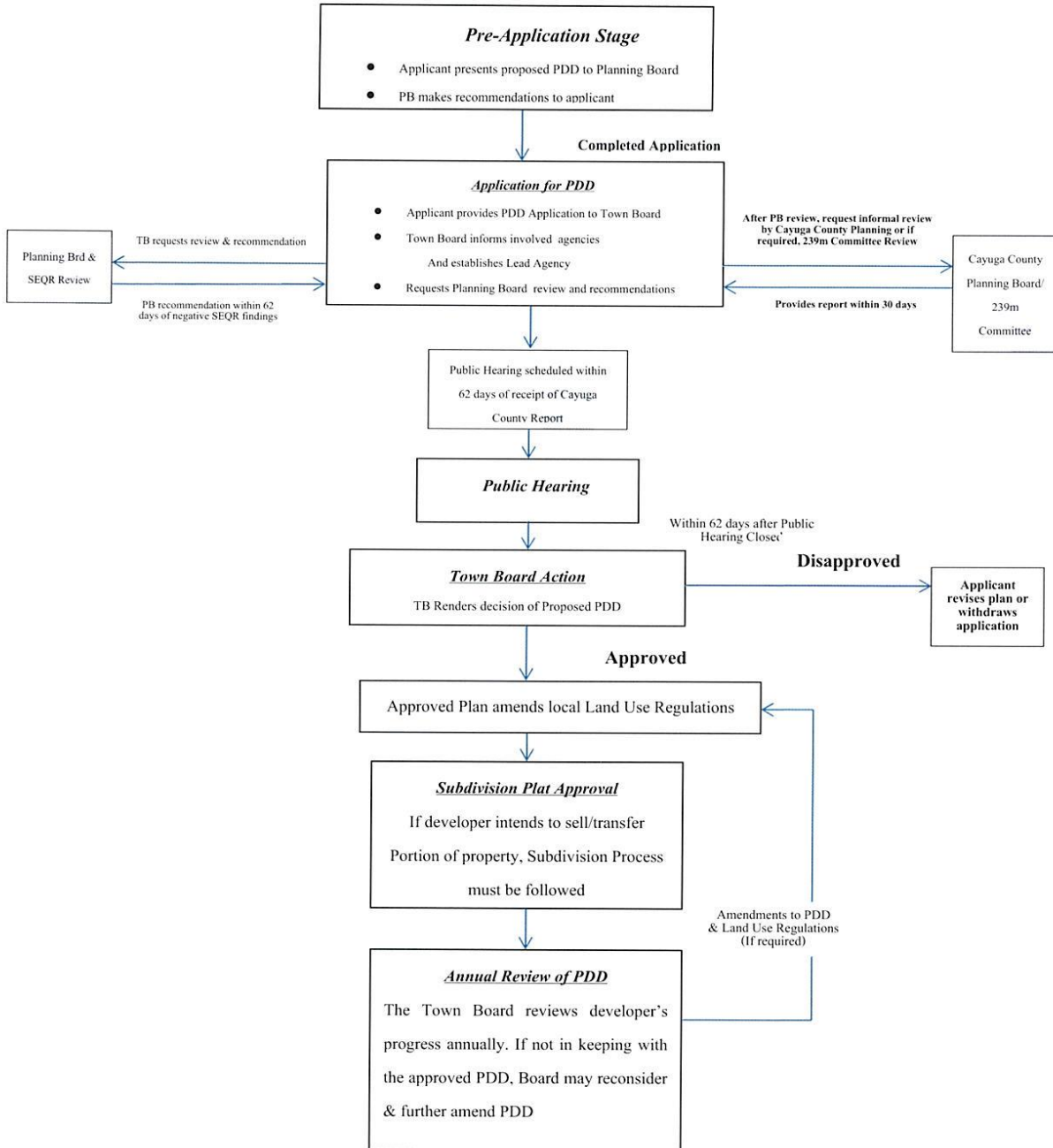
- HAMLET (H)
- WATERFRONT (W)
- PLANNED DEVELOPMENT DISTRICT (PDD)



Map prepared by the Cayuga County Dept. of Planning and Economic Development
 May 15, 2013

A2

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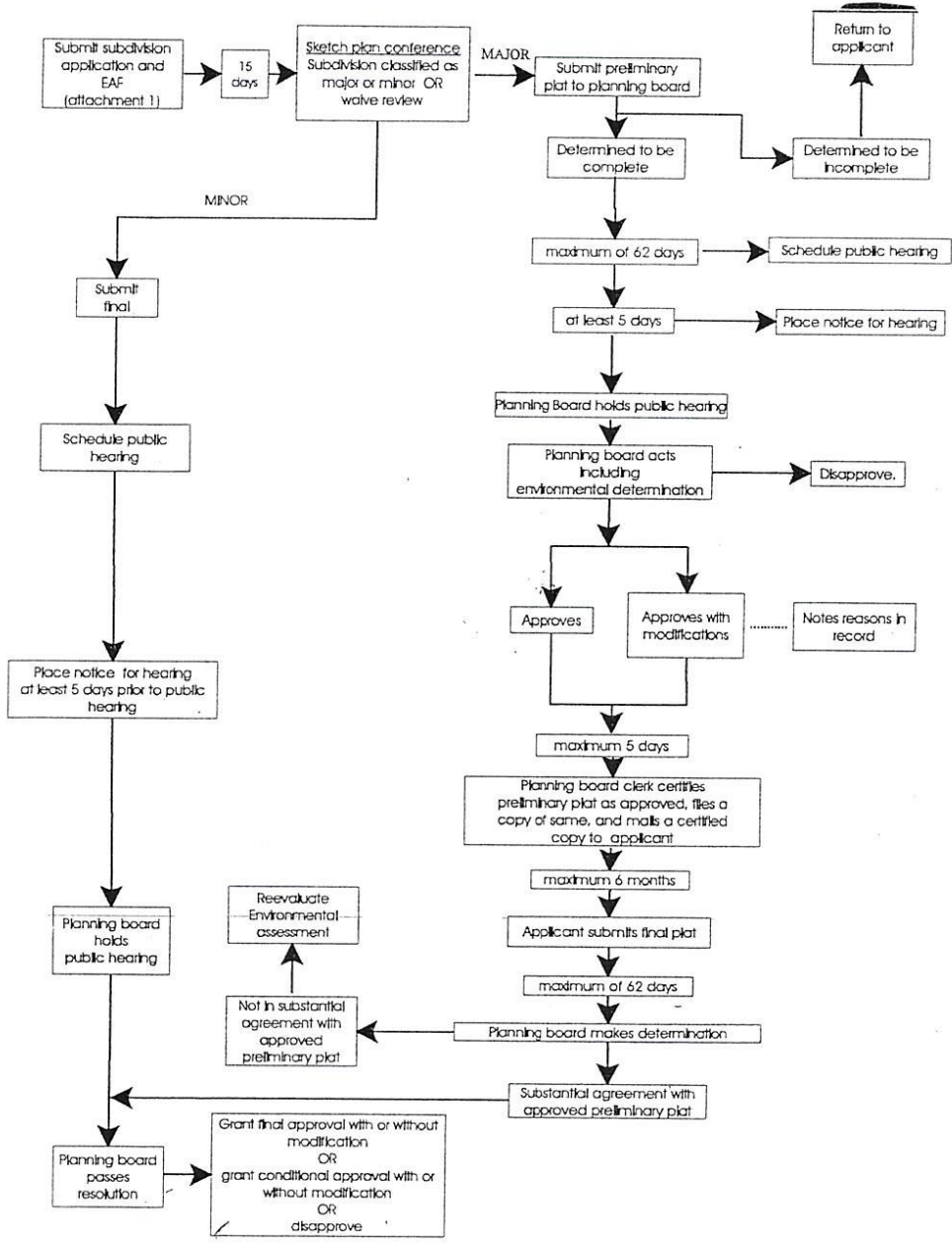


PLANNED DEVELOPMENT FLOWCHART

A3

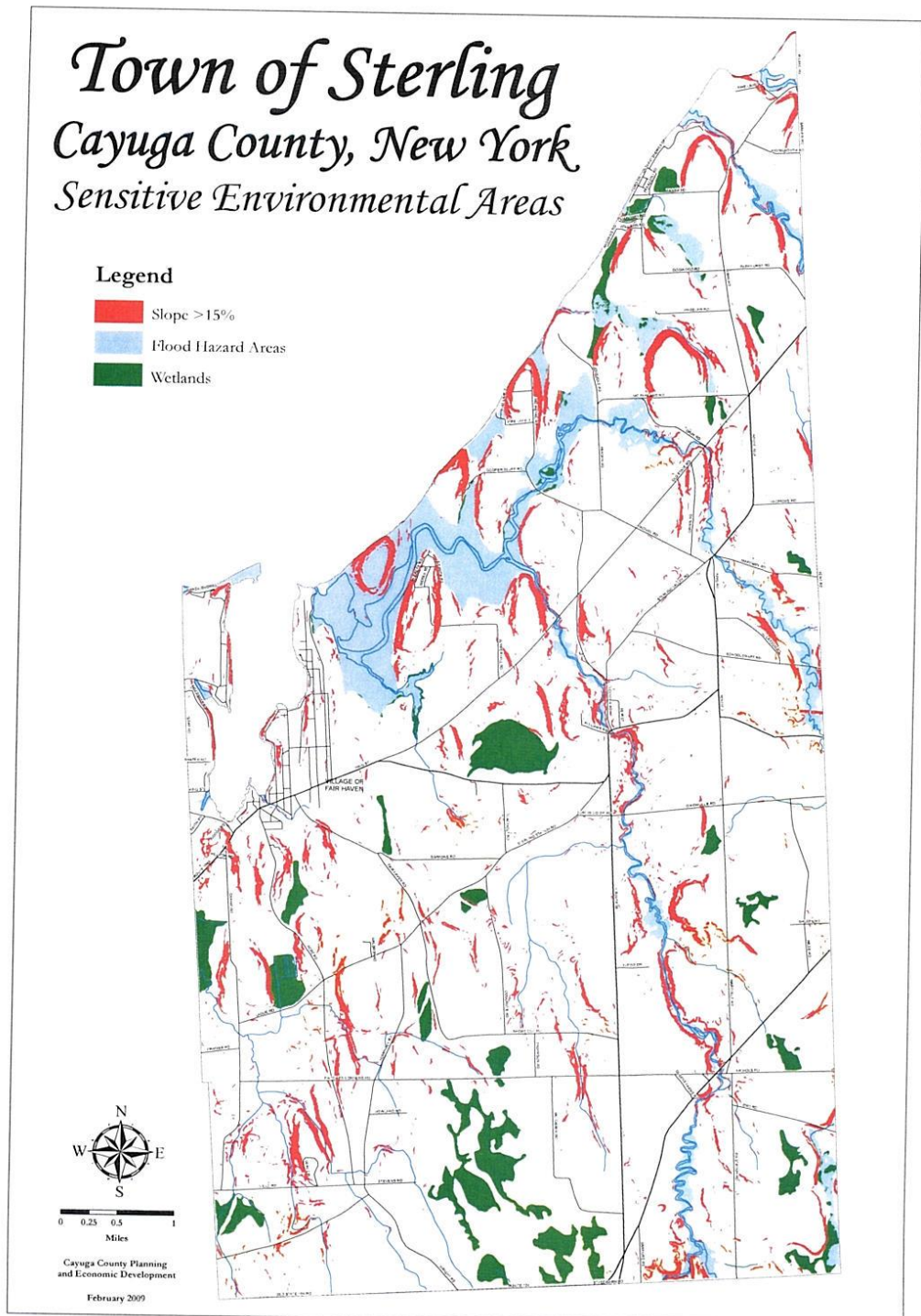
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SUBDIVISION PROCEDURE FLOWCHART



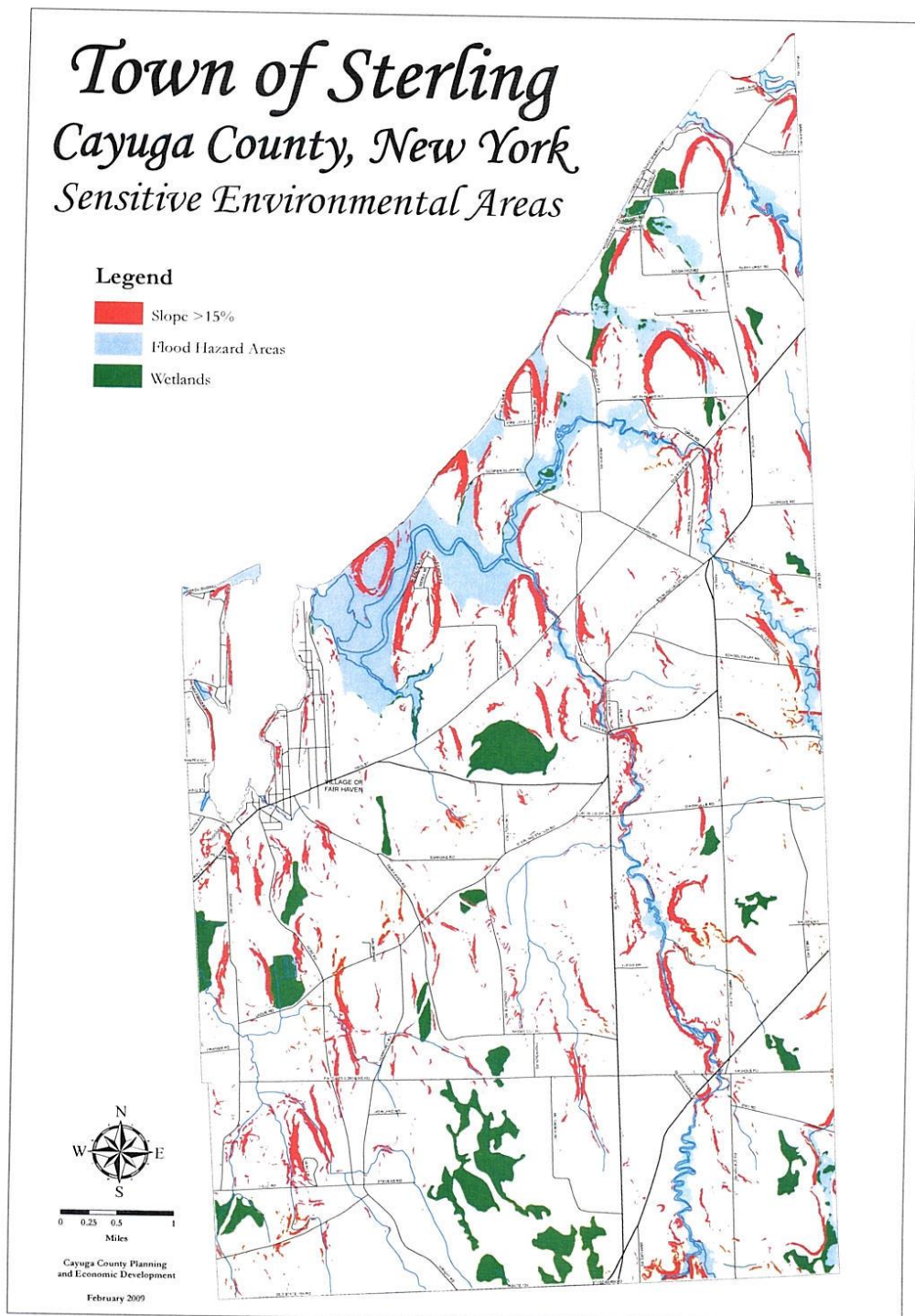
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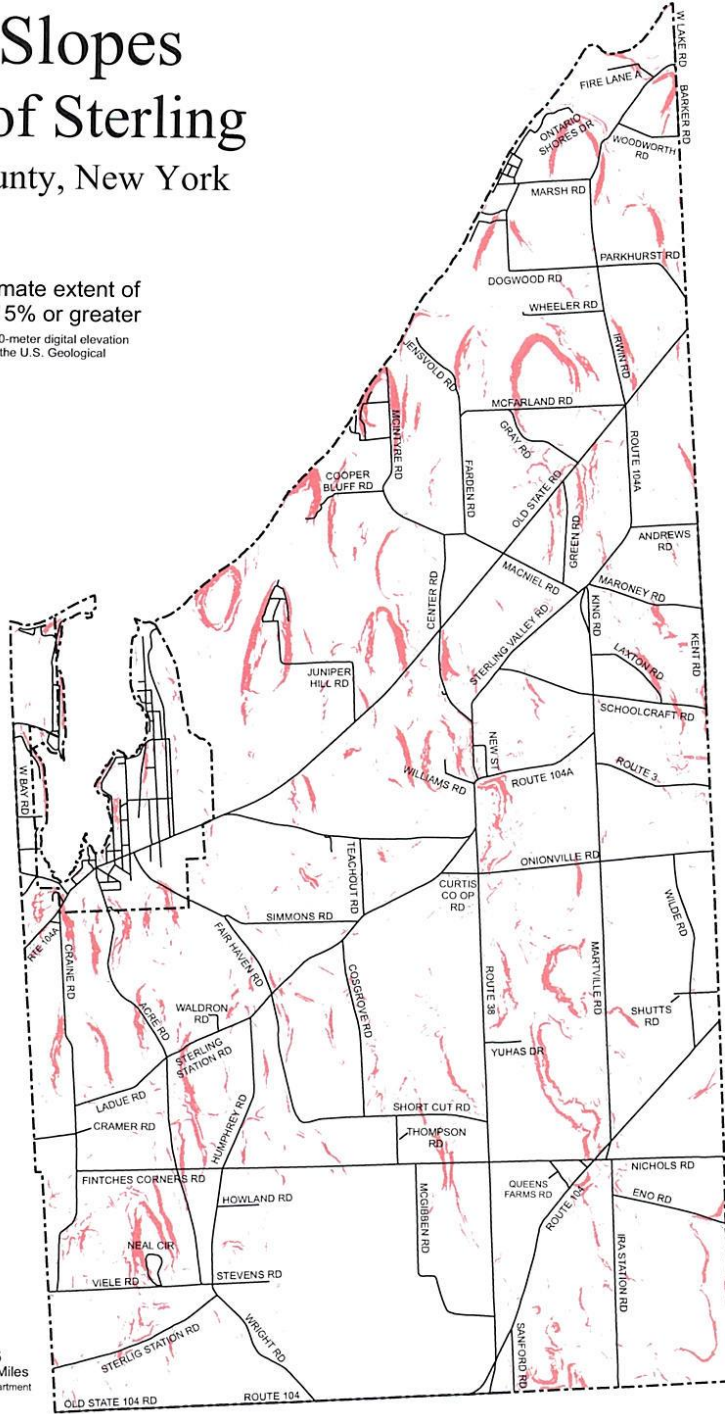
Steep Slopes

Town of Sterling

Cayuga County, New York

 Approximate extent of slopes 15% or greater

Source: Data derived from 10-meter digital elevation models (DEMs) provided by the U.S. Geological Survey




A5b

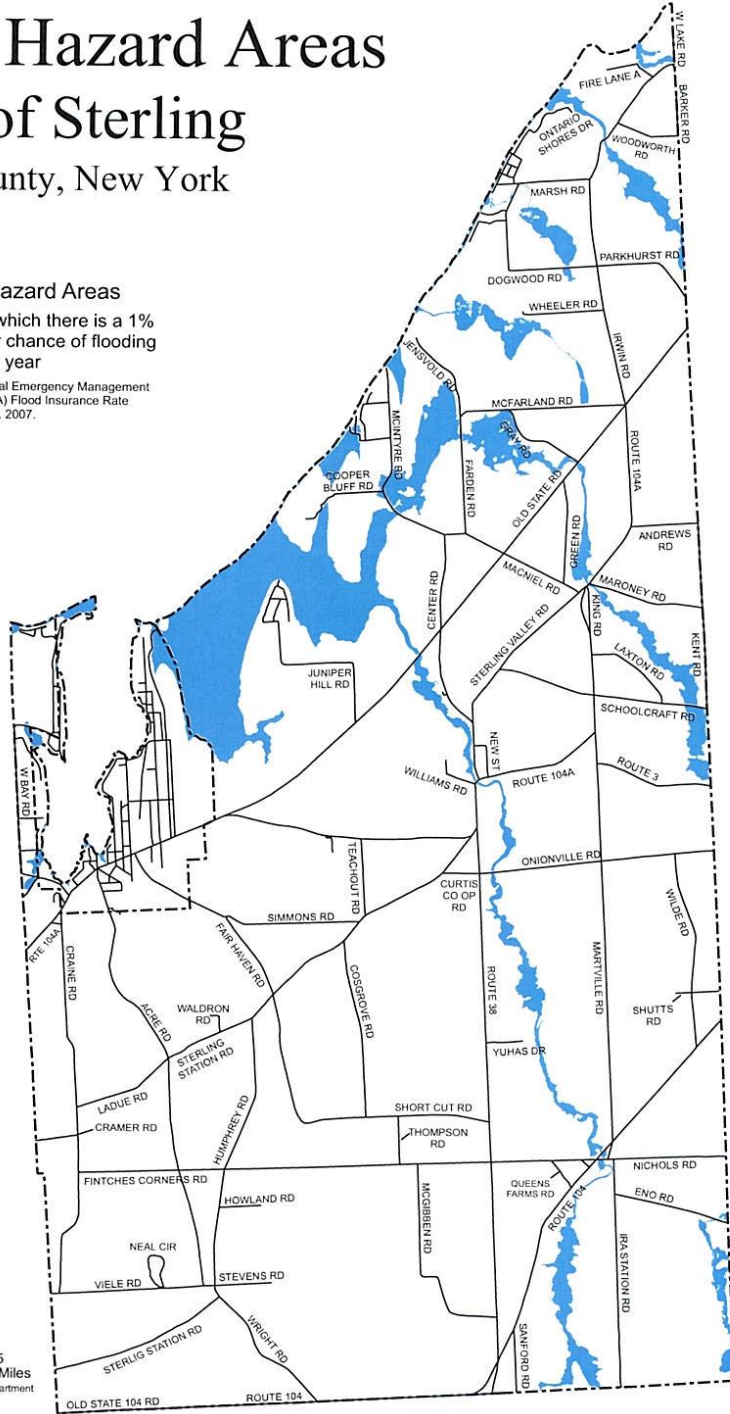
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Flood Hazard Areas

Town of Sterling

Cayuga County, New York

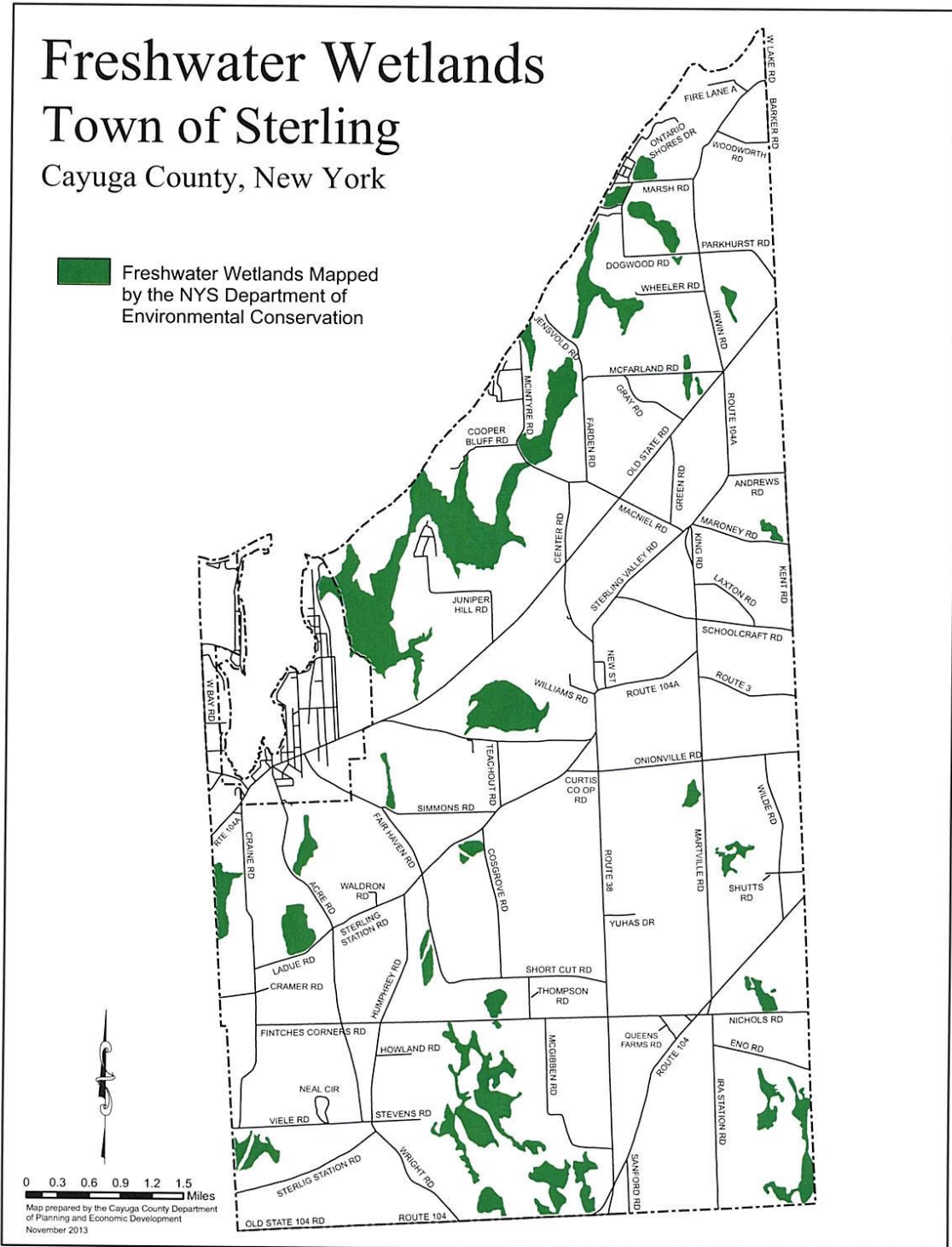
 **Flood Hazard Areas**
 Areas in which there is a 1% or greater chance of flooding in a given year
 Source: Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs), 2007.



0 0.3 0.6 0.9 1.2 1.5 Miles
 Map prepared by the Cayuga County Department of Planning and Economic Development
 November 2013

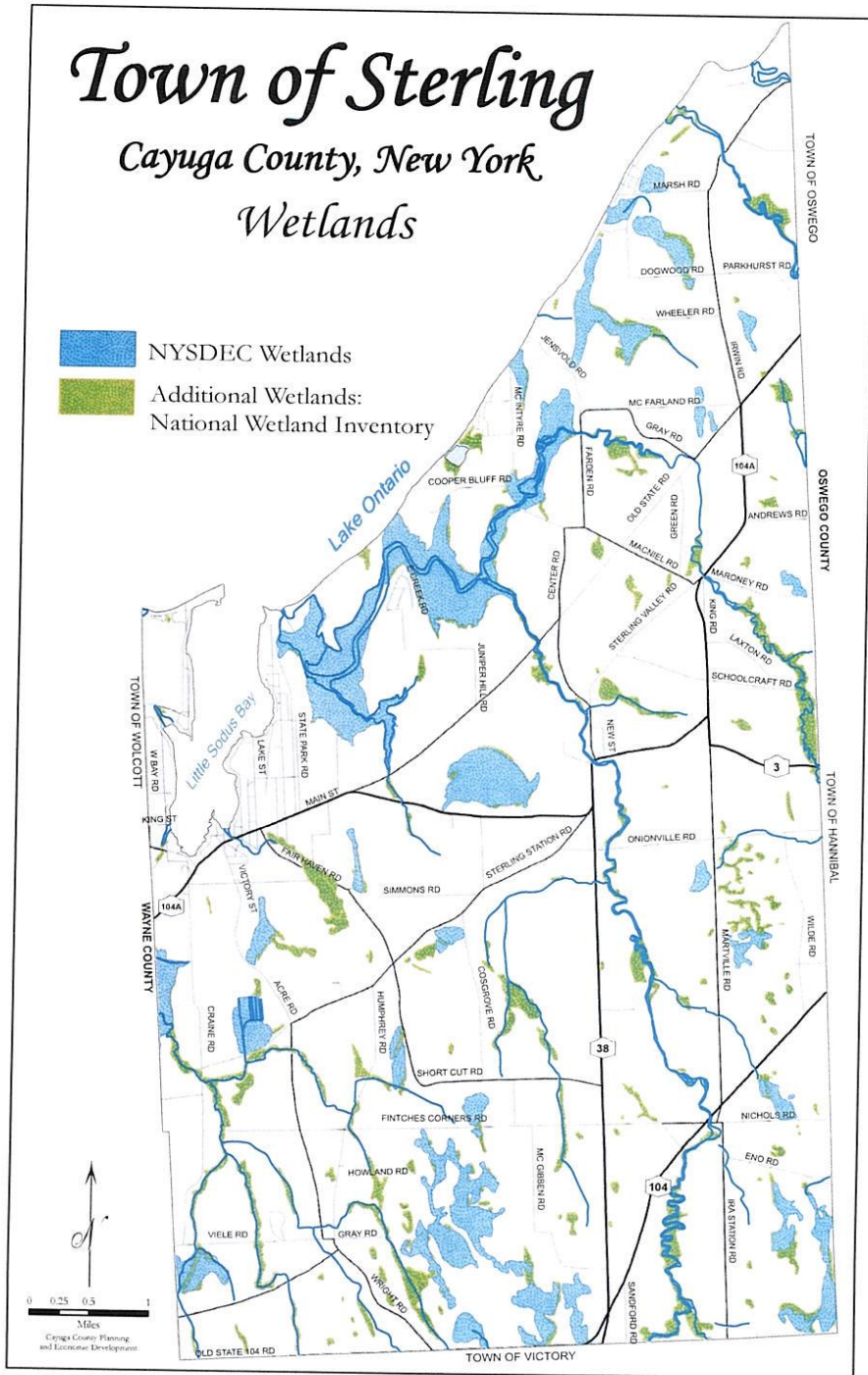
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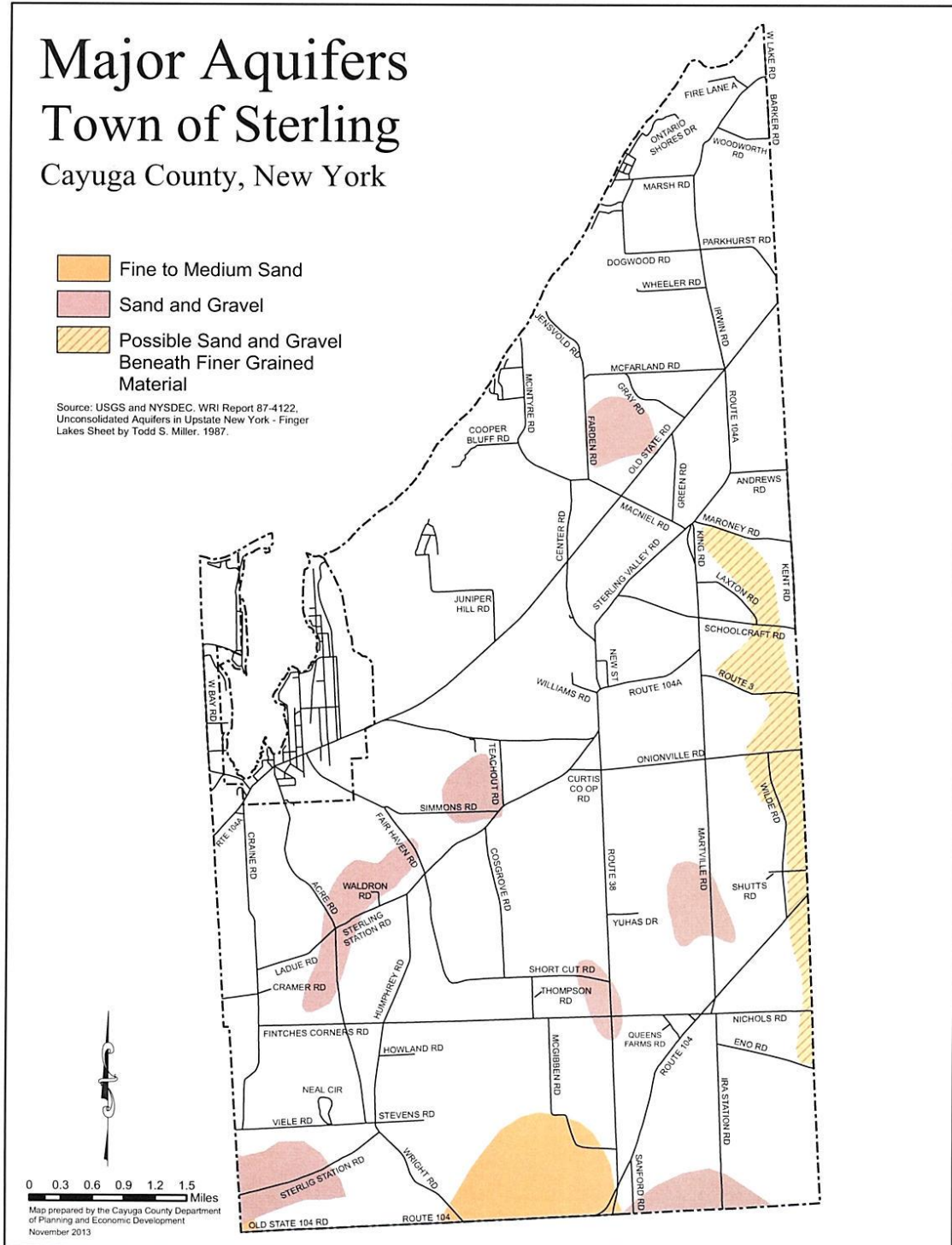
Major Aquifers

Town of Sterling

Cayuga County, New York

-  Fine to Medium Sand
-  Sand and Gravel
-  Possible Sand and Gravel Beneath Finer Grained Material

Source: USGS and NYSDEC. WRI Report 87-4122, Unconsolidated Aquifers in Upstate New York - Finger Lakes Sheet by Todd S. Miller, 1987.



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**Permitting Requirements for Implementation of Agricultural Best Management Practices
SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-08-001)**

Operational & Vegetative Agricultural Management Practices that **do not** require obtaining the Stormwater Permit or implementation of Sediment & Erosion Control Practices during Construction Activities

Conservation Tillage
Minimum Till
No Till
Contour Farming
Cover and Green Manure Crop
Critical Area Protection
Permanent Vegetative Cover
Crop Rotation
Filter Strips
Integrated Pest Management
Biological Controls
Cultural Practices
Resistant Crop Varieties
Scouting
Trap Crops
Irrigation Water Management
Scheduling
Nutrient Management
Fertilizer Management
Land application of Manure
Manure Nutrient Analysis
Soil Testing
Pathogen Management
Pesticide Management
Computerized Precision Application
Evaluation of Site Specific Leaching and Surface Loss Potential
Pesticide Application Education and Training
Proper Equipment Calibration
Proper Timing of Pesticide Application
Read and Follow the Label Directions
Riparian Forest Buffer
Stripcropping

Agricultural Management Practices that are exempt from the Stormwater Permit, **BUT** are required to implement the proper Sediment & Erosion Control Practices during Construction Activities *

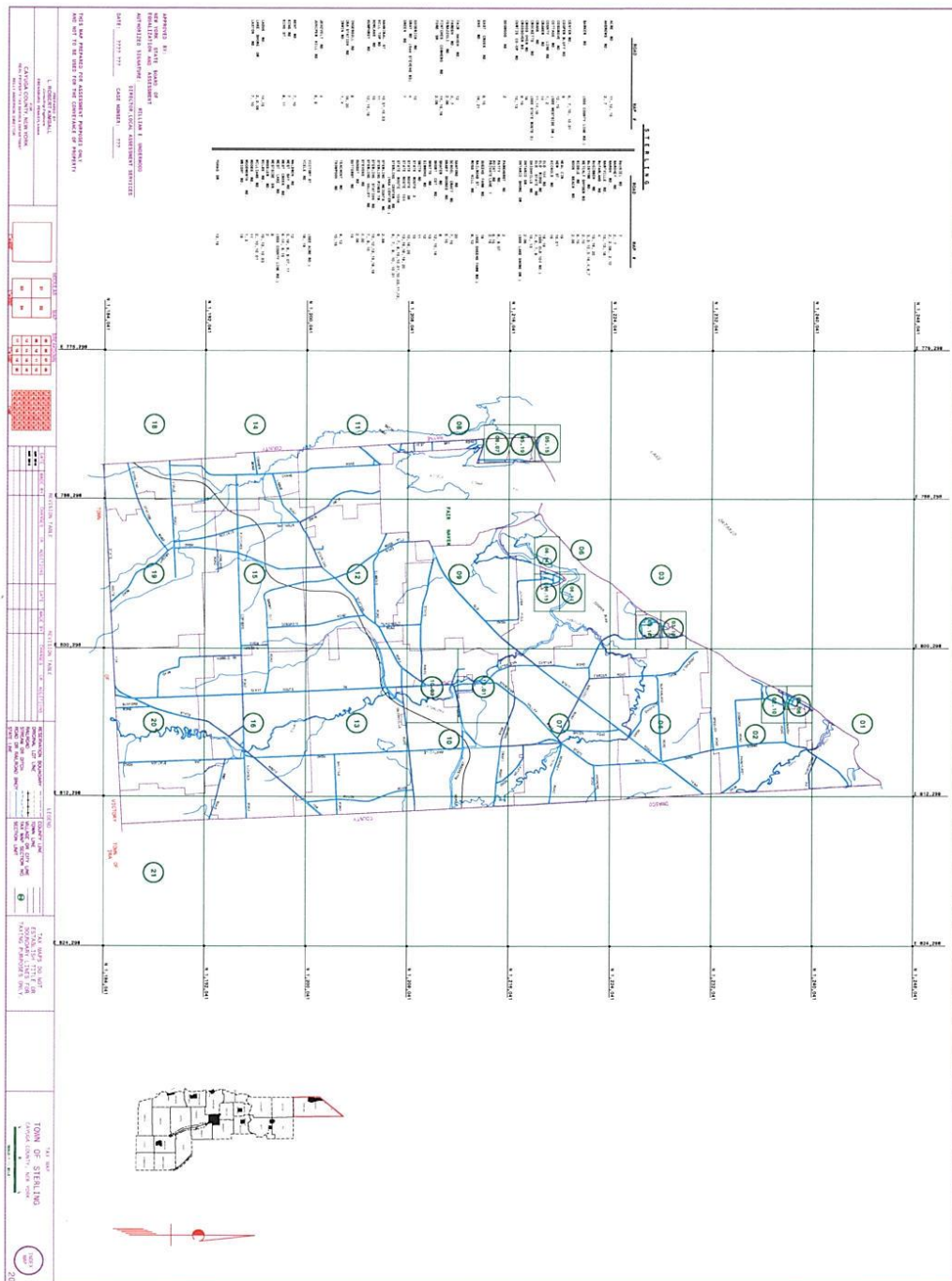
Access Road Improvement
Alternative Water Supply (Ponds, if designated)
Barnyard Runoff Management System
Constructed Wetlands
Critical Area Protection
Streambank and Shoreline Protection
Diversions
Fencing
Grassed Waterways
Irrigation Water Management
Trickle Irrigation
Nutrient Management
Anaerobic Digestion
Composting
Manure Storage System
Nutrient/Sediment Control System
Pasture Management: Short Duration Grazing System
Pesticide Handling Facility
Petroleum Product Storage, Spill Prevention and Containment
Silo Leachate Control
Terraces

Activities that **do** require the Stormwater Permit and implementation of Sediment & Erosion Control Practices during Construction Activities *

Construction Activities (that disturb greater than 1 acre):
Barns
Buildings
Houses
Silos (including Bunks)
Stock Yards or Pens
Ponds

* Activities with Total Soil Disturbance Greater than 5 Acres will require a Full SWPPP (including Water Quality and Quantity Controls) [does not include field practices]

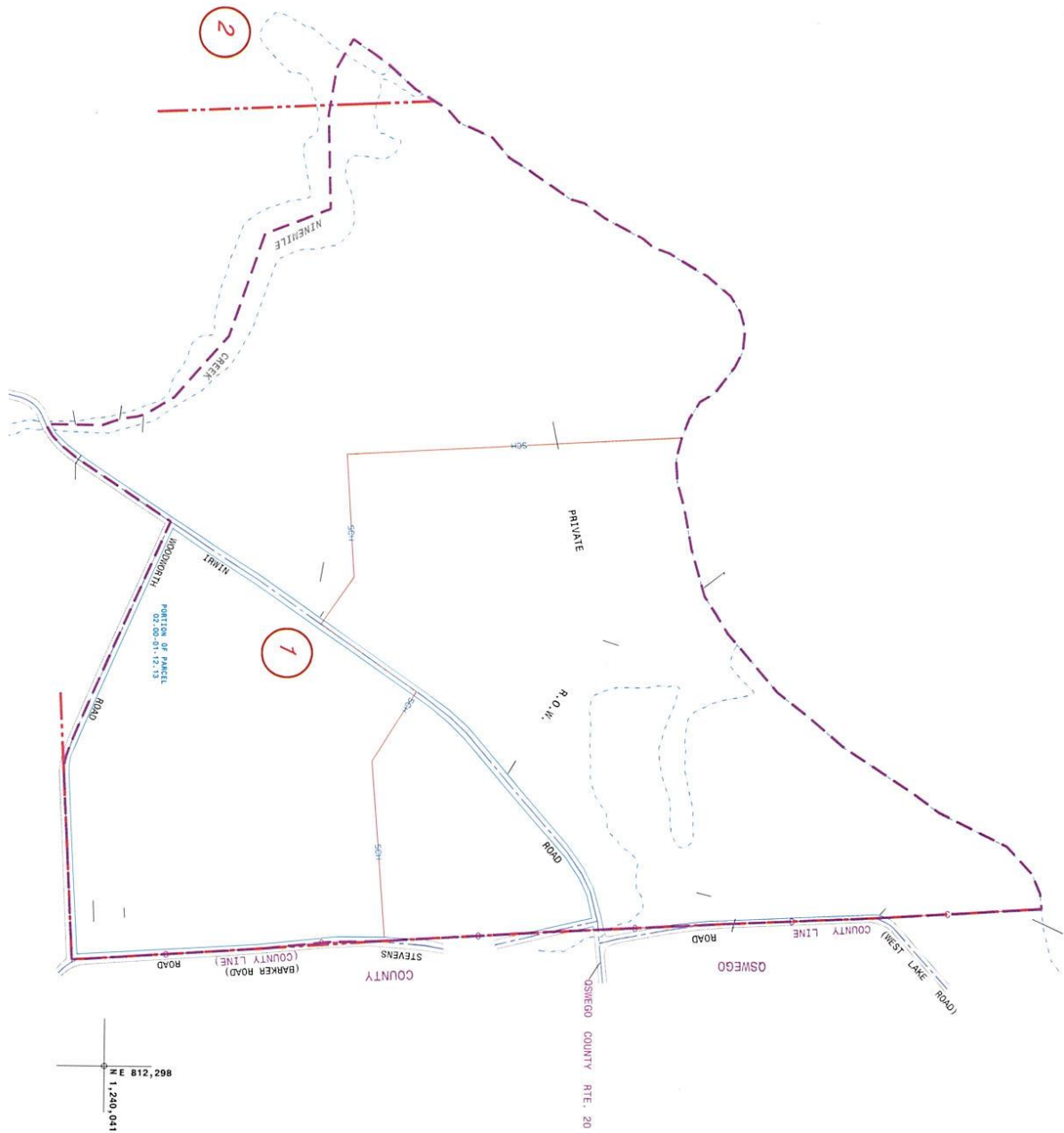
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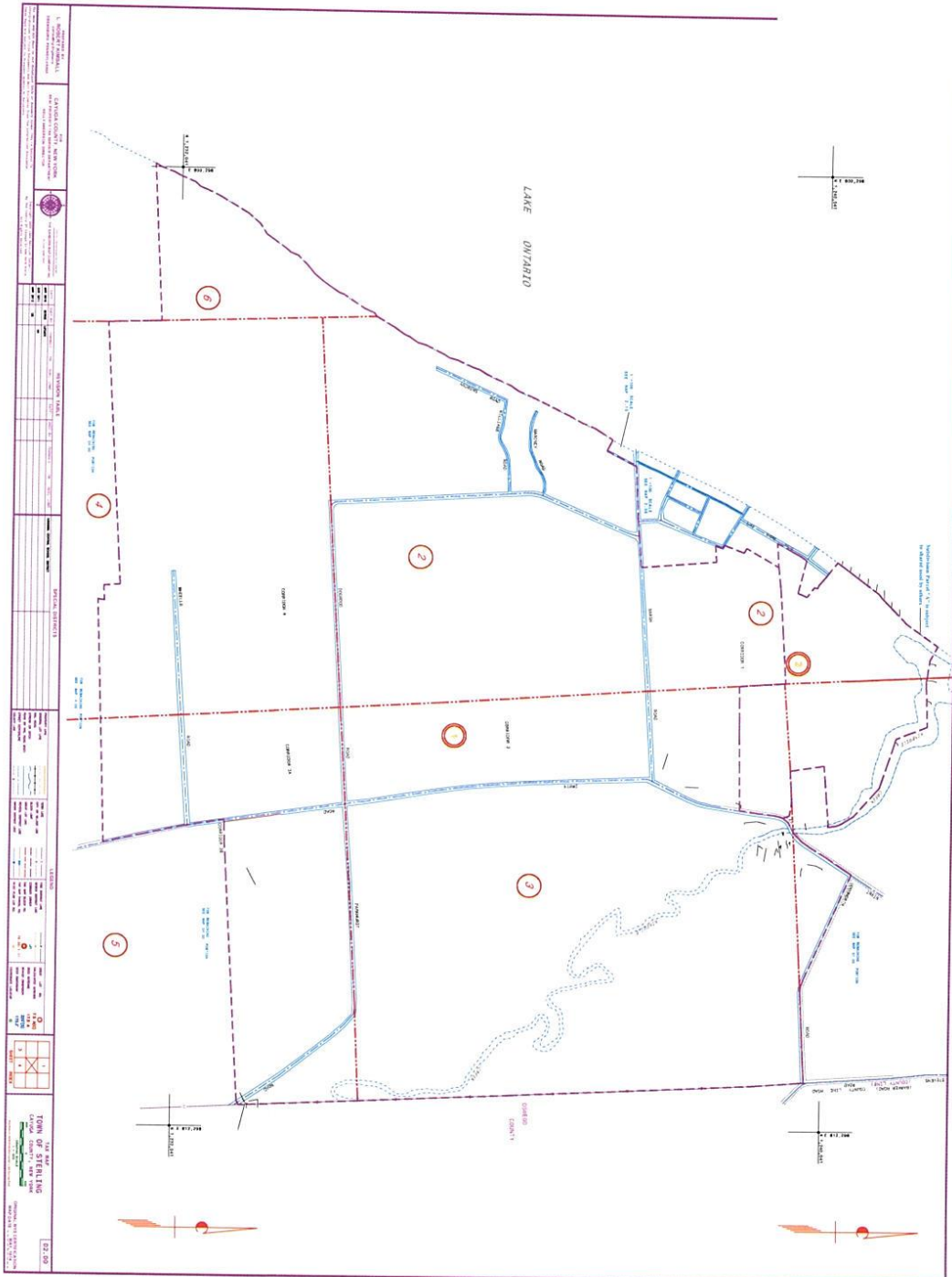
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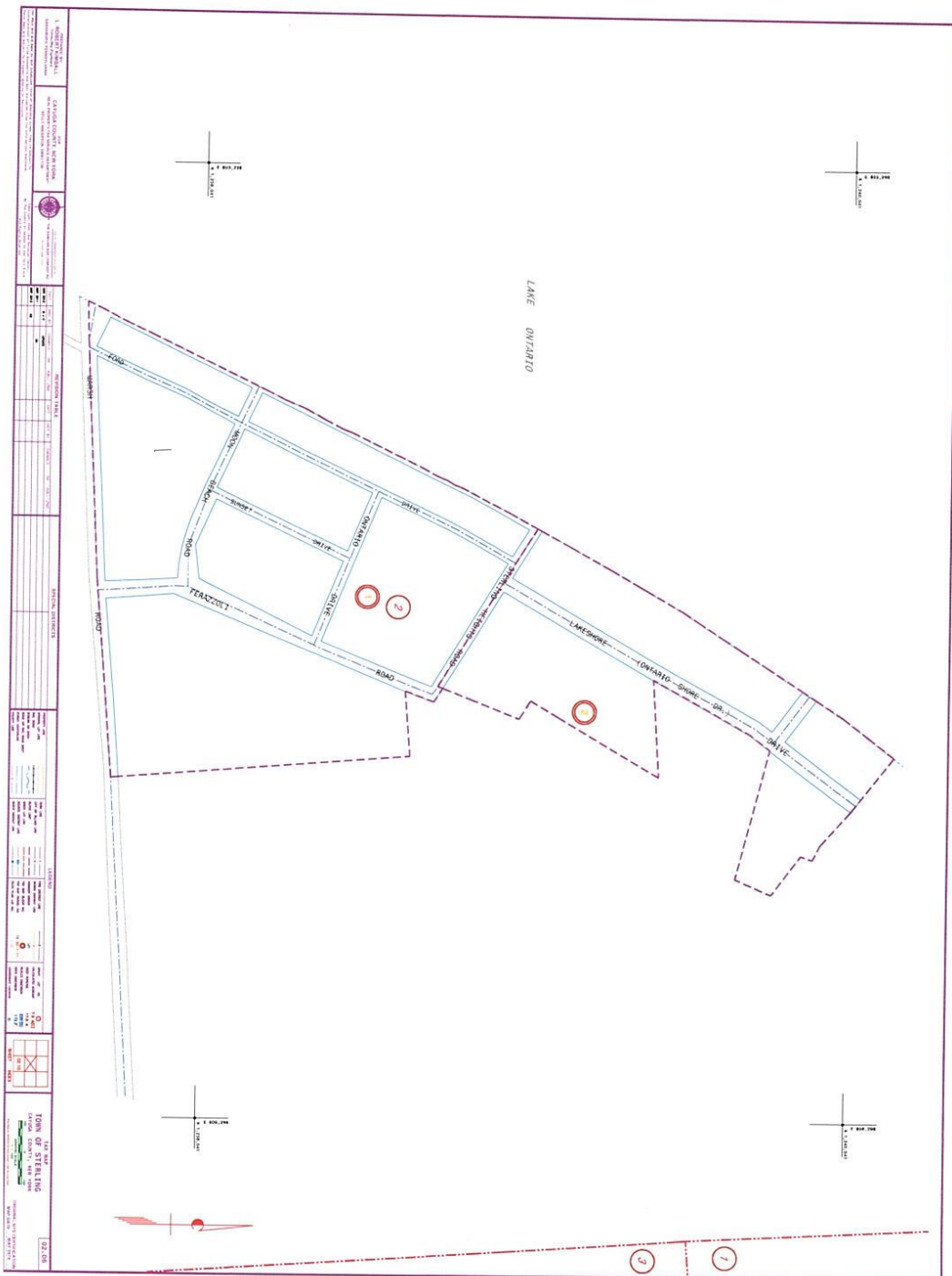
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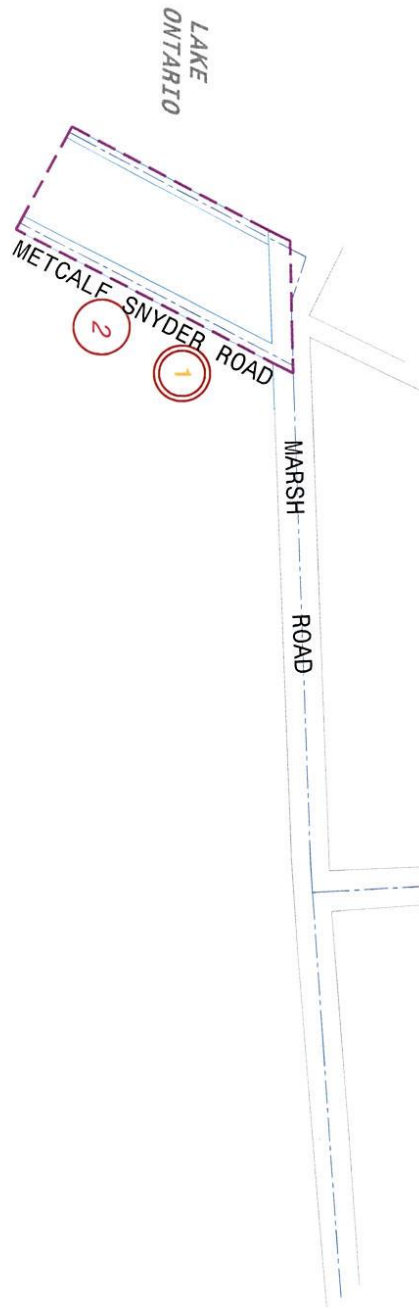
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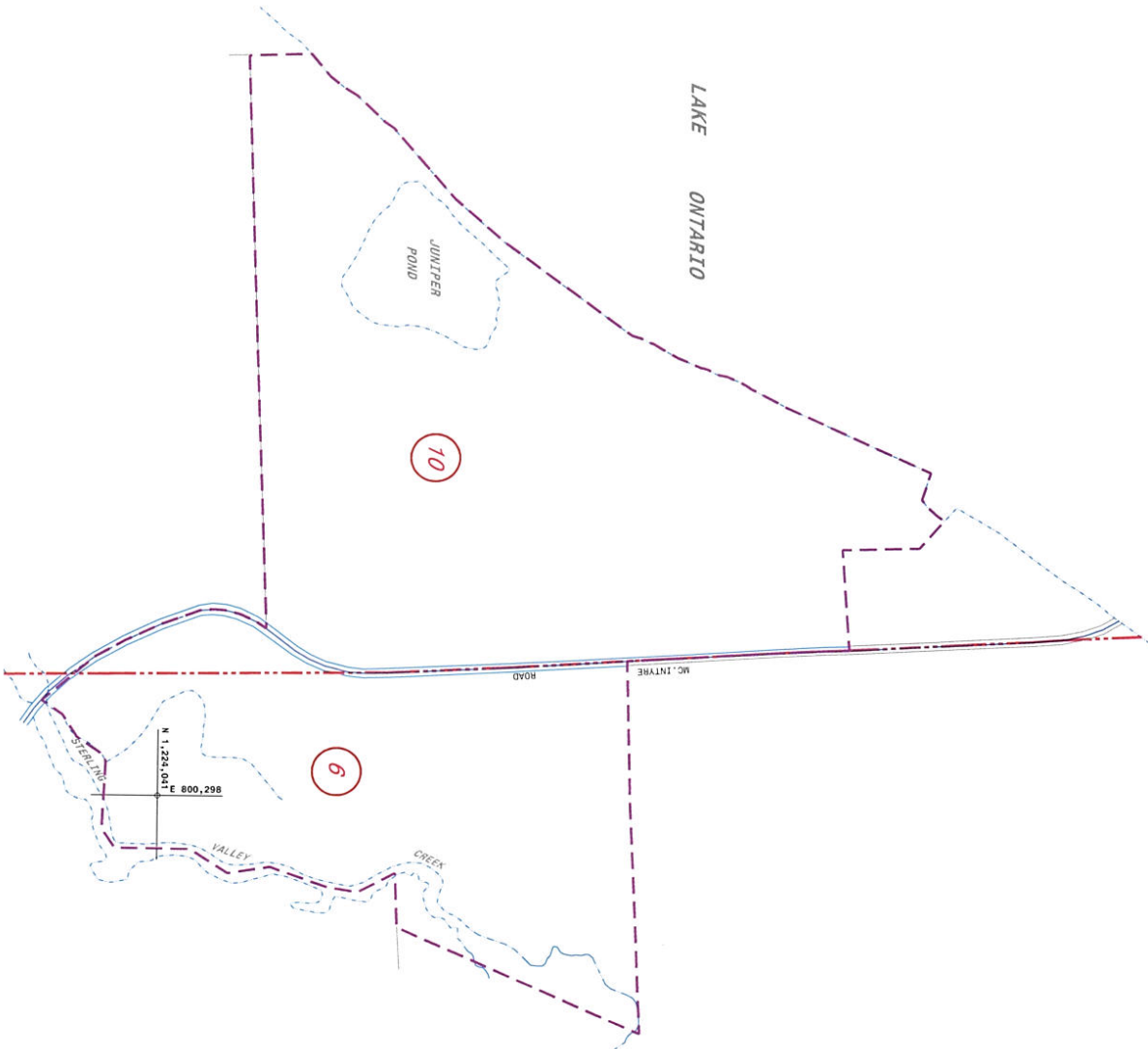
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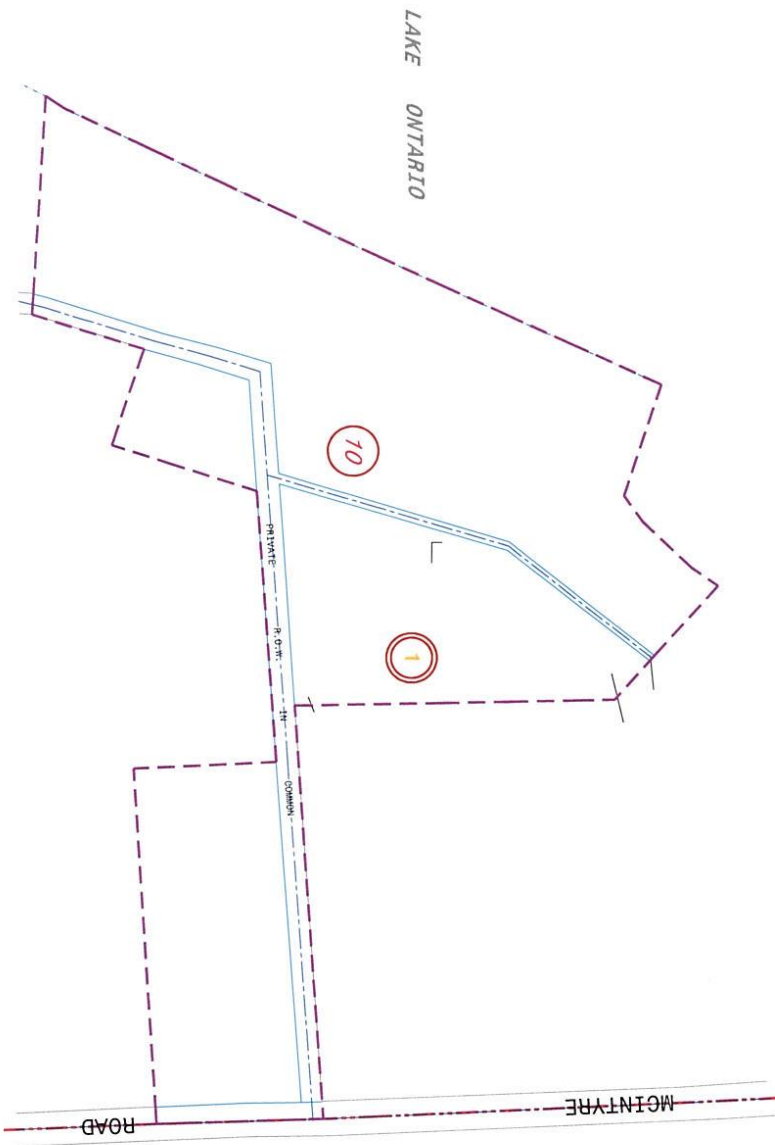
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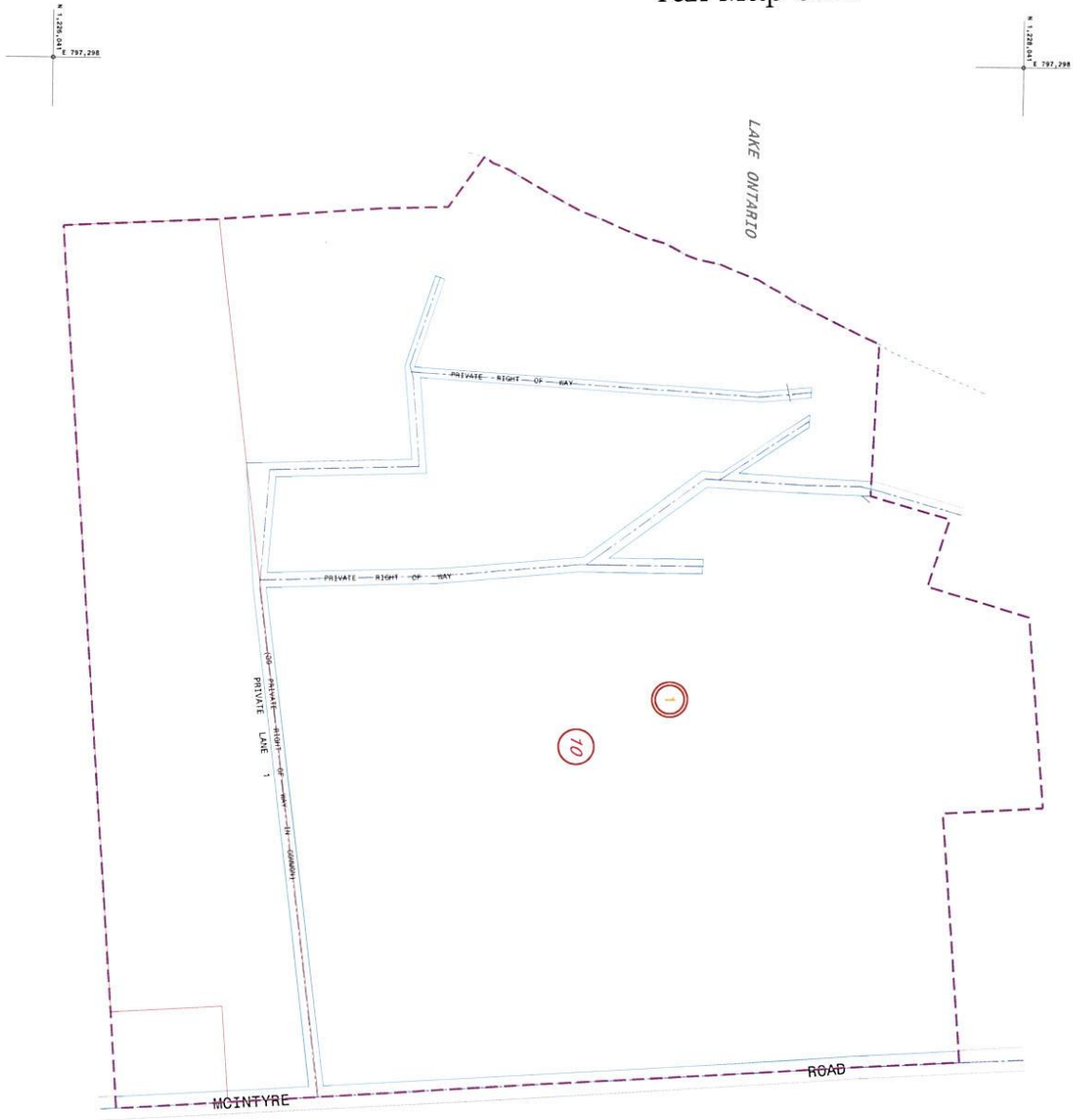
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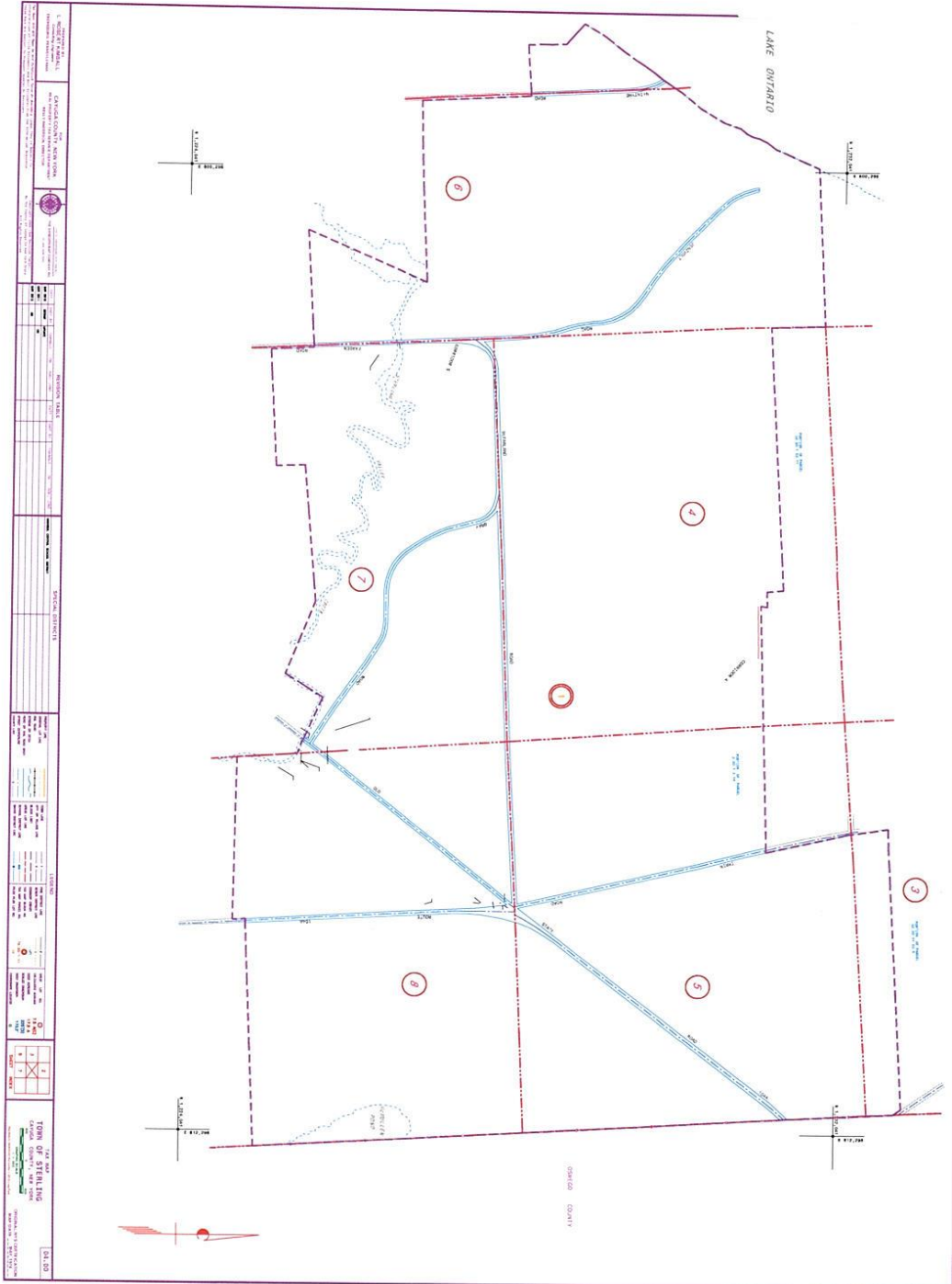
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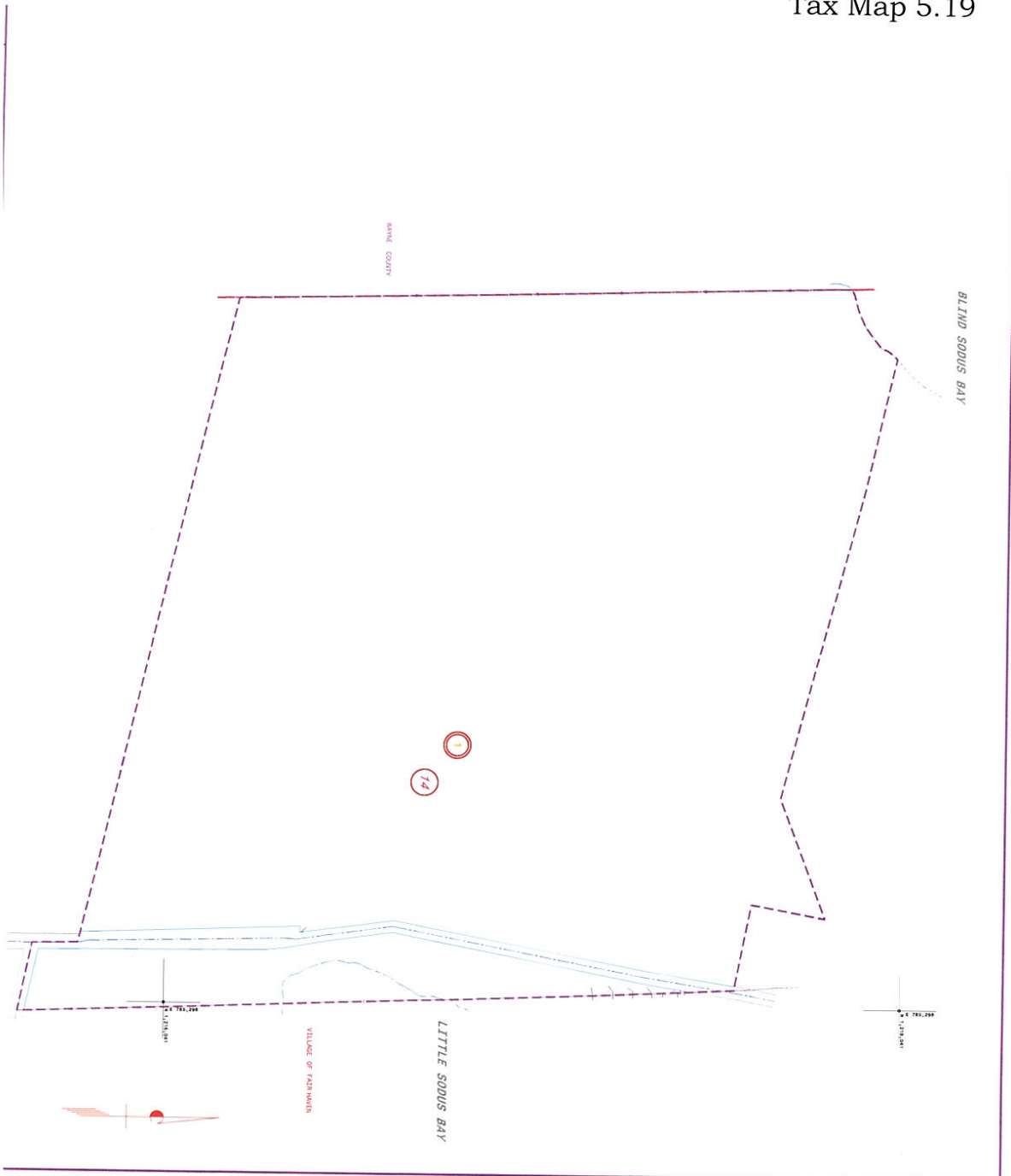
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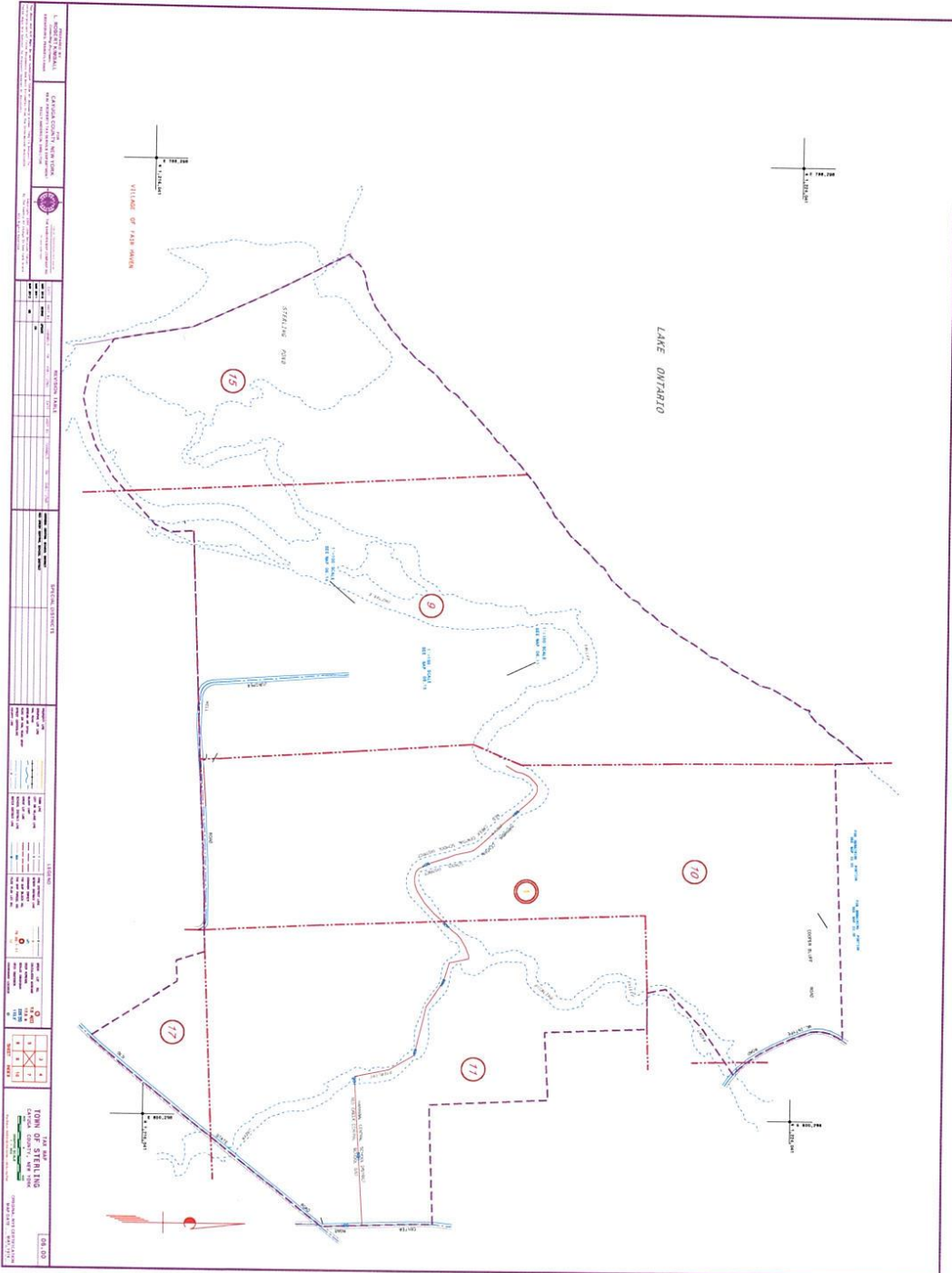
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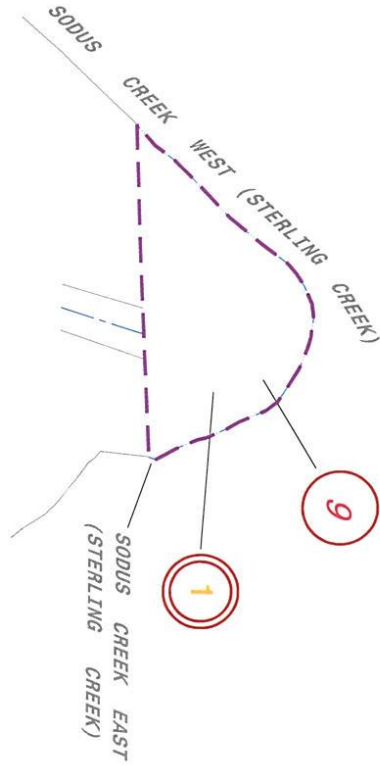
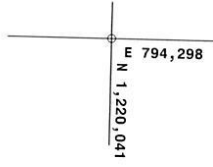
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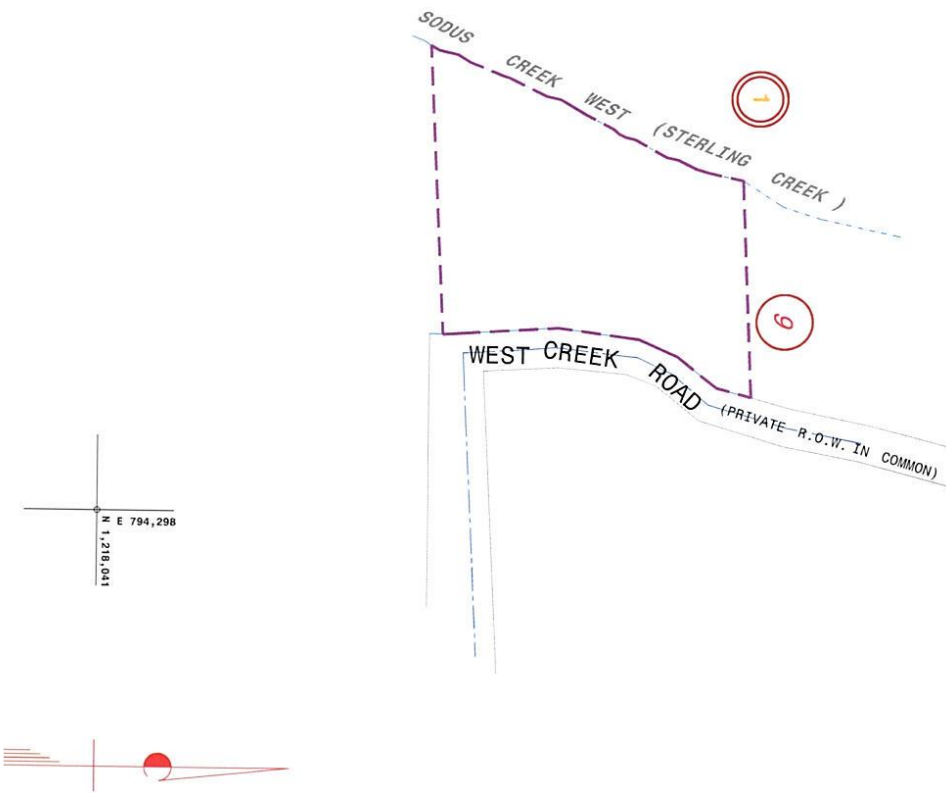
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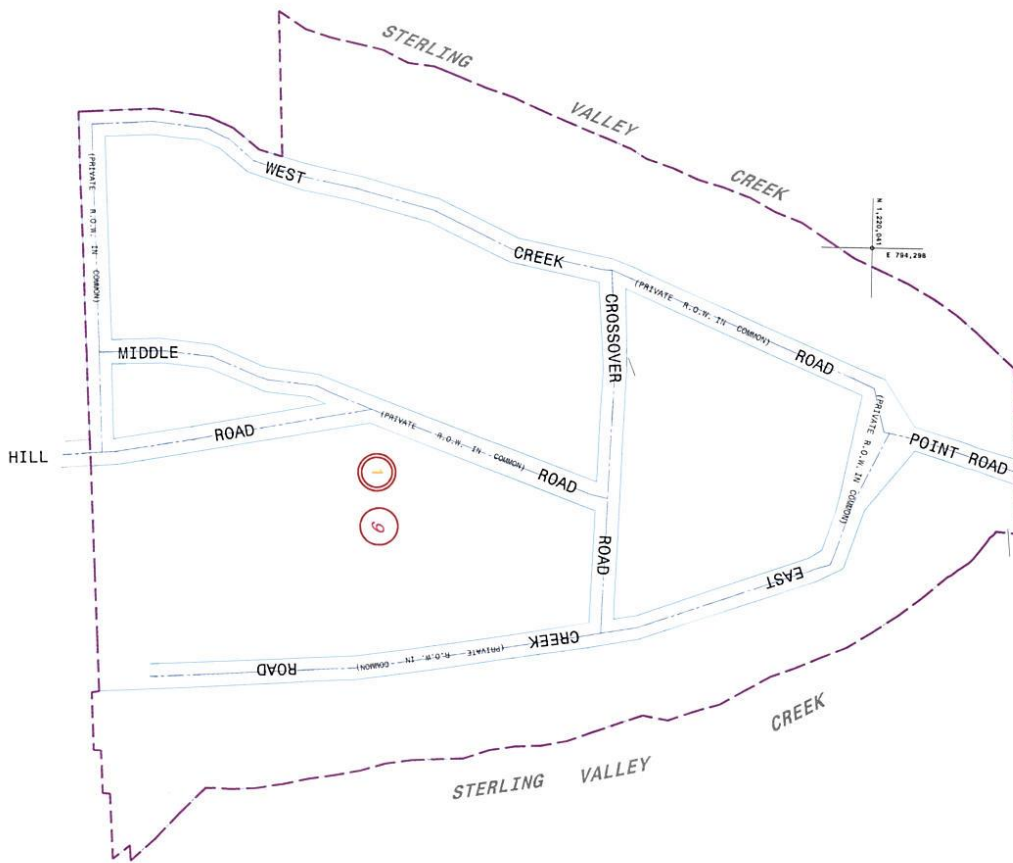
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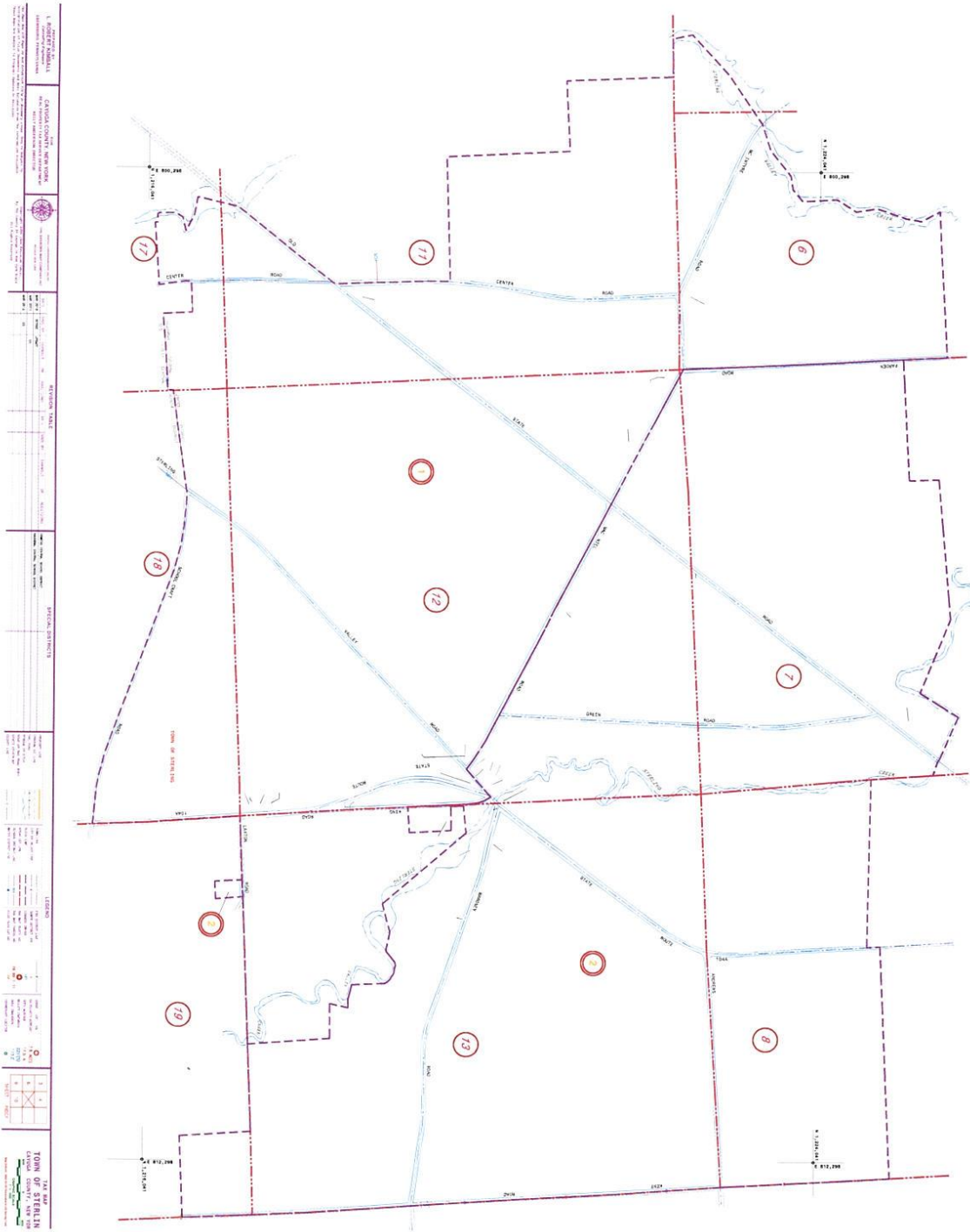
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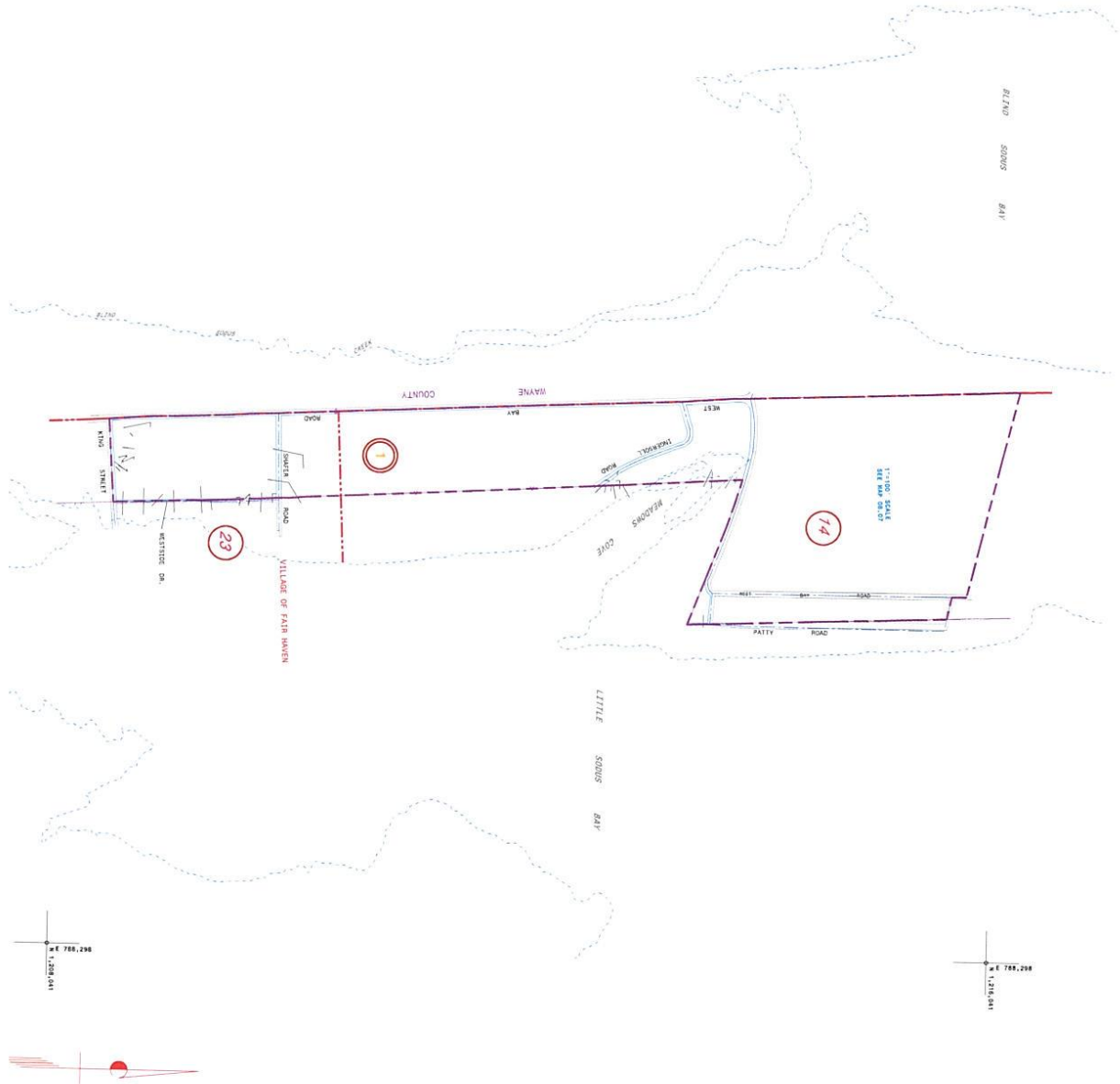
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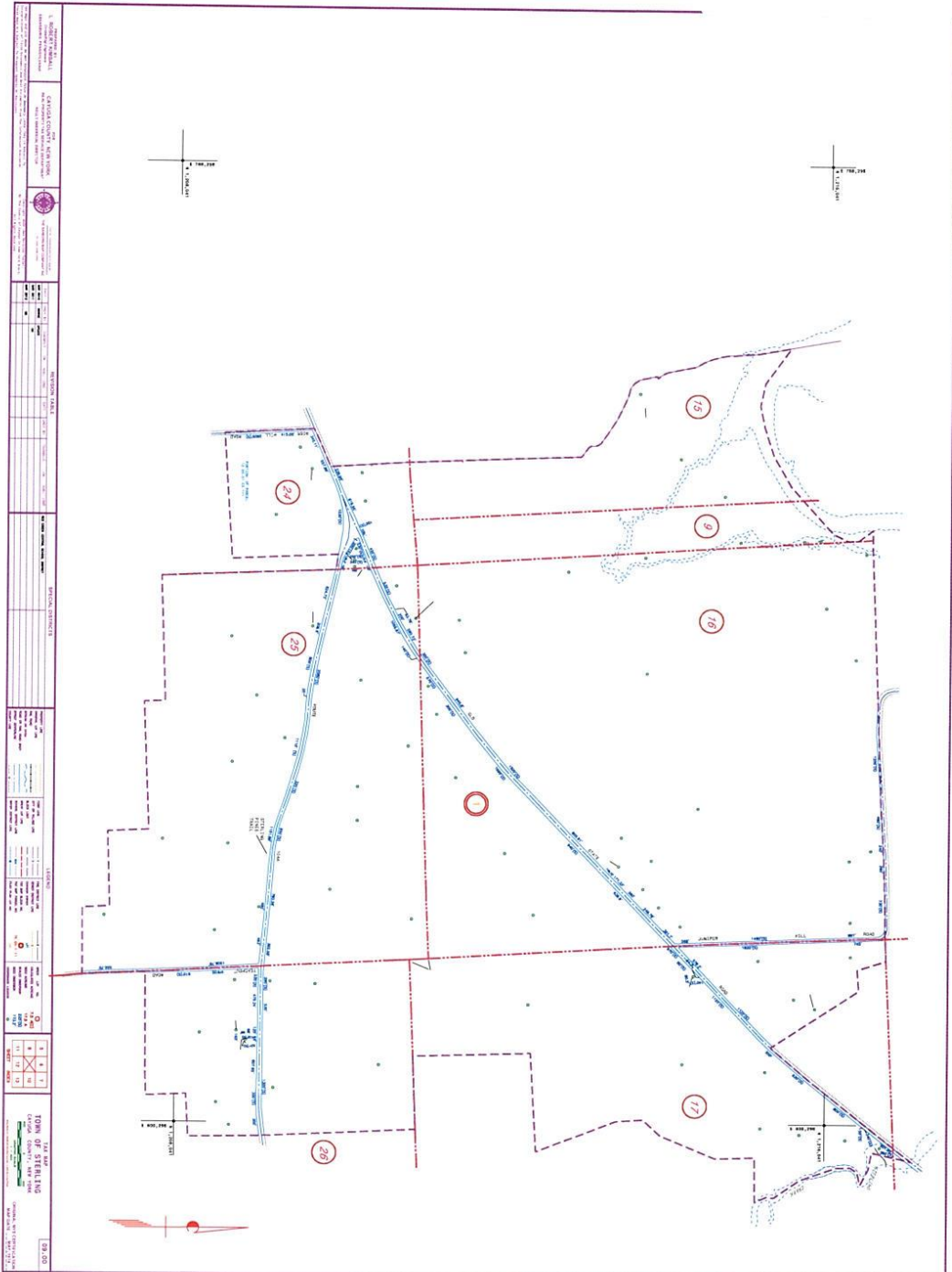
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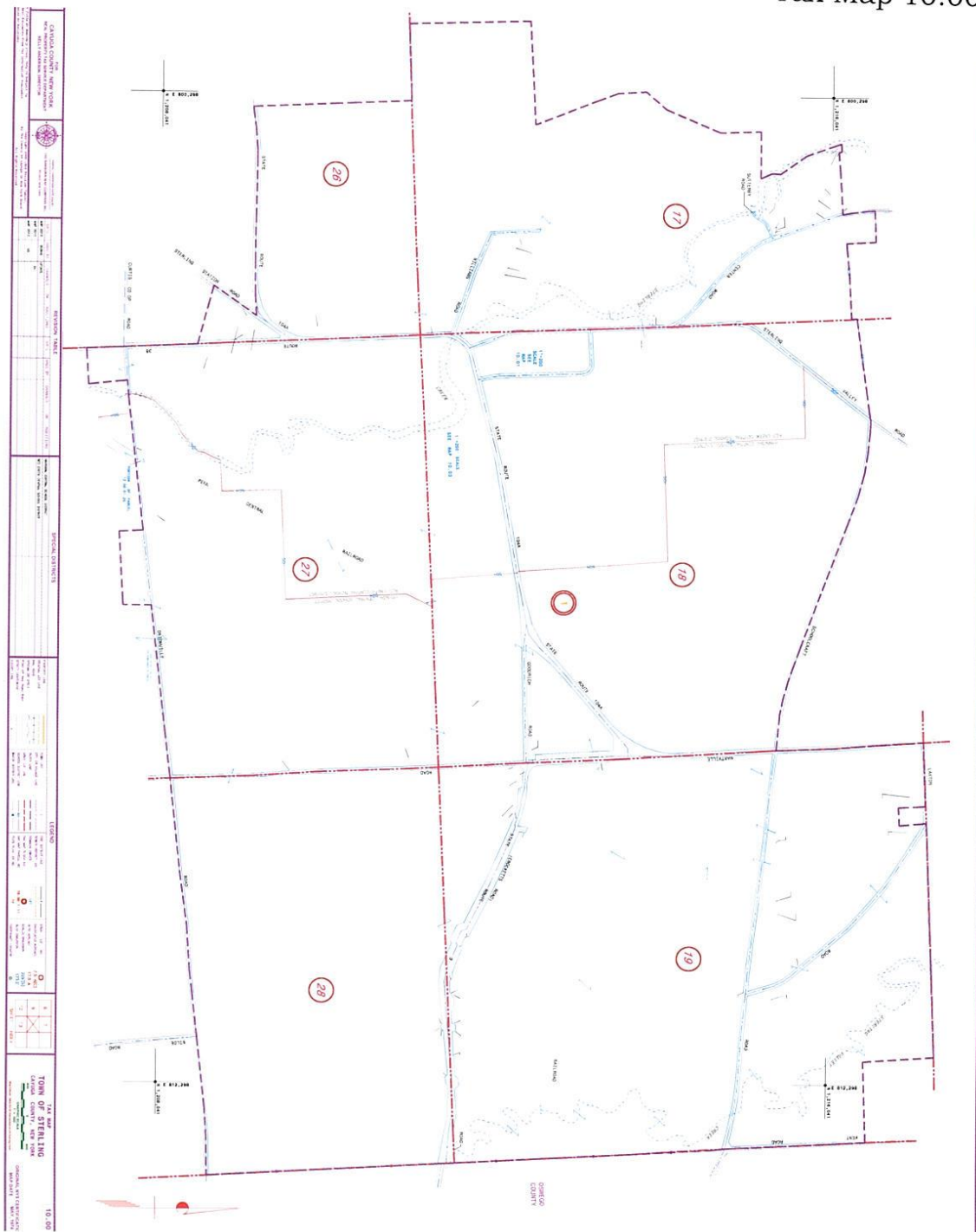
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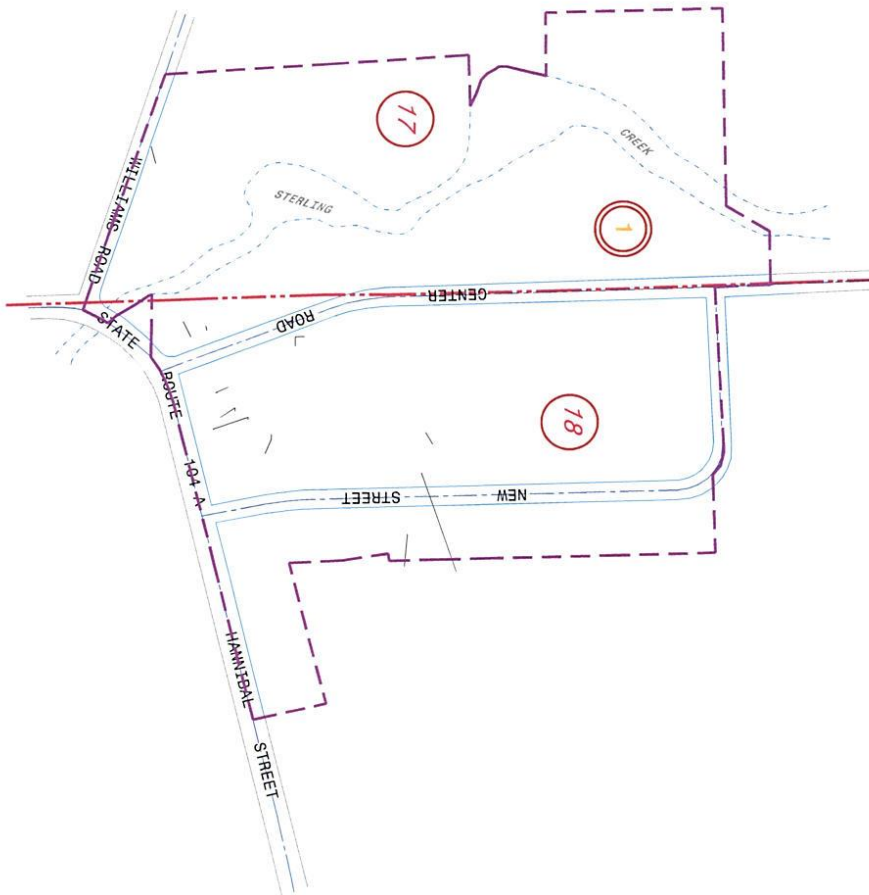
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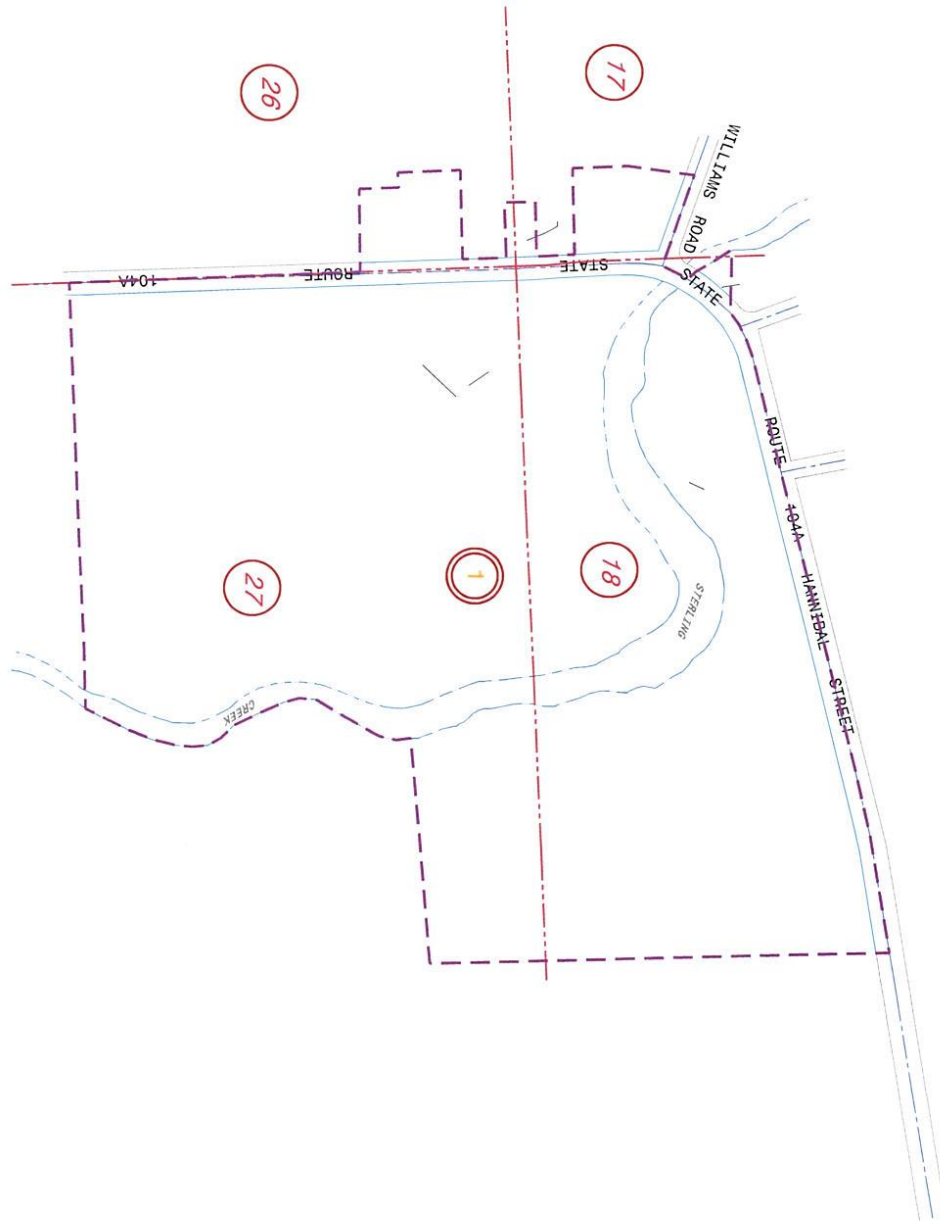
TOWN OF STERLING
PUBLIC HEARING
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Tax Map 10.01



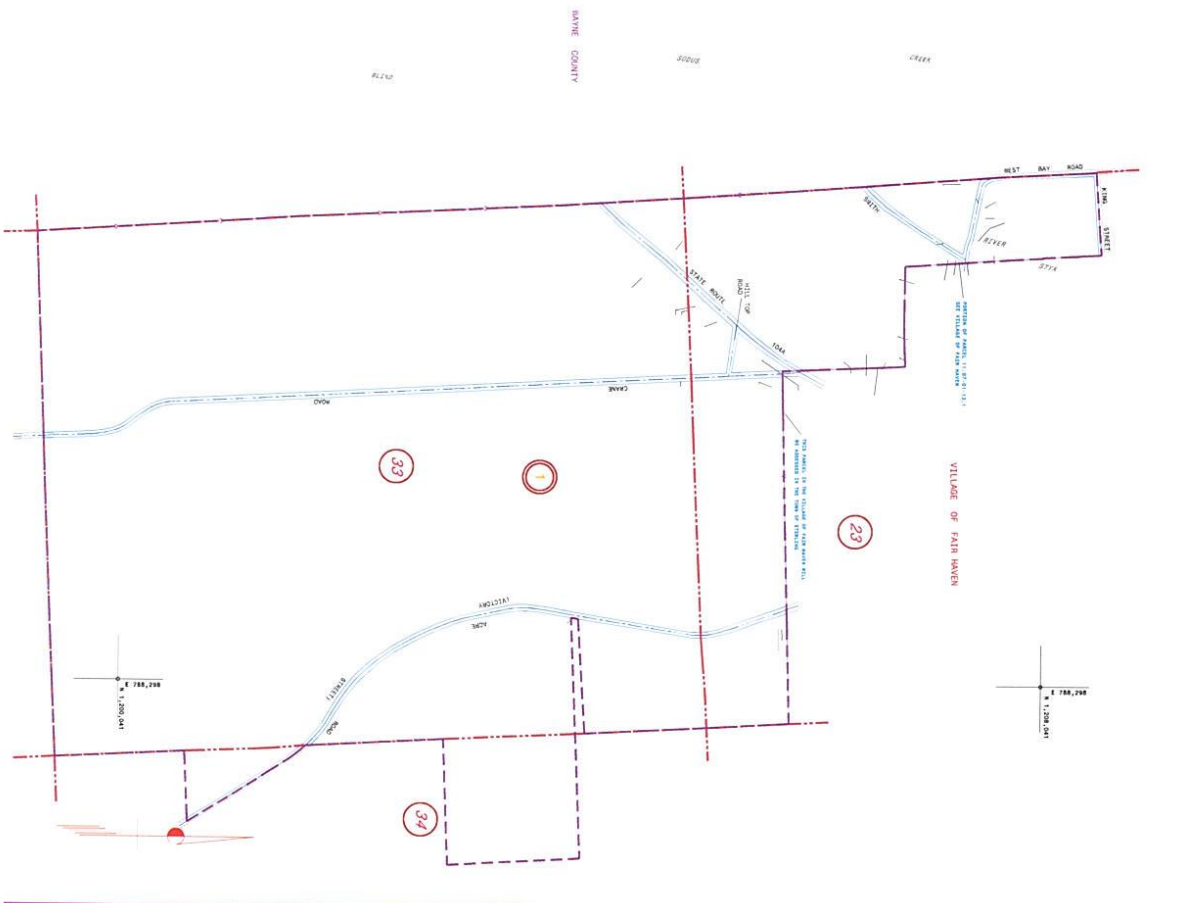
TOWN OF STERLING
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Tax Map 10.03



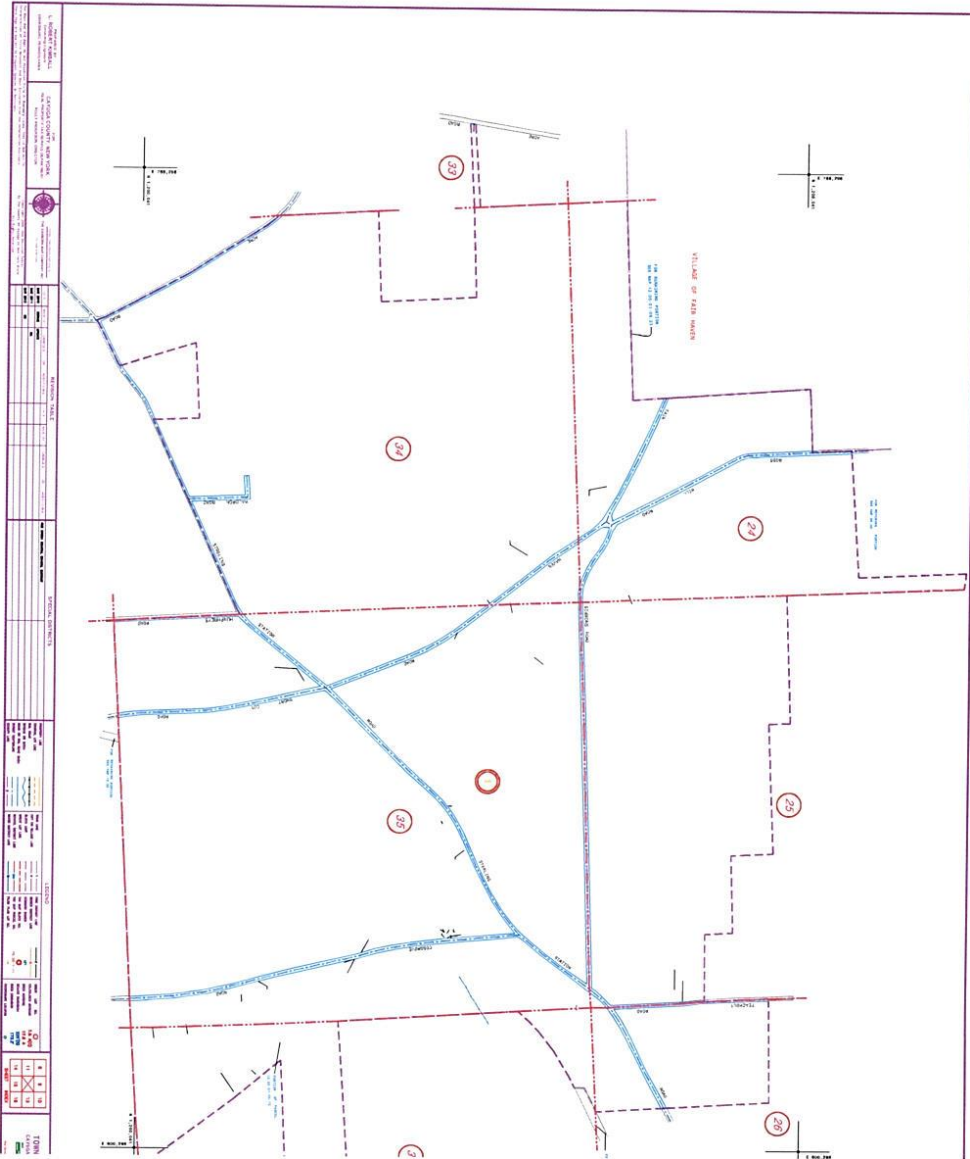
TOWN OF STERLING
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Tax Map 11.00



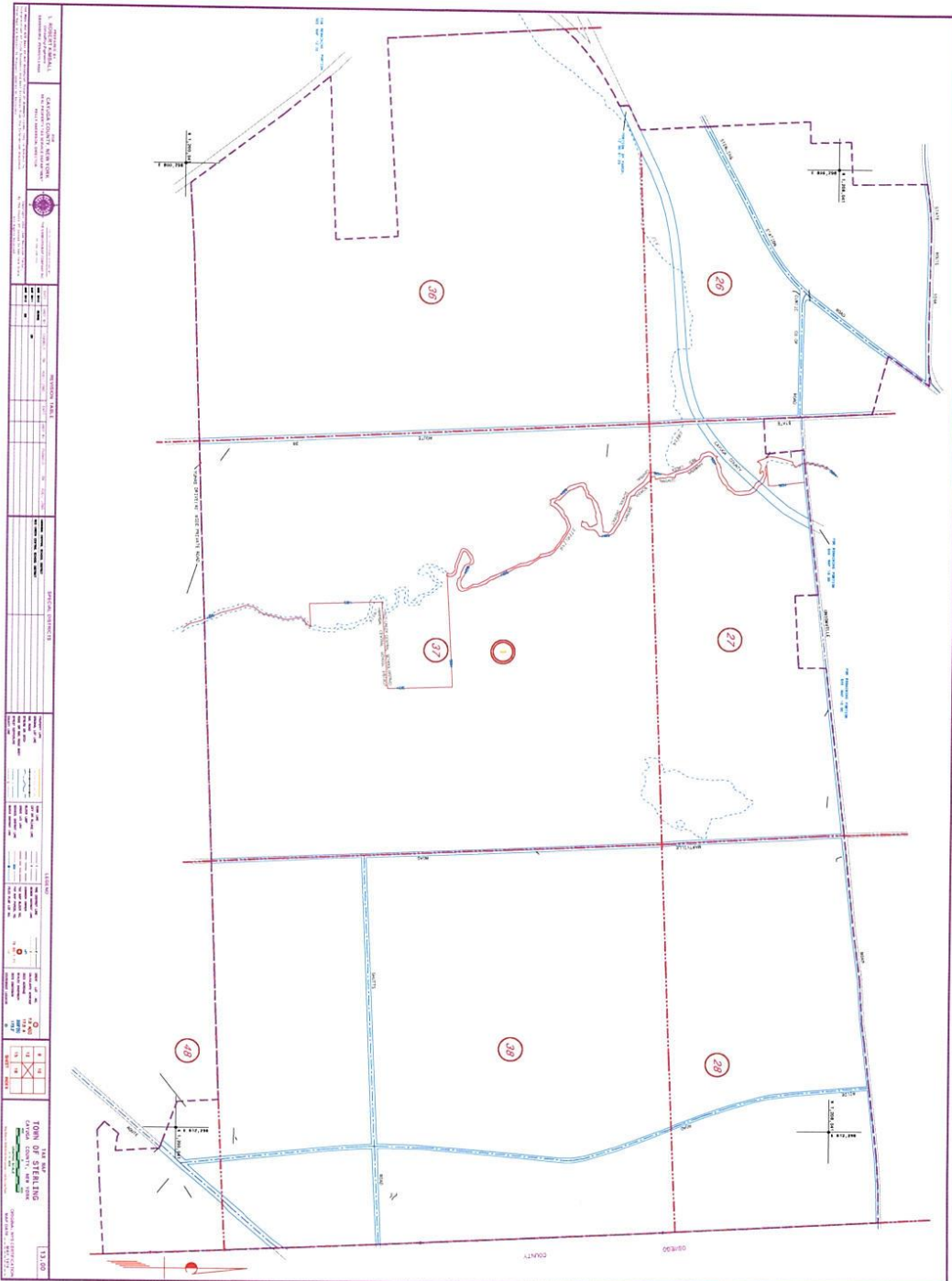
TOWN OF STERLING
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Tax Map 12.00



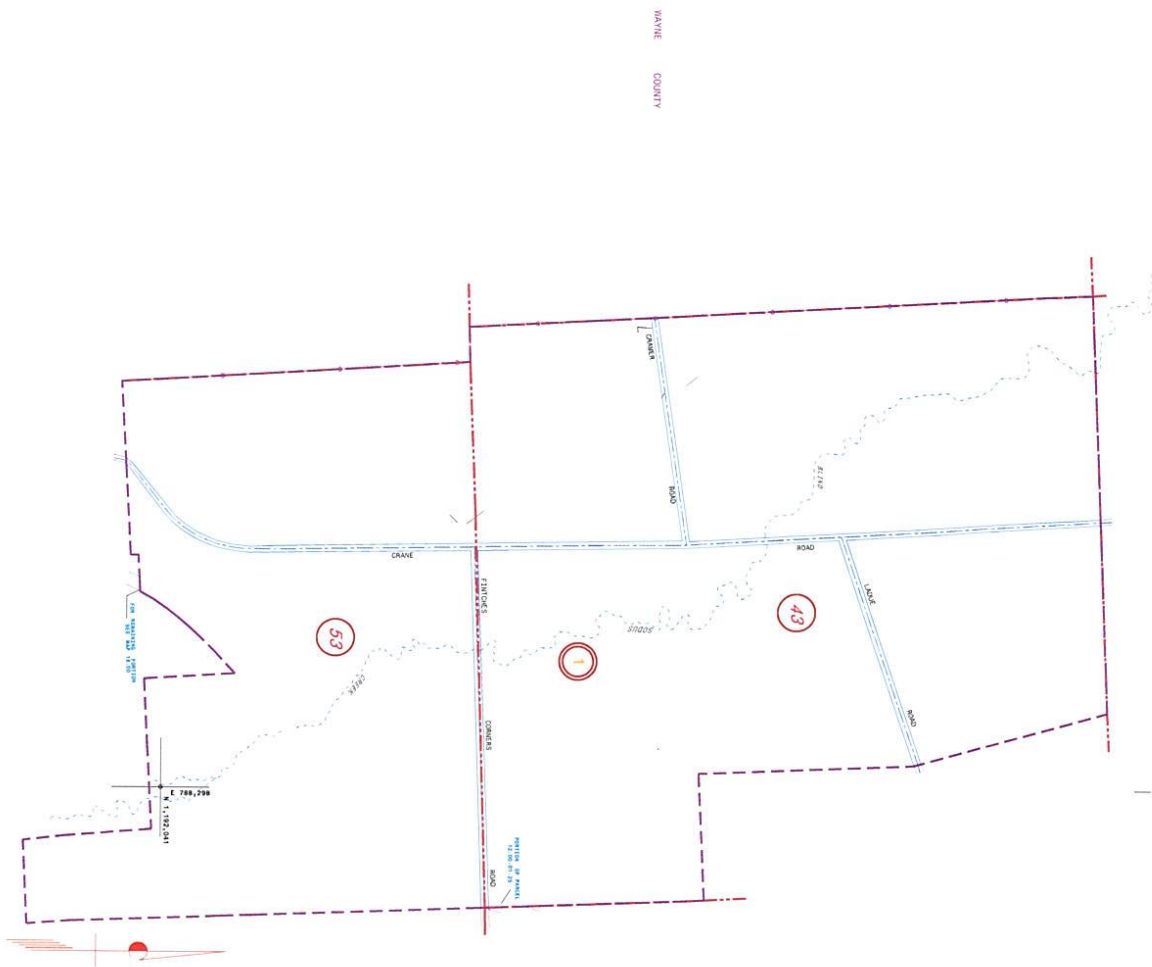
TOWN OF STERLING
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Tax Map 13.00



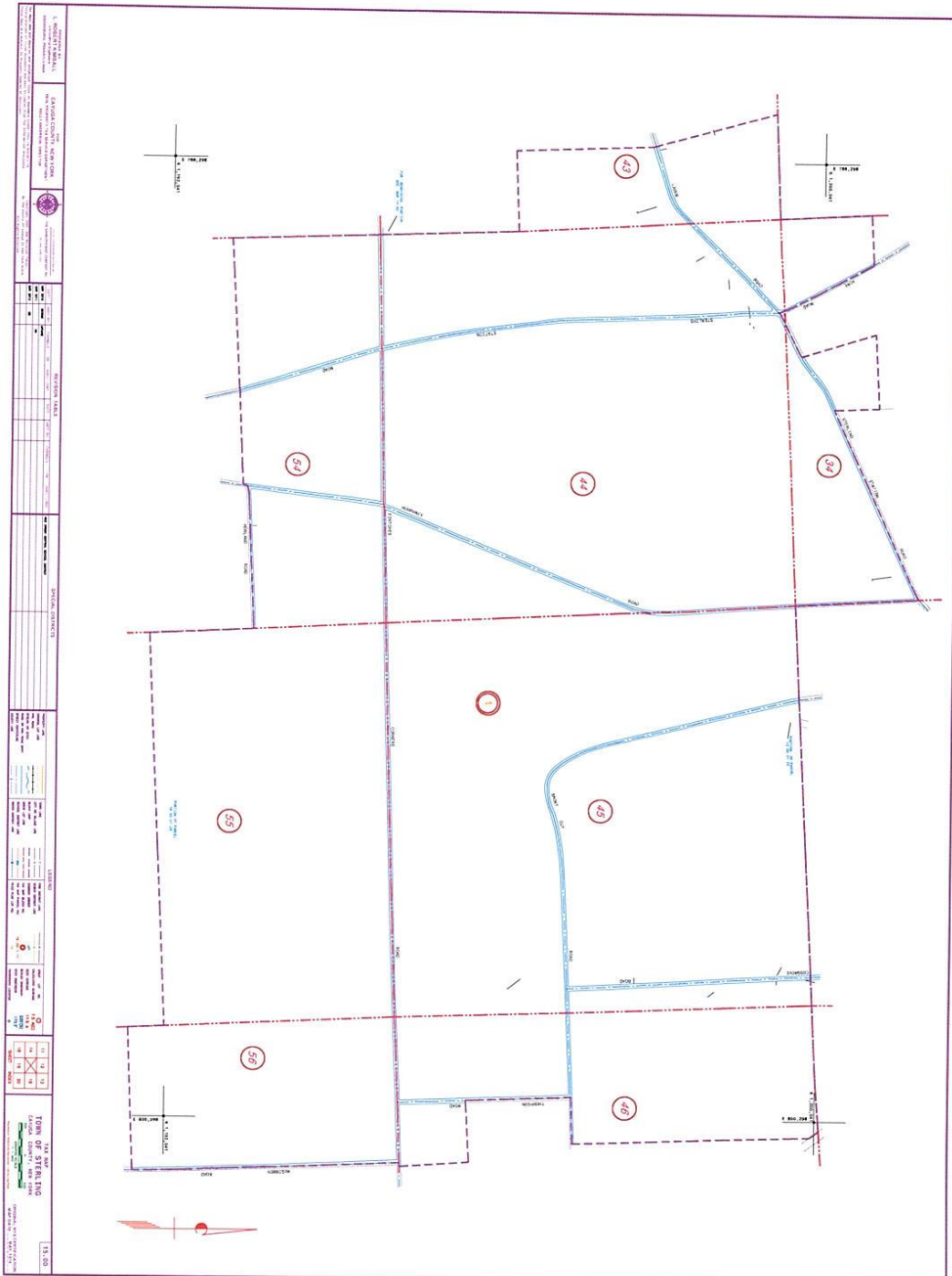
TOWN OF STERLING
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Tax Map 14.00



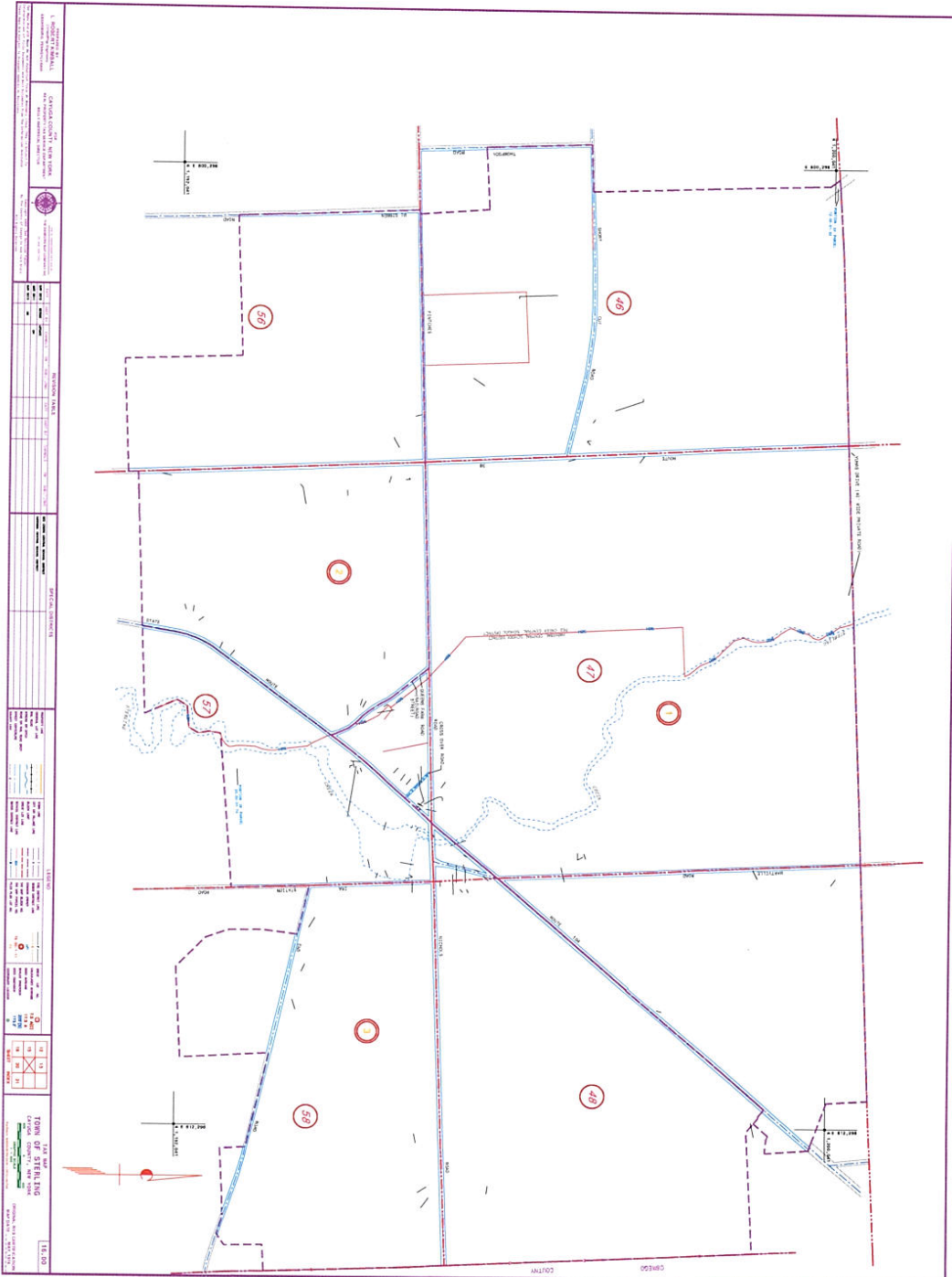
TOWN OF STERLING PUBLIC HEARING PUBLIC HEARING REGULAR MEETING JUNE 23, 2014

Tax Map 15.00



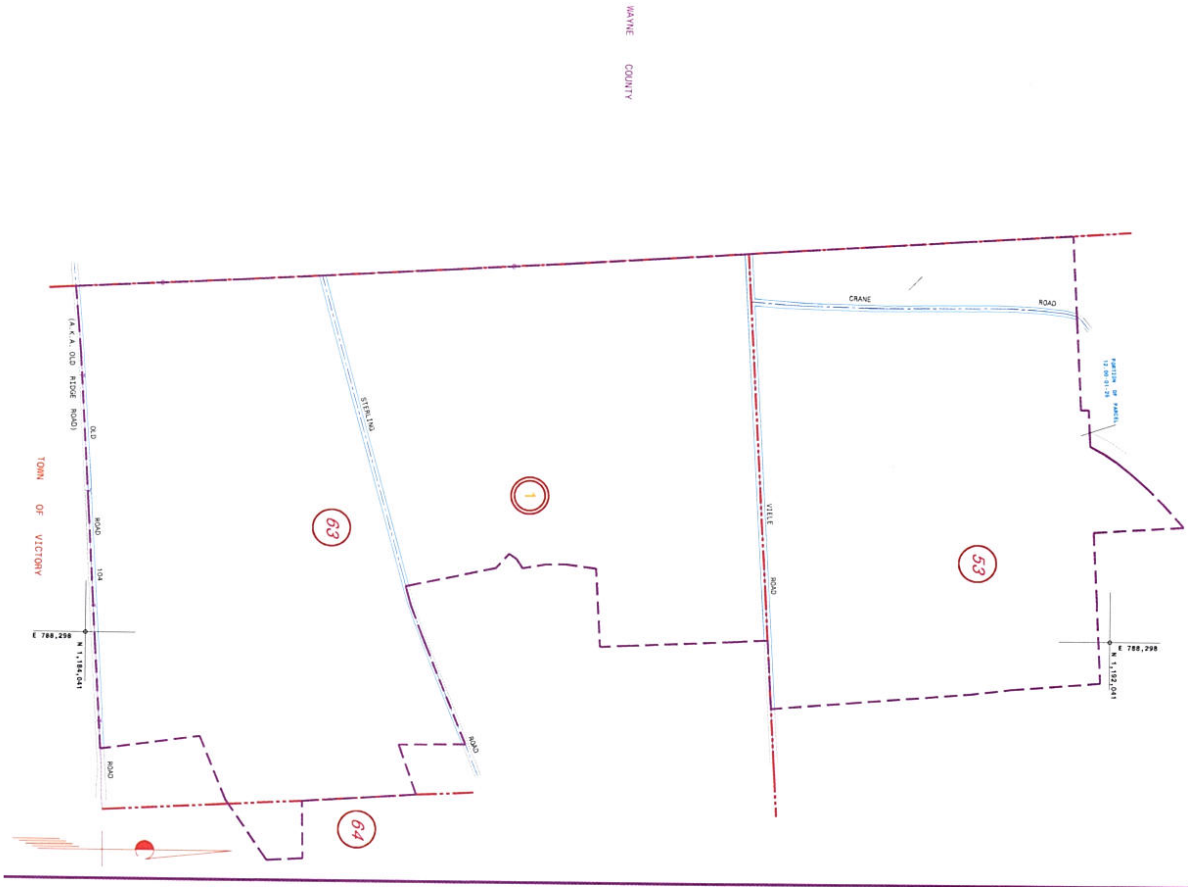
TOWN OF STERLING
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Tax Map 16.00



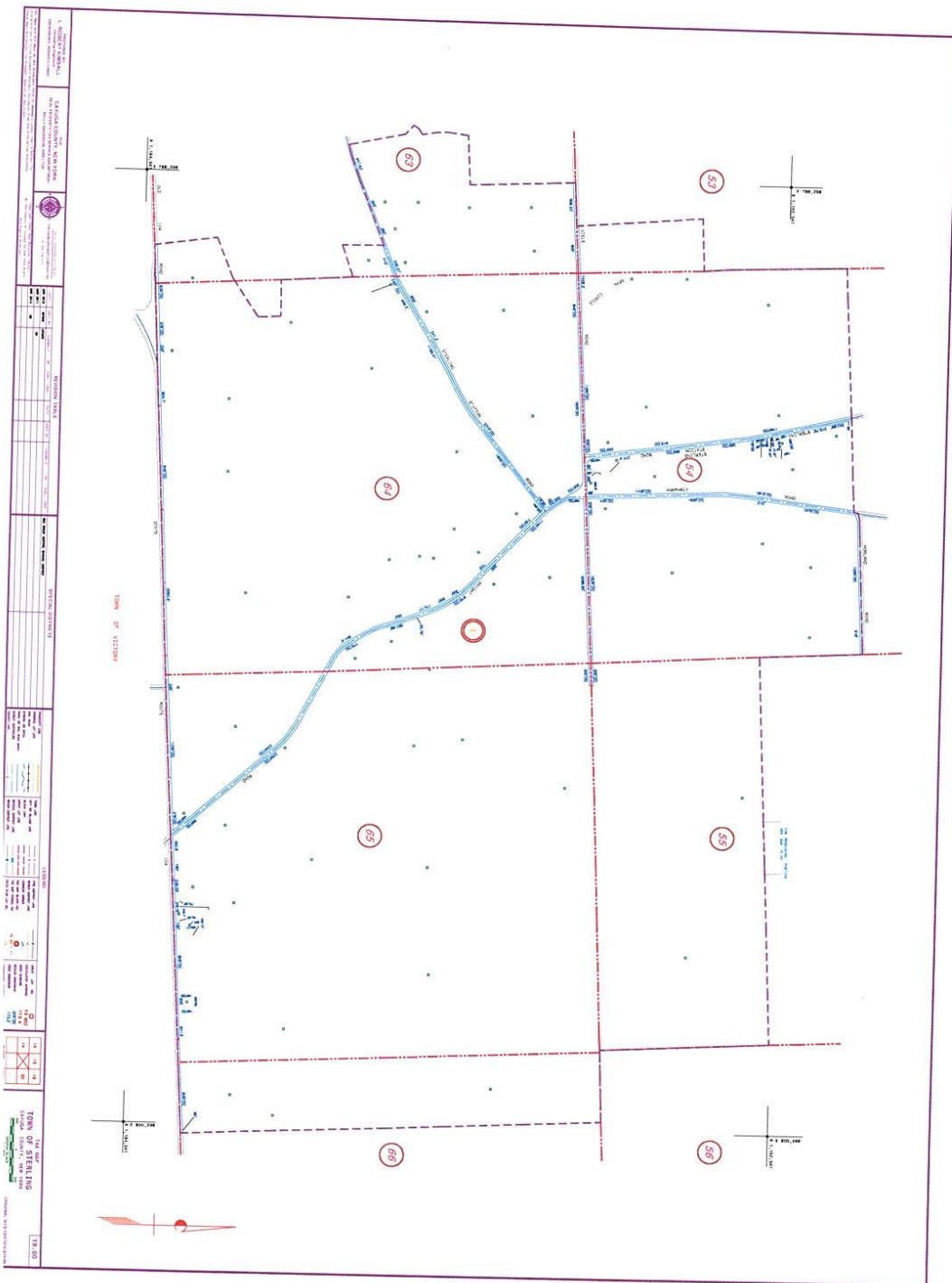
TOWN OF STERLING
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Tax Map 18.00



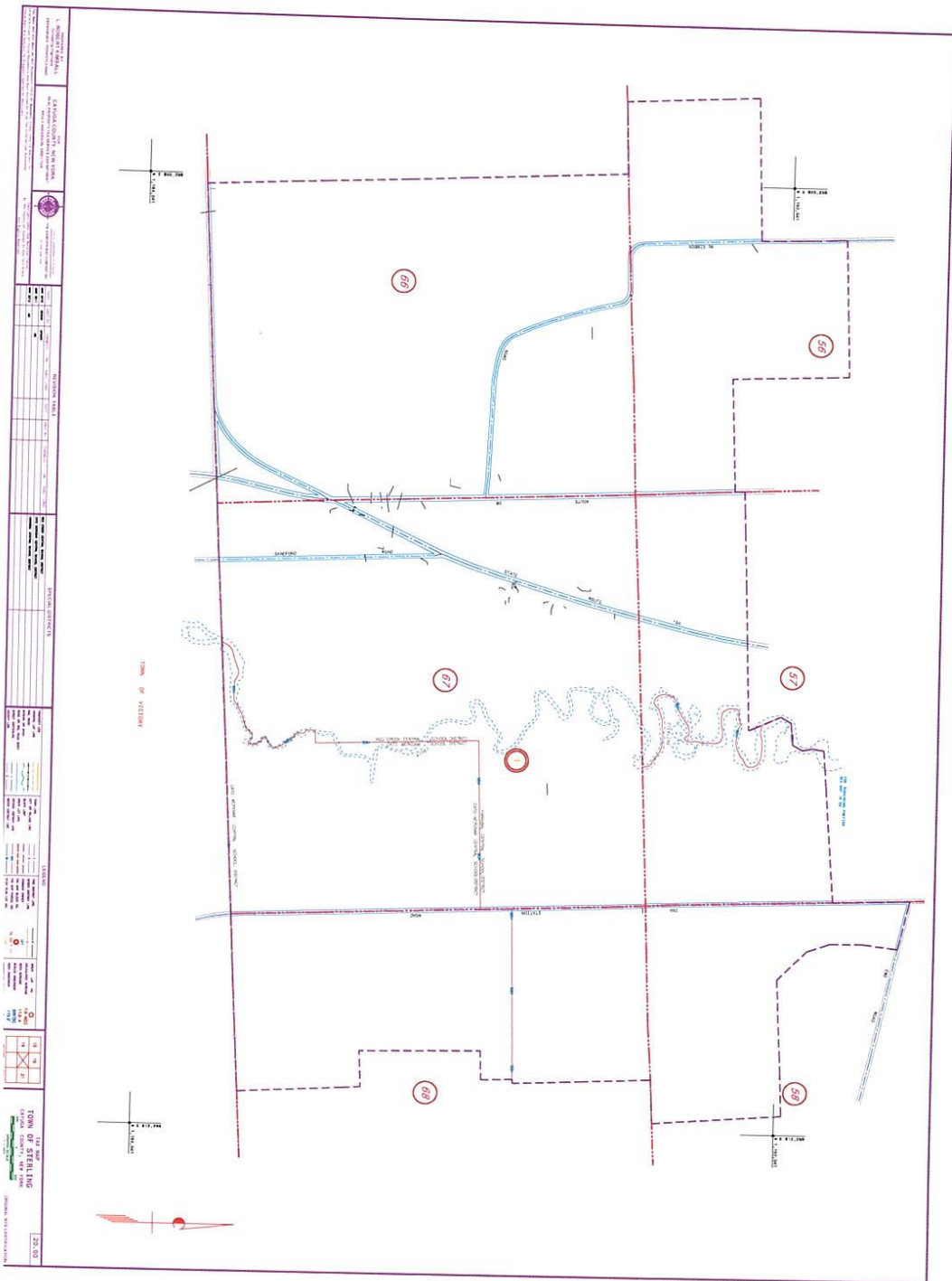
TOWN OF STERLING
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Tax Map 19.00



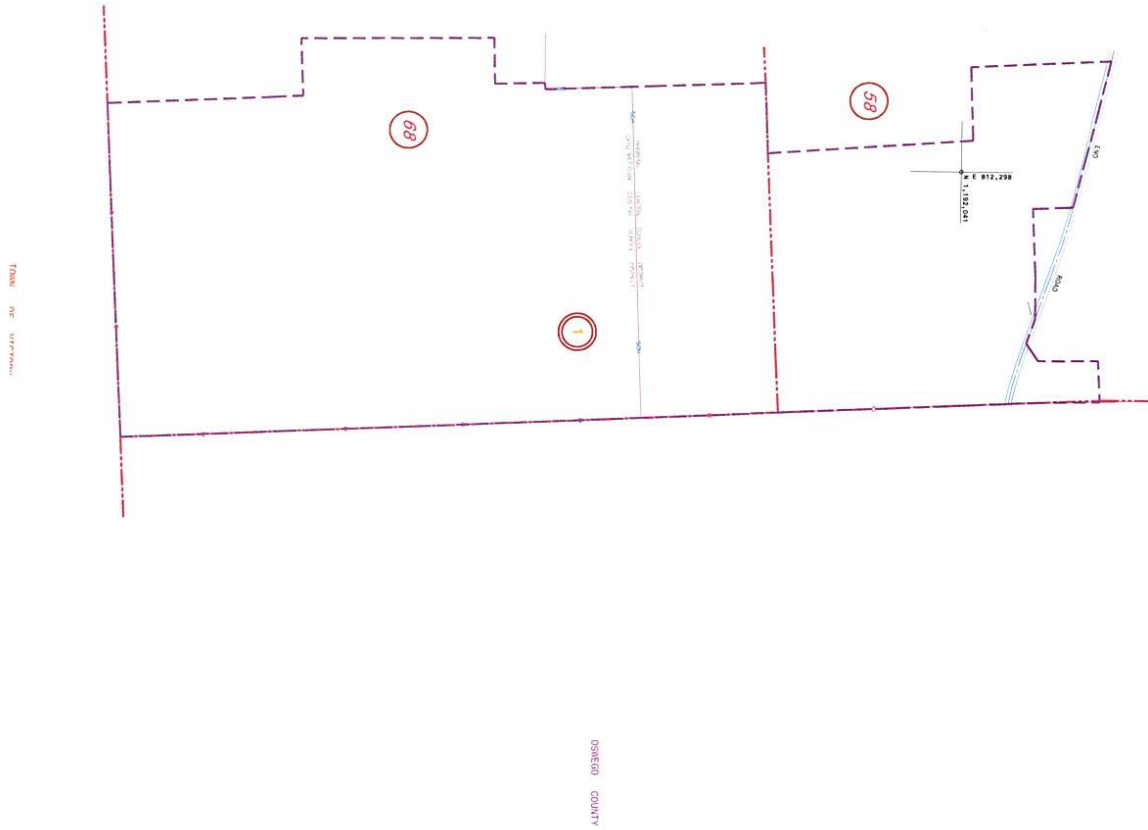
TOWN OF STERLING
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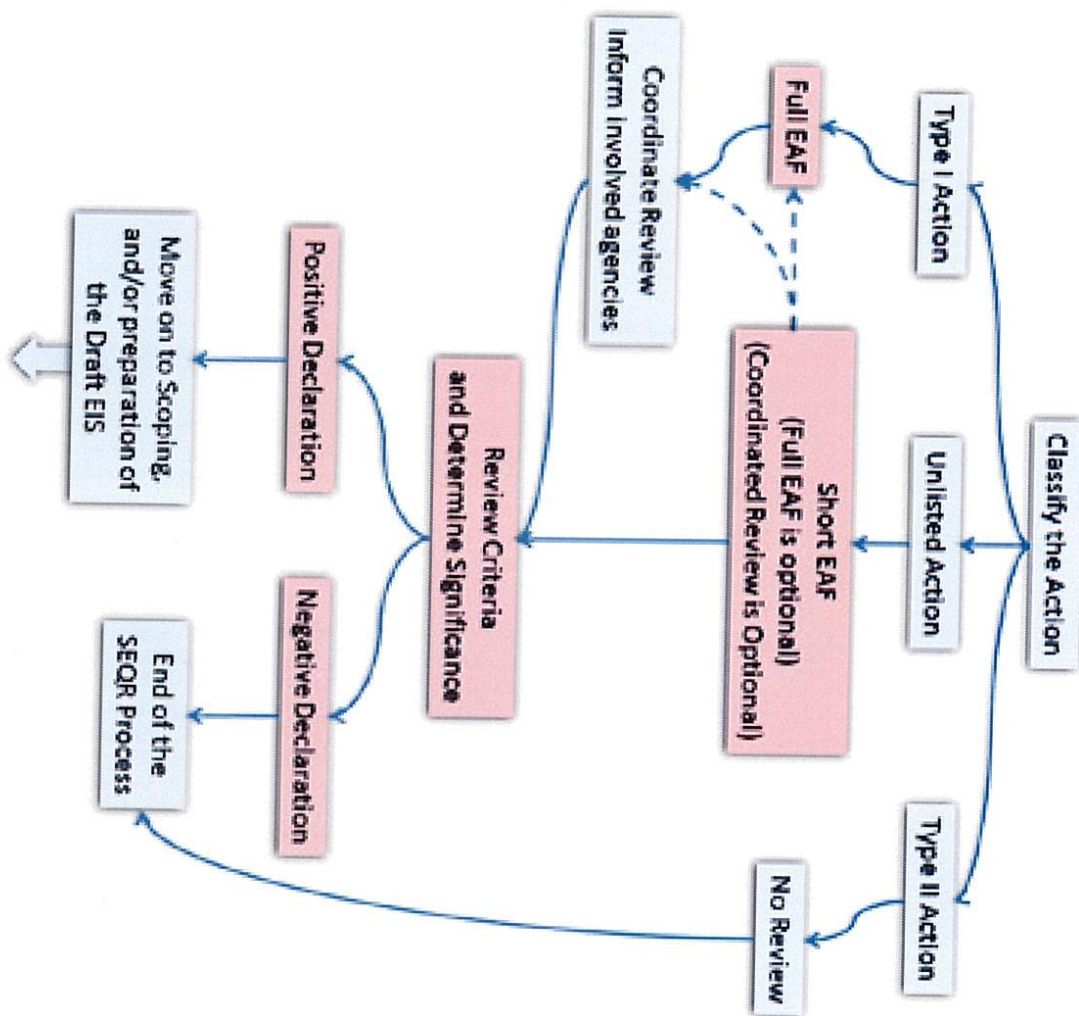
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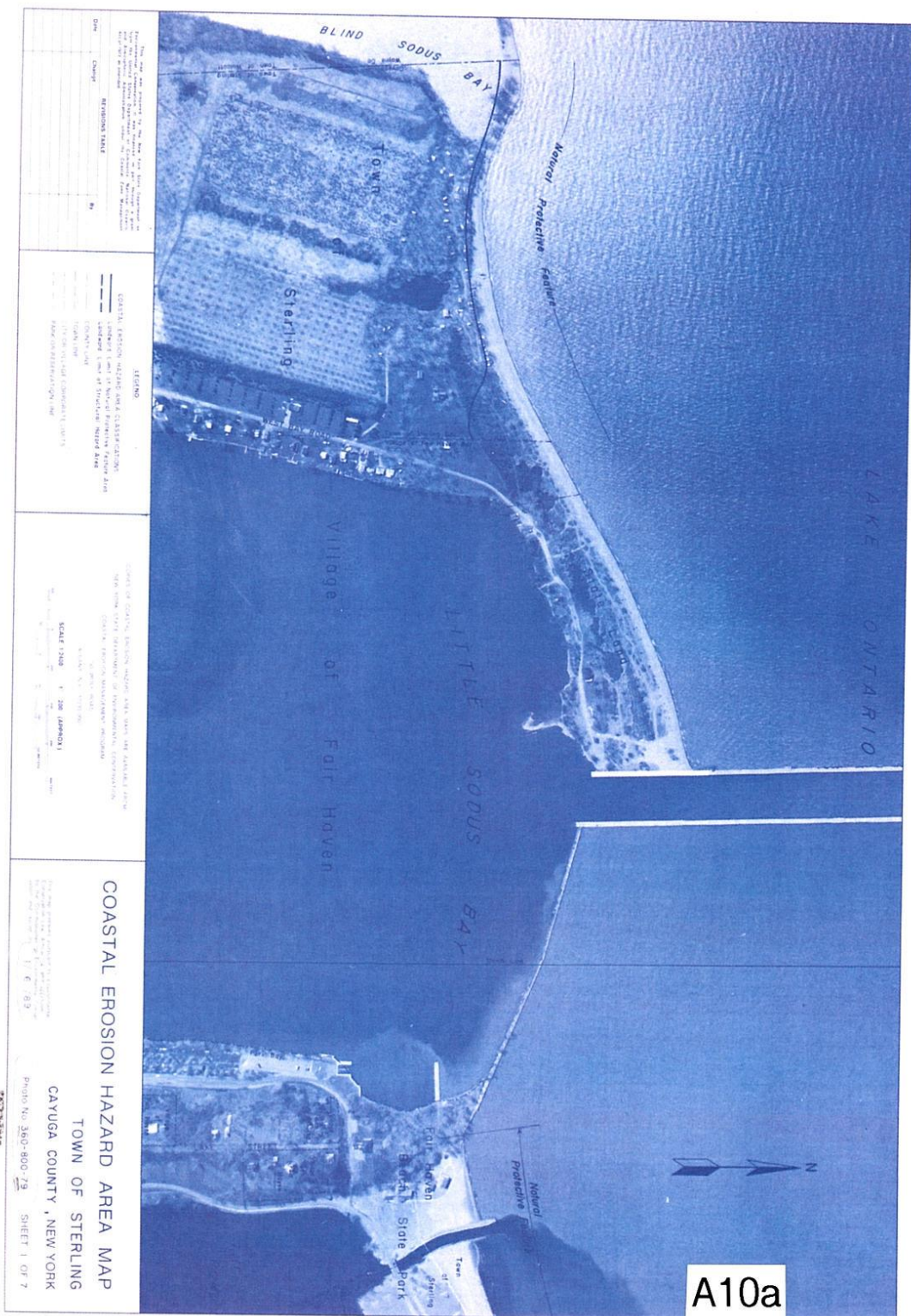
Tax Map 21.00





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TOWN OF STERLING
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Map of the Town of Sterling, New York, showing the location of the project area. The map is a simplified version of the aerial map shown, with the project area highlighted in red.

DATE	REVISION	BY

LEGEND

COASTAL EROSION HAZARD AND CLASIFICATION

HAZARD LEVEL OF MODERATE TO HIGH

HAZARD LEVEL OF SEVERE

HAZARD LEVEL OF EXTREME

HAZARD LEVEL OF UNKNOWN

HAZARD LEVEL OF UNCLASSIFIED

HAZARD LEVEL OF UNCLASSIFIED

HAZARD LEVEL OF UNCLASSIFIED

COASTAL EROSION HAZARD AND CLASIFICATION

HAZARD LEVEL OF MODERATE TO HIGH

HAZARD LEVEL OF SEVERE

HAZARD LEVEL OF EXTREME

HAZARD LEVEL OF UNKNOWN

HAZARD LEVEL OF UNCLASSIFIED

HAZARD LEVEL OF UNCLASSIFIED

HAZARD LEVEL OF UNCLASSIFIED

COASTAL EROSION HAZARD AREA MAP

TOWN OF STERLING

CAUYUGA COUNTY, NEW YORK

PHOTO NO. 380-800-79

SHEET 1 OF 7

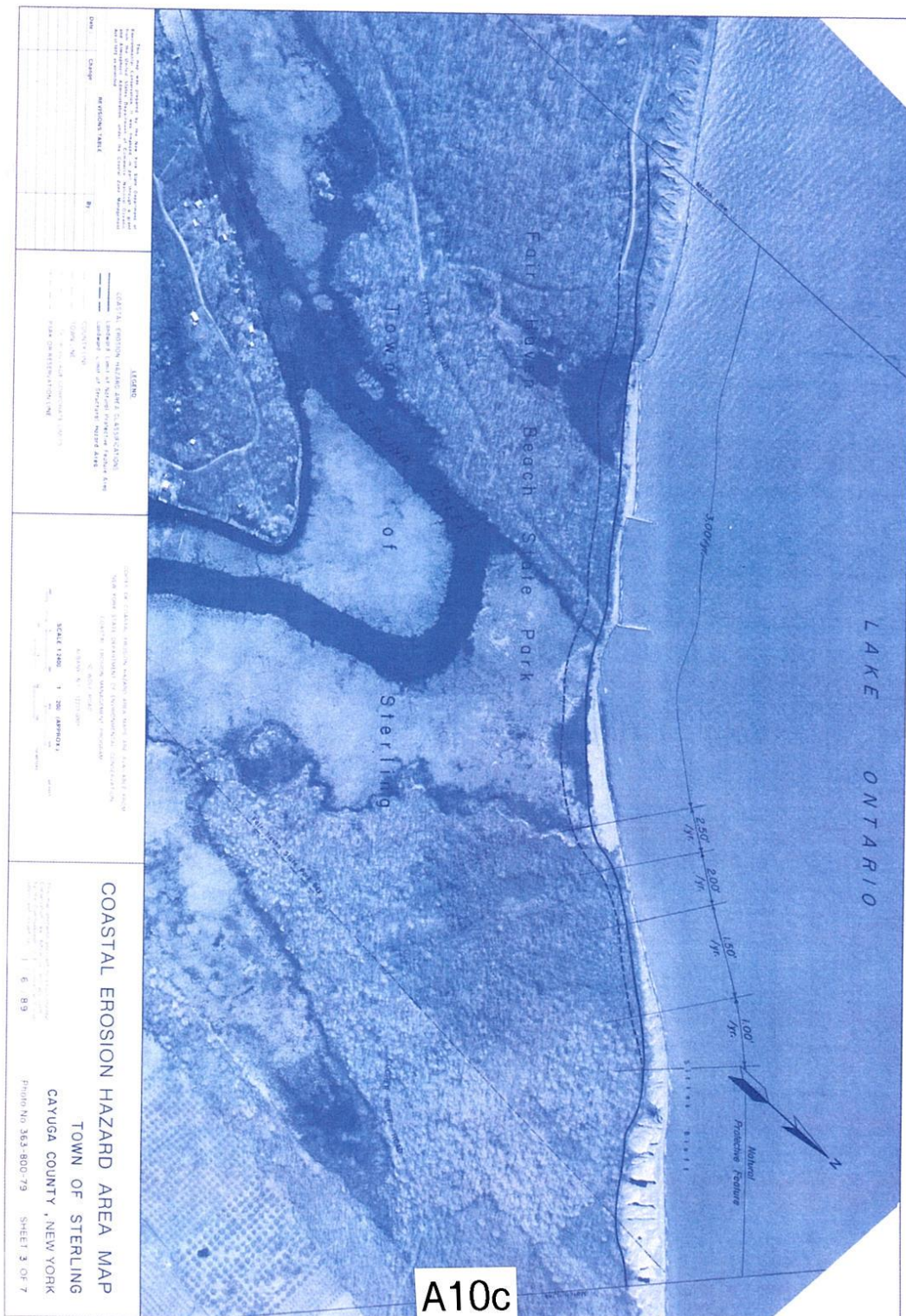
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TOWN OF STERLING
PUBLIC HEARING
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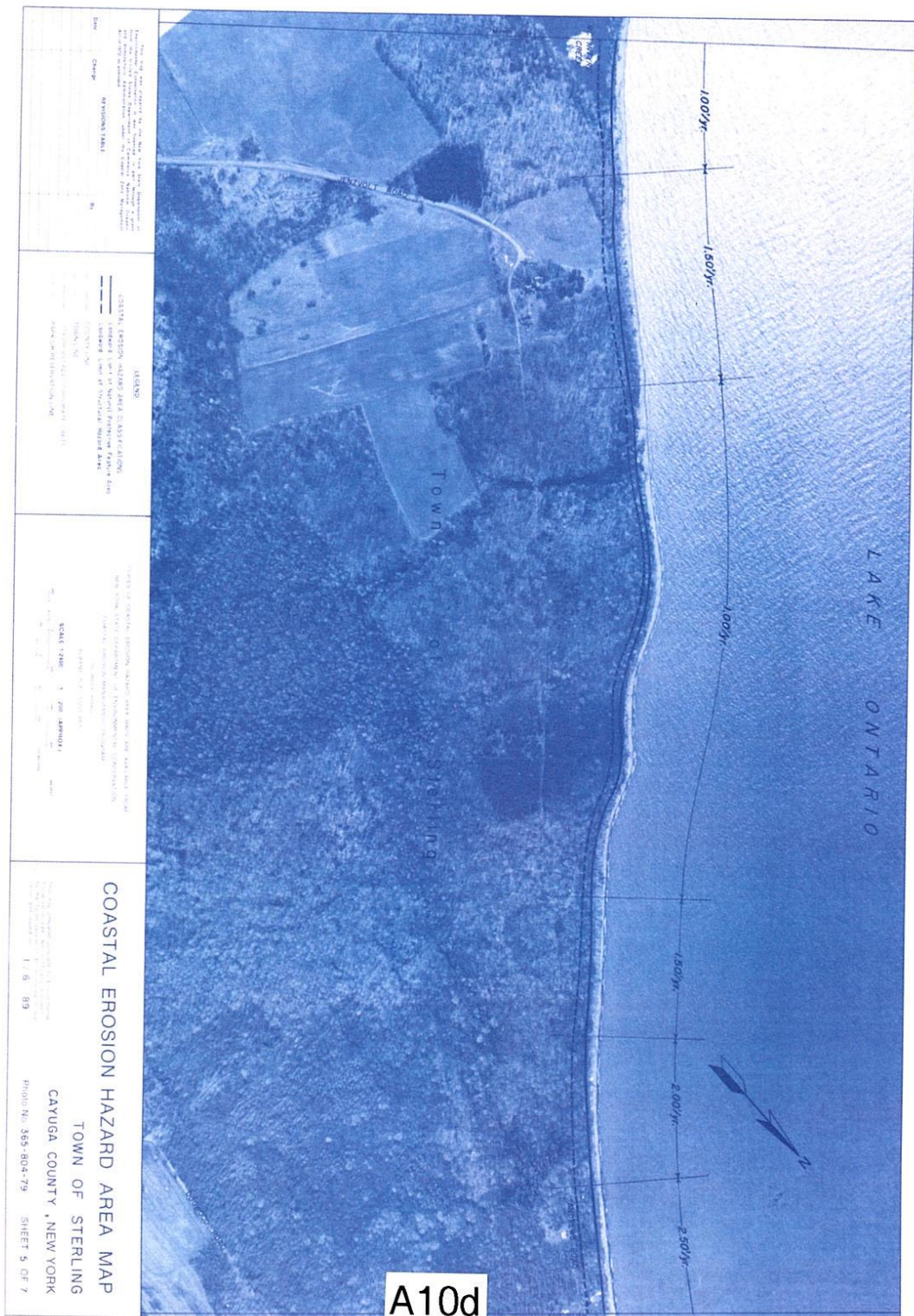


A10b

TOWN OF STERLING
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TOWN OF STERLING
PUBLIC HEARING
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DATE: 10/1/09
BY: [Signature]
REVISION TABLE

LEGEND
COASTAL EROSION HAZARD AREA CLASSIFICATION
UNDEVELOPED COASTAL EROSION HAZARD AREA
DEVELOPED COASTAL EROSION HAZARD AREA

SCALE: 1" = 100' APPROX.
SCALE: 1" = 100' APPROX.
SCALE: 1" = 100' APPROX.

COASTAL EROSION HAZARD AREA MAP
TOWN OF STERLING
CAYUGA COUNTY, NEW YORK
PHOTO NO. 365-804-79 SHEET 5 OF 7

A10d

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RESOLUTION #2014-120
SEQR LAND USE REGULATIONS

On motion made by Councilperson Shortslef, seconded by Councilperson Taft, the following resolution was

ADOPTED	SUPERVISOR LAWRENCE	AYE
	COUNCILPERSON SHORTSLEF	AYE
	COUNCILPERSON TAFT	AYE
	COUNCILPERSON SCHNEIDER	AYE
	COUNCILPERSON KEELING	NO

RESOLVED, that this Board finds the SEQR has negative impact for the Land Use Regulations.

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RESOLUTION #2014-121

LOCAL LAW #4 ROAD PRESERVATION

On motion made by Councilperson Taft, seconded by Councilperson Shortslef, the following resolution was

ADOPTED	SUPERVISOR LAWRENCE	AYE
	COUNCILPERSON SHORTSLEF	AYE
	COUNCILPERSON TAFT	AYE
	COUNCILPERSON SCHNEIDER	AYE
	COUNCILPERSON KEELING	NO

RESOLVED, that this Board pass the following Road Preservation Law:

A local law to establish road preservation for the Town of Sterling, NY 13156.

Be it enacted by the Town Board of the Town of Sterling as follows:

Section I – Purpose

Section II – Applicability

Section III – Definitions

Section IV – General Provisions

Section V – Seismic Testing Special Conditions

Section VI – Other Special Conditions

Section VII – Fees

Section VIII – Appeals

Section IX – Request for Variance

Section X – Invalid Segment

Section XI – Effective Date

Attachment A – Road Preservation Local Law Worksheet

Attachment B – Fee Schedule

SECTION I: PURPOSE

The purpose of this Local Law is to maintain the safety and general welfare of Town residents by regulating commercial activities that have the potential to adversely affect road right-of-ways. Well maintained roads are important to the economic well-being of the Town. Commercial endeavors, such as timber harvesting and mining, are also economically beneficial. This law is not intended to regulate such businesses: the intent is to protect the public right-of-ways from damage. The Town Board of the Town of Sterling hereby enacts the following Road Preservation Local Law pursuant to the provisions of the Municipal of the Municipal Home Rule Law.

SECTION II: APPLICABILITY

The Sterling Town Board delegates to the Sterling Highway Superintendent the oversight of assuring commercial activities do not have an adverse impact on public right-of-ways.

SECTION III: DEFINITIONS

1. High Frequency, High Impact Truck Traffic: Traffic to and from a single project site that generates more than ten truck trips per day for more than four consecutive days, involving trucks that exceed 20 tons (truck and load combined) that could impact Town road right-of-ways. Any seismic testing by vibrasise trucks (aka “thumper trucks”) is considered high frequency, high impact truck traffic.

2. Bond: A commercial bond to ensure that the condition of the town roads impacted by high frequency, high impact truck traffic is left in as good or better condition at the completion of the project as they were at the start of the project.

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3. Road Preservation Local Law Worksheet (Appendix A): Worksheet is to be completed by hauling contractor or project sponsor, summarizing the project, project location, start and completion dates, expected max gross vehicle weights used for the project, proposed truck routes, and any other items that the Town Highway Superintendent deems necessary.
4. Preliminary Bond Release: A bond release given by the Town Highway Superintendent based on satisfactory road conditions at project completion.
5. Final Bond Release: Final release of the Bond by the Sterling Town Board.

SECTION IV: GENERAL PROVISIONS

1. Prior to the start of any project that involves high frequency, high impact truck traffic that could have an impact on the Town right-of-ways, a permit must be obtained. A bond amount shall be determined by the Town Board and will be listed on the fee schedule on file with the Sterling Town Clerk. The amount of the bond may be changed by the Town Board by Resolution. A completed Road Preservation Local Law (RPLL) Worksheet (Attachment A), available from the Town Clerk or Town Highway Superintendent, must be submitted to the Highway Superintendent.
2. The Highway Superintendent will decide if the scope of work is such that a Bond is required. If no Bond is needed, the RPLL worksheet is approved by the Superintendent and becomes a Work Permit.
3. If the Highway Superintendent determines that a Bond is required, the bond must be paid to the Town of Sterling and remitted to the Town Supervisor. The Worksheet will then be approved by the Highway Superintendent and becomes the Work Permit.
4. Upon issuance of the Work Permit and prior to commencement of the work, the hauling contractor or project sponsor will arrange for video documentation of condition of the roads, shoulders, and all structures (culverts, bridges, etc.) that will be traversed by the permitted traffic. The video documentation will be conducted by an independent third party and will be submitted to the Town Supervisor prior to commencement of the work. Video documentation will also occur monthly and within two weeks of the conclusion of the permitted work. All video documentation will be submitted to the Town Supervisor within one week of recording. Failure to submit the required video documentation will result in immediate revocation of the Work Permit.
5. Upon completion of the project, the hauling contractor or project sponsor will apply to the Highway Superintendent for a Preliminary Bond Release. Upon inspection of the work site, as necessary, the Highway Superintendent may approve the release of the Bond. If the release is not approved, the Superintendent will specifically document the tasks that must be accomplished in order for the Bond to be released. In this case, the hauling contractor or project sponsor will remedy the specified problem(s) items and then reapply for a Bond Release. Final Bond Release must be approved by the Town Board for repayment of the Bond funds.
6. If the hauling contractor or project sponsor does not comply and operates outside the parameters as specified on the worksheet, any law enforcement officer or Code Enforcement Officer has the authority to shut down the project.
7. The hauling contractor or project sponsor will be responsible for the repair of any damages that occur to the Town of Sterling road right-of-ways, *when a project proceeds without a proper permit.*

SECTION V: SEISMIC TESTING SPECIAL CONDITIONS

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The hauling contractor or project sponsor shall supply proof of insurance co-naming the Town of Sterling with a minimum of \$3 million liability insurance coverage. The Town shall be notified 30 days prior by the insurance company of termination of such coverage.

SECTION VI: OTHER SPECIAL CONDITIONS

1. In no event shall vehicles or equipment be parked or located outside the roadway boundaries nor block access by neighboring landowners.
2. Traffic will be maintained in accordance with the Uniform Traffic Control Manual.
3. No ATVs or Four-wheelers will be allowed to operate in or on the Town road or right-of-way.
4. The hauling contractor or project sponsor shall be responsible for any and all repairs of damages caused by their operation to any Town property.
5. This law applies to the entire duration of any project that induces high frequency high impact traffic, as defined above, for any single five day interval of the project duration.
6. If any of these conditions are not met, the permit is automatically voided and all work shall cease.

SECTION VII: FEE

A non-refundable processing fee as depicted in the Town of Sterling Fee Schedule, payable to the Town of Sterling, must accompany each Worksheet submitted to the Highway Superintendent.

SECTION VIII: APPEALS

Contractor has the right to appeal to Sterling Town Board.

SECTION IX: REQUEST FOR VARIANCE

Request for a variance from the standards set forth in this Local Law shall be made to the Sterling Town Board in writing and shall contain the grounds on which the appellant relies for requesting the variance, including allegation on any facts on which the appellant will rely. Where the Sterling Town Board finds that due to special circumstances of the particular case a waiver of certain requirements as stated in Section IV is justified, then a variance may be granted. No variance shall be granted, however, unless the Town Board finds and records in its minutes that: (a) granting the variance would be keeping the intent and spirit of this Local Law and is in the best interest of the community, (b) there are special circumstances involved in the particular case; (c) denying the variance would result in undue hardship to the applicant, provided that such hardship has not been self-imposed; (d) the variance is the minimum necessary to accomplish the purpose.

SECTION X: INVALID SEGMENT

Should any section or provisions of this Local Law contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Local Law as a Whole or any part thereof-other than the part declared to be invalid.

SECTION XI: EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State.

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ATTACHMENT A
ROAD PRESERVATION LAW WORKSHEET

1. Hauler/Project Sponsor: _____
Address: _____
Phone: _____
2. Work Description (logging, gravel mining, natural gas drilling, etc.): _____

Work Location: _____
Proposed Truck Routes (include miles to be traveled on each road)

3. Land Owner: _____
Address: _____
Phone: _____
4. Start Date: _____
Completion Date: _____
Expect Maximum Gross Vehicle Weight: _____
Maximum Truck Trips per Day: _____
5. Bond Amount: _____
Approval Date: _____
Date Paid: _____
_____ Highway Superintendent
6. Preliminary Bond Release Application Date: _____
7. Specific Repairs: _____

8. Final Bond Release Application Date: _____
9. Final Bond Release: _____ Date: _____

Town Supervisor

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Attachment A
Fee Schedule

Road Type	Dirt and/or Gravel	Chip Seal (gravel with tar)	Asphalt with Base>4"	Asphalt with Base <4"
Bond per mile	\$3,500	\$15,000	\$54,570	\$94,200
Multiply by Number of miles				
Multiply by Number of vehicles on the peak travel day on the project				
ROAD TOTALS:				
Structures (bridges and/or culverts by diameter)	60" up to 19' 11"	60" up to 19' 11"	20" and greater*	20" and greater*
Bond per structure	\$500,000	\$500,000	\$1,500,000	\$1,500,000
Multiply by number of structures				
STRUCTURE TOTALS:				
BOND TOTAL:				

*Multiple spans will require a bond for each span of \$1,500,000

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Example Route:
Town of Sterling:
Main St. (1.1 miles) to
Oak St. (1.2 miles)

Road Type	Dirt and/or Gravel	Chip Seal (gravel with tar)	Asphalt with Base>4"	Asphalt with Base <4"
Bond per mile	\$3,500	\$15,000	\$54,570	\$94,200
Multiply by Number of miles	1.2	0	1.1	0
Multiply by Number of vehicles on the peak travel day on the project	25	0	25	
ROAD TOTALS:	\$105,000	\$0	\$1,500,675	\$0
Structures (bridges and/or culverts by diameter)	60" up to 19' 11"	60" up to 19' 11"	20" and greater*	20" and greater*
Bond per structure	\$500,000	\$500,000	\$1,500,000	\$1,500,000
Multiply by number of structures	1		0	
STRUCTURE TOTALS:	\$500,000		\$0	
BOND TOTAL:				\$2,105,675

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RESOLUTION #2014-122
THANK ZONING COMMISSION

On motion made by Councilperson Taft, seconded by Councilperson Shortslef, the following resolution was

ADOPTED AYE 4
NAY 1 (COUNCILPERSON KEELING)

RESOLVED, that this Board thank the Zoning Commission for their work in establishing the new Land Use Regulations.

RESOLUTION #2014-123
ACCEPT INCREASE IN SERVICE CHARGE FOR EBS

On motion made by Councilperson Shortslef, seconded by Councilperson Taft, the following resolution was

ADOPTED AYE 5
NAY 0

RESOLVED, that this Board accept the increase in service charge for EBS from \$55 to \$75.

RESOLUTION #2014-124
BOND RESOLUTION

On motion made by Councilperson Taft, seconded by Councilperson Shortslef, the following resolution was

ADOPTED AYE 5
NAY 0

A RESOLUTION AUTHORIZING CONSTRUCTION OF A WATER DISTRIBUTION SYSTEM AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF STERLING, CAYUGA COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,004,000.00 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

NOW THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Sterling, Cayuga County, New York (the "Town") (by the favorable vote of not less than two-thirds of all of the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this Resolution is construction of a water distribution system comprised of installation of waterline and water storage facilities with the Town of Sterling Water District No. 1. The estimated maximum cost of said purpose is \$2,004,000.00.

SECTION 2. The Town Board plans to finance the total cost of said purpose by the issuance of serial bonds in an amount not to exceed \$2,004,000.00 of said Town, hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4. It is hereby determined that the proposed maturity of the obligations authorized by this Resolution will be in excess of five years.

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SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this Resolution or any notes issued in anticipation of such bonds as the project consists of the acquisition, construction, reconstruction or equipping of or additions to facilities for the distribution of water.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the terms and contents of this Resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this Resolution and the renewals of said notes and the power to prescribe the terms, form and content of said serial bonds, and said bond anticipation notes, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds issued pursuant to this Resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of said Town to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 8. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this Resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this Resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3) of the Code.

SECTION 9. The Town reasonably expects to reimburse itself from the proceeds of bonds or notes herein authorized for expenditures made for the purpose to be financed by this Resolution prior to issuance of such bonds or notes, and this Resolution is intended to constitute a declaration of official intent to reimburse for purposes of U.S. Treasury Regulation § 1.150-2.

SECTION 10. The Town has heretofore determined that a project consisting of construction of a water distribution system constitutes a Type I action which will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

SECTION 11. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of the publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

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SECTION 12. The Town Clerk is hereby authorized and directed to publish this Resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Lakeshore News, a newspaper having a general circulation in said Town and hereby designated as the official newspaper of said Town for such publication.

SECTION 13. This Resolution is not subject to a permissive referendum pursuant to Section 35.00 of the Local Finance Law and shall take effect immediately.

RESOLUTION #2014-125

AWARD FUEL BIDS

On motion made by Councilperson Taft, seconded by Councilperson Keeling, the following resolution was

ADOPTED AYES 5
NAYS 0

RESOLVED, that this Board accept the following fuel bids:

E&V	Propane and Gasoline
VanNorstrand	Diesel Fuel and Kerosene

There being no further business, on motion made by Councilperson Taft, seconded by Councilperson Keeling, the meeting adjourned. Time: 8:27 pm.

Respectfully submitted,

Lisa Cooper
Sterling Town Clerk