

## ***Local Law Filing***

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**Town of Plainfield, Otsego County, New York**

**Local Law No. 1 of the year 2011**

**A local law**

### **Town of Plainfield, New York, Land Use Law**

**Be it enacted by the of the Town Board of the  
Town of Plainfield, Otsego County, as follows:**

#### **ARTICLE I. PROVISIONS**

##### **Section 101 Title**

This document shall be known and may be cited as the “Town of Plainfield, New York, Land Use Law” and shall include this text, and the Land Use Map.

##### **Section 102 Enacting Clause**

This Local Law is adopted and enacted pursuant to the authority and power granted by the Municipal Home Rule Law of the State of New York, Articles 2 and 3, and pursuant to the Article 2 of the New York State Statute of Local Governments.

##### **Section 103 Purpose of Land Use Law**

The purpose of this Land Use Law, its regulations and its districts as outlined on the Land Use map is to:

- A. Protect and promote the public health, safety, and general welfare of the town.
- B. Guide the future growth and development in accordance with this section stating the purpose of this local law, the town philosophy statement and comprehensive plan.
- C. Protect the character and the social and economic stability of all parts of the town, and to encourage the orderly and beneficial development of all parts of the town.

D. Prevent the pollution of air, streams and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and sound management of the town's natural resources in order to preserve the integrity, stability and beauty of the community and the value of the land.

#### Section 104 Validity and Separability

Should any clause, sentence, subdivision, paragraph, section, or part of this local law be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole only the clause, sentence, subdivision, paragraph, section or part so decided to be unconstitutional or invalid.

#### Section 105 Effective Date

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

### ARTICLE II. DISTRICTS AND DISTRICT MAPS

#### Section 201 Establishment of Land Use Districts.

For the purpose of promoting public health, safety, morals, and general welfare of the Town of Plainfield, there is hereby created the following districts in the Town:

##### RR RURAL RESIDENTIAL

Parcels that are bordered by a County or State road.

##### RR-MHP RURAL RESIDENTIAL - MANUFACTURED HOUSING PARK

Parcels that are bordered by State Route 51

##### RA RESIDENTIAL/AGRICULTURAL

Parcels that are bordered by a Town road.

##### RH RESIDENTIAL HAMLET

Parcels in the lighting districts of Unadilla Forks and Leonardsville.

##### CD COMMERCIAL DISTRICT

Parcels that are bordered by State Route 20.

#### Section 202 Land Use District Map.

The boundaries of the districts are shown on the Town Land Use District Map, a copy of which is attached and is part of this local law. The Town Clerk shall be the custodian of the Town Land Use District Map.

#### Section 203 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the Land Use Districts as shown on the Town Land Use District Map, the following rules of interpretation shall be used:

a. Where district boundaries are indicated as approximately following the center lines or right-of-way lines of roads, highways; railroads; public utility easements; water course; town boundaries; property lines; or lot lines, said boundaries shall be construed to be coincident with such lines or projections.

b. Where district boundaries are indicated as being approximately parallel to any of the features described in section 203(a), said boundaries shall be construed as being parallel and at such distances as indicated on the Town Land Use District Map or as shall be determined by use of a scale.

c. Wherever any feature described in section 203(a) is depicted on the Town Land Use Map but such depiction varies from the actual location observed in the field and indicated by a physical feature, monument or mark, such physical feature, monument or mark shall be considered as being the reference point in determining a district boundary.

### ARTICLE III. DISTRICT REGULATIONS

#### Section 301 Application of Regulations

No building, structure or land shall be used or occupied except as permitted by, and in conformity with, the general and supplementary regulations specified in this law. No building shall be erected, nor existing building be moved, altered, enlarged, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot area and building location regulations hereinafter designed for the Town.

#### Section 302 Equivalent Uses

Any use of land or buildings not specifically listed for the Town is not permitted. In the case of any dispute over the meaning of a word, phrase, sentence, definition the Land Use Administrator is hereby authorized to make a definitive determination, being guided in such determination by the purposes and intent of this local law as set forth in Article I. Any determination made by the Land Use Administrator may be appealed to the Board of Appeals in the manner prescribed in Article VIII.

#### Section 303 RR RURAL RESIDENTIAL

The following regulations shall apply to all RR districts:

A. Permitted Uses:

1. One family dwellings
2. Two family dwellings
3. Apartment buildings
4. Farms and agricultural uses, including stands & greenhouses for the sale of agricultural produce
5. Manufactured housing (HUD) both single-wide and double-wide
6. Places of worship, schools, parks and playgrounds
7. Forest Management areas
8. Business connected with tourism operating within a home (B&Bs, house rentals)
9. Accessory uses to any permitted use:  
garage (private), farm labor dwelling, home occupation, home professional office, tool shed,

green-house (non-commercial), farm stand, signs, dish antenna, private stable, hobby farm.

- B. Uses permitted upon issuance of a Special Permit by the Plainfield Planning Board:
1. Places of outdoor public assembly or amusement
  2. Camps, campgrounds
  3. Retail Trade
  4. Business /Professional Office
  5. Hotel/Motel
  6. Eating and Drinking establishment
  7. Healthcare/Elderly Facilities
  8. Public Facilities/Utilities including renewable and alternative energy sources, cell towers
  9. Animal Hospital/Kennel
  10. Building and Farm Supplies
  11. Motor Vehicle Sales/Repair
  12. Service Station
  13. Enclosed manufacturing
  14. Light Industry
  15. Mineral Extraction
  16. Sawmill, Lumberyard
  17. Commercial Greenhouse
  18. Manufactured Housing Parks (designated areas on Land Use Map)
- C. Lot area, yard and height regulations
1. Minimum lot area - 2 acres
  2. Minimum road frontage - 200 feet
  3. Minimum front yard setback - 75 feet
  4. Minimum side yard width - 50 feet
  5. Minimum back yard depth -50 feet
  6. Maximum building height - 40 feet.
- D. Special regulations
1. Building Permits shall be required for all new construction from the County Codes Enforcement Office including all new septic systems.
  2. All special permitted uses require site plan review by the Planning Board.
- E. Prohibited uses include but are not limited to:
1. Facilities for burning or disposing of hazardous, medical or toxic waste materials including but not limited to land fills, settling ponds, waste water treatment plants.
  2. Heavy industry is prohibited
  3. Uses not specifically permitted are prohibited

#### Section 304 RR - MHP Rural Residential - Manufactured Housing Park

The following regulations shall apply to all RR-MHP districts:

- A. Permitted uses are the same as those of the Rural Residential District (RR)
- B. Uses permitted upon issuance of a Special Permit by the Planning Board
1. All uses permitted by Special Permit listed in the Rural Residential District (RR)
  2. Manufactured Housing Parks
- C. Lot area, yard and height regulations are the same as those of the Rural Residential District (RR)
- D. Special regulations
1. Building Permits shall be required for all new construction from the County Codes Enforcement Office including all new septic systems.
  2. All Special Permitted uses require site plan review by the Planning Board.

- E. Prohibited uses include but are not limited to:
1. Facilities for burning or disposing of hazardous, medical or toxic waste materials including but not limited to land fills, settling ponds, waste water treatment plants.
  2. Heavy industry is prohibited
  3. Uses not specifically permitted are prohibited

## Section 305 RA Residential/Agricultural

The following regulations shall apply in all RA districts:

A. Permitted Uses:

1. One family dwellings
2. Two family dwellings
3. Apartment buildings
4. Farms and agricultural uses, including stands for the sale of agricultural produce
5. Manufactured housing (HUD) double-wides
6. Places of worship, schools, parks and playgrounds
7. Forest management areas
8. Business connected with tourism operating within a home (B&Bs, house rentals)
9. Accessory uses to any permitted use:

garage (private), farm labor dwelling, home occupation, home professional office, tool shed, green-house (non-commercial), farm stand, signs, dish antenna, private stable, hobby farm.

B. Uses permitted upon issuance of a Special Permit by the Plainfield Planning Board:

1. Places of outdoor public assembly or amusement
2. Camps, campgrounds
3. Retail Store
4. Business and professional offices.
5. Hotels, motels
6. Restaurants, eating and drinking establishments
7. Healthcare/Elderly Facility
8. Public Utilities/Facilities including renewable and alternative energy sources, Cell

Towers

9. Animal hospital/kennel
10. Light Industry
11. Mineral Extraction
12. Sawmill, lumberyard
13. Commercial Greenhouse
14. Manufactured housing single-wides for use on an operating farm for workers.
15. Manufactured housing single-wides to be used for 1 year or less as a house is being built initially or as the result of fire.

C. Lot area, yard and height regulations

1. Minimum lot area - 2 acres
2. Minimum road frontage - 200 feet
3. Minimum front yard setback - 75 feet
4. Minimum side yard width - 50 feet
5. Minimum back yard depth - 50 feet
6. Maximum building height - 40 feet.

D. Special regulations

1. Building Permits shall be required for all new construction from the County Codes Enforcement Office including all new septic systems.
2. All Special Permitted uses require site plan review by the Planning Board.

E. Prohibited uses include but are not limited to:

1. Facilities for burning or disposing of hazardous, medical or toxic waste materials including but not limited to land fills, settling ponds, waste water treatment plants.
2. Heavy industry is prohibited
3. Uses not specifically permitted are prohibited

#### Section 306 RH - RESIDENTIAL HAMLET

The following regulations shall apply to all RH districts:

A. Permitted Uses:

1. One family dwellings
2. Two family dwellings
3. Apartment buildings
4. Places of worship, schools, parks and playgrounds
5. Business connected with tourism operating within a home (B&Bs, house rentals)
6. Accessory uses to any permitted use:

garage (private), farm labor dwelling, home occupation, home professional office, tool shed, green-house (non-commercial), farm stand, signs, dish antenna, private stable, hobby farm.

B. Uses permitted upon issuance of a Special Permit by the Plainfield Planning Board:

1. Places of outdoor public assembly or amusement
2. Home occupations requiring additional space or structures outside of the original home
3. Retail sale of merchandise wholly within a building.
4. Business and professional offices.
5. Hotels, motels
6. Restaurants, eating and drinking establishments
7. Health Care/Elderly Facilities

C. Lot area, yard and height regulations

1. Minimum lot area - 1 acre or amount of land necessary to accommodate both well and septic with ample footage from neighboring wells and septic (per NYS Building Code).
2. Minimum road frontage - 50 feet
3. Minimum front yard setback - 35 feet or average setback of homes on street.
4. Minimum side yard width - 20 feet
5. Minimum back yard depth - 50 feet
6. Maximum building height - 40 feet.

D. Special regulations

1. Building Permits shall be required for all new construction from the County Codes Enforcement Office including new septic systems.

E. Prohibited uses include but are not limited to:

1. Junkyards
2. Facilities for burning or disposing of hazardous, medical or toxic waste materials including but not limited to land fills, settling ponds, waste water treatment plants.
3. Heavy industry is prohibited
4. Uses not specifically permitted are prohibited

#### Section 307 CD Commercial District

The following regulations will apply in all CD districts:

A. Permitted uses are the same as those of the Rural Residential District (RR)

B. Uses permitted upon issuance of a Special Permit from the Planning Board are the same as those of the Rural Residential District (RR)

- C. Lot Area, Yard and Height Regulations:
1. Minimum Lot Area - 1 acre or 43,560 SQ. Ft., plus space for parking and loading.
  2. Minimum frontage on a public street - 100 feet.
  3. Minimum front yard setback - 65 feet
  4. Minimum side yard width - 25 feet
  5. Minimum rear yard depth - 50 feet
  6. Maximum building height - 40 ft.
- D. Special regulations:
1. Building Permits shall be required for all new construction from the County Codes Office.
  2. All permitted uses in this district shall be subject to the site plan requirements of this local law and review by the Planning Board.
- E. Prohibited uses include but are not limited to:
1. Facilities for burning or disposing of hazardous, medical or toxic waste materials including but not limited to land fills, settling ponds, waste water treatment plants.
  2. Heavy industry is prohibited
  3. Uses not specifically permitted are prohibited

## ARTICLE IV. SUPPLEMENTARY REGULATIONS

### LOT CHARACTER

#### Section 401 Required Open Space or Yard

- A. No area necessary under this ordinance to satisfy area, yard, or other open space requirements in relation to any lot, building, or use shall be counted as part of required open space in relation to any other lot, building or use.
- B. Every part of a required open space or yard shall be open and unobstructed, except for ordinary building projections of sills, chimneys, eaves, and unroofed steps, provided that no such projections extend more than 3 feet into the required yard. Fences, stonewalls, trees, and shrubbery are also excepted.

#### Section 402 Vision Clearance at Intersections

No obstructions to vision, such as shrubbery, brush, trees, earth, or structure, shall be permitted at road intersections within the triangle formed by the intersections of road center lines and a line drawn between points along such lines 30 feet distance from their point of intersection.

#### Section 403 Corner and Through Lots

Front yard setbacks and minimum road frontages are required on both road fronts. The two remaining yards shall be designated by the applicant as to which will be the rear yard and which will be the side yard.

#### Section 404 Lots Shall Have Access

No lot shall be created that is land locked.

## USES, GENERAL

### Section 405 Flood Hazard Areas

Flood hazard areas are those areas identified by the Federal Insurance Administration on its Flood Hazard Boundary Map No. 361278A date Nov. 4, 1983 and as may be amended. No permit for any construction in the flood hazard area shall be issued until the Planning Board has issued a special use permit for such construction. It shall be the responsibility of the applicant to prove to the Planning Board's satisfaction that all construction complies with Federal Flood Insurance Regulation Guidelines and Local Law No 1 of 1993.

### Section 406 Flood Plains and Aquifers

Flood plains and aquifers as designated on county, state and/or federal maps shall have no activity other than recreational, residential or agricultural. These activities are controlled by DEC and federal regulations.

### Section 407 Principal Building Per Lot

- A. There shall be only one principal building per lot, except that, additional principal buildings may be established, provided each such structure has an identifiable land area which satisfies the lot area, frontage, and setback requirements of the regulations of the district in which it is located.
- B. No part of any yard or area required for one building or use shall be included as part of the yard or area similarly required for any other building or use.
- C. Applications for a building permit shall show the outline of land associated with second or subsequent principal buildings, with the proposed location of such buildings.
- D. The identified land area associated with each principal building shall be sufficient to provide for an independent water supply and sewage system in accordance with the requirements of Section 411.

### Section 408 Height Exceptions

The height limitations of these regulations shall not apply for barn and silos, private home antennae, spires, belfries, cupolas, water tanks. Ventilators, chimneys, solar equipment, windmills, transmission towers, flag poles, skylights, or other structures usually required to be placed above the roof level and not intended for human occupancy.

### Section 409 Structures to Have Access

Every building hereafter erected or moved shall be on a lot adjacent to a public or private street and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

### Section 410 Off-Street Parking Requirements

For every building hereafter erected, altered or changed in use, there shall be off-street parking spaces as follows:

Dwelling Unit (One and Two Family) - Two parking places per dwelling unit on the same lot



with the main building.

Dwelling Unit (Multi-family) - One and one half parking spaces per dwelling unit rounded off to the next highest whole number.

Business and Professional Office - Two parking spaces, plus one space for every 300 feet of office space.

Retail and Service Establishment - One parking space for every ninety square feet of floor area devoted to sales plus one space for each employee.

Eating and Drinking Establishment - One parking space for every three seats, plus one space for each employee.

Industrial, Wholesale, Warehouse, Storage, Freight and Trucking Uses - One parking space for every motor vehicle used directly in the business, plus additional parking as required by the Planning Board.

Hotels/Motels - One parking space per room, plus one space for every employee.

Religious Institution, and Other Places of Public Assembly - One Parking space for every four seats.

Unspecified Uses - As required by the Planning Board based on use, intensity, turnover, customers, employees and vehicles used.

Except for one-family and two-family dwellings, all off-street parking spaces must be of sufficient size that backing movements take place entirely within the parking area.

#### Section 411 Off-Street Loading Requirement

All commercial and industrial structures, erected after the adoption of this local law, shall provide adequate off-street loading facilities. Such facilities shall be sufficient in size to eliminate the projection of vehicles into a road right-of-way.

#### Section 412 Sewage Disposal and Water Supply

Unless connection to a municipal waste water treatment system is available and utilized, construction of one and two-family residences are allowed only on lots adequate for on-site sewage disposal and water supply systems conforming to the requirements of the New York State Department of Health publication

“Water Treatment Handbook, Individual Systems”, as amended. This requirement must be met independently of the minimum lot size allowed in any district and may require an increase in lot size for conformance.

A. Subsurface sewage disposal systems of the septic tank/absorption field or seepage pit types are strongly preferred. Alternative designs usually involve increased risk of ground water contamination and will be allowable only when constructed in accordance with a design prepared by a licensed professional engineer or registered architect and approved by the State Health Department prior to the issuance of any building permit.

B. Absorption fields, seepage pits or alternate means for sewage disposal shall be sited to

provide the specified minimum distances to existing wells on adjacent properties and to probable future well locations on adjacent properties.

C. Residences for three or more families, commercial, industrial, and institutional structures, and mobile home parks containing five or more units shall conform with the applicable sections of the New York State Code.

#### Section 413 Litter

The owner or other person in control of any private property, shall at all times maintain the premises free of litter and unsightly objects, and be responsible for the regular collection and/or disposal of all refuse which may accumulate on the property owned or occupied by him. The intent of this regulation is to minimize the negative effect one parcel has on adjacent property. Plainfield 1988 Local Law #2 prohibits dump operation and bringing into Town refuse, trash, and junk not originating in the Town of Plainfield.

#### Section 414 Conservation of Wetland Areas

Pursuant to Article 24 of the State of New York Environmental Conservation Law, certain areas within the Town of Plainfield have been classified as protected wetlands by the State of New York. To prevent the despoilation and destruction of freshwater wetlands, activities undertaken in these areas or in the 100 foot buffer zone surrounding such wetland areas are regulated by the New York State Department of Environmental Conservation. Impact studies and/or permits shall be required from the DEC for any activities in these areas. Federal Wetlands are regulated by the Army Corp. of Engineers and are subject to similar requirements.

#### USES, SPECIFIC

#### Section 415 Accessory Buildings

A permitted accessory building or structure may be located in any required side or rear yard, provided such building shall be set back 10 feet from any lot line and at least 10 feet from the main building. No accessory building or structure shall project nearer to the front lot line than the required setback.

#### Section 416 Bulk Storage

Petroleum bulk storage tanks with a combined capacity of greater than 1100 gal. Shall comply with the Petroleum Bulk Storage Regulations adopted by the New York State Department of Environmental Conservation, and as may be amended.

#### Section 417 Exterior Lighting

In no case shall any exterior lighting be directed toward the highway so as to interfere with the vision or distract the attention of the driver of a motor vehicle, nor shall the light be directed toward any other lot or cause excessive illumination of adjacent lots. Exterior lighting shall be designed and maintained so that it is downcast and encased so as to minimize glare to surrounding properties.

## Section 418 Farm Labor Dwelling

On any parcel meeting the definition of “farm”, one farm labor dwelling may be permitted for each 50 acres in use.

## Section 419 Home Occupations

Must meet the following conditions:

- A. The occupation or activity shall be carried on wholly within the principal building or within a building or other structure accessory thereto. An area equivalent to no more than 33 percent of the floor area of the dwelling shall be used for the occupation. Such area shall be within the dwelling or another structure accessory thereto. No outdoor storage is permitted.
- B. The occupation shall be carried on by the occupant of the dwelling, and not more than two persons outside the resident household shall be employed in the occupation or as assistants.
- C. The occupation shall not produce any offensive odor, noise, vibration, smoke, dust, heat, electrical interference or glare detectable to normal sensory perception outside the structure.

## Section 420 Junkyards

All junkyards shall be regulated by the New York State Codes and Section 136 of the General Municipal law.

## Section 421 Mineral Extraction

In any district, the removal of more than 750 tons per year of soil, sand, gravel or quarried stone for sale, except when incidental to, or connected with, construction of a building on the same premises is prohibited. Mineral extraction is limited to the unconsolidated materials mentioned above.

## Section 422 Manufactured (HUD) Housing

Dwellings that comply with HUD Codes rather than New York State building Codes shall be placed using the same process, comply with the same land use regulations and comply with County Codes for set-up.

The following shall also apply:

- A. Tourist and Travel Trailers are not to be used for permanent housing more than six months out of a year.
- B. County Codes does not permit the use of Manufactured housing for any use except residential. Use as storage is not permitted.
- C. Before a permit is issued for a Mobile home built prior to 1976 the following certifications are required:
  - 1. Certification of the structure to be done by a NYS licensed architect or engineer
  - 2. Certification of the heating system by an approved heating contractor
  - 3. Certification of the electrical system by an approved Electrical Inspector
- D. Manufactured housing /Mobile Homes that are replaced or no longer used as a dwelling must be removed from the property within one year of being abandoned.

## Section 423 Manufactured Housing Parks (HUD building codes)

### A. Manufactured Housing Park Permit

1. No person shall construct or operate a Manufactured Housing Park without first obtaining site plan approval and a permit.
2. Application for a Manufactured Housing Park Permit shall be made to the Planning Board, and shall be accompanied by a site plan in accordance with the procedures outlined in this ordinance.
3. The Planning Board may accept, accept with recommended changes, or reject plans.

### B. Manufactured Housing Park Standards

1. The minimum lot area for a Manufactured Housing Park shall contain at least 8,000 square feet per home site with a minimum dimension of 40 feet.
2. Sewage disposal and water supply systems shall have the approval of the New York State Department of Health and New York Department of Environmental Protection, and shall conform to the requirements of any ordinance or local law of the Town governing such systems, whichever is more restrictive. Water pressure shall be at a minimum 30 psi.
3. The area shall be well drained and shall have such grades and soil as to make it suitable for homes.
4. No mobile home shall be less than 30 feet from any other mobile home. Porches, carports, decks and additions shall not intrude into this 30 feet.
5. Each home site shall provide an approved water supply system and underground electrical service approved by the electrical company servicing the property and the New York Board of Fire Underwriters.
6. Garbage and refuse shall be collected and removed from the premises at least once a week. All refuse shall be stored in fly tight, watertight, rodent-proof containers, which shall be located so no home is more than 100 feet from such container.
7. All homes and other structures shall be set back at least 50 feet from the right-of-way line of any public road or property line and 25 feet from any internal access street.
8. All access roads within a Manufactured Housing Park must be at least 30 feet wide and built to subdivision regulation road standards.
9. Off-street parking spaces shall be provided containing at least 180 square feet per space. Two such spaces shall be furnished for each home and finished to an all-weather surface, such as gravel.
10. All entrances and exits, internal access streets and public spaces shall be adequately illuminated.
11. A landscaped area at least 20 feet wide shall be maintained in front, side and rear yards as directed by the Planning Board.
12. The operator of a Manufactured Housing Park shall keep a register in which there shall be noted the name and permanent address of every home situated in the park, the registration number of same, the date it was admitted, and the date of its removal. Such register shall be signed by the owner of the home or the person bringing the same into the park.
13. Each home shall have a sign on the lot, not exceeding one square foot, identifying the home owner and lot number.
14. All Manufactured Housing in Manufactured Housing Parks shall be installed according to the standards in Section 531, Manufactured Housing of the HUD code.
15. Contiguous lots, owned by the same Manufactured Housing Park operator (but in separate deed descriptions) shall be considered one Manufactured Housing Park, to ease the application process with numbers of units on each separate piece considered as one total for the Park.

## Section 424 Public Utility and Facilities

Public utility substations and similar structures, shall comply with the following:

- A. Facility shall be surrounded by a fence set back from property lines in conformance with district regulations for front, side and rear yards.
- B. Landscaped area at least 20 feet wide shall be maintained in front, side and rear yards as directed by the Planning Board.
- C. There shall be no equipment visible from surrounding property.
- D. Utility poles and attendant lines will be allowed, as necessary, in all districts.

## Section 425 Right To Farm

Plainfield is a rural, agriculture based Township. Farming has been the economic base of the area. The practices necessary for farming are protected by Ordinance No. 1 of 1991.

## Section 426 Conservation of Slopes

No development is authorized on slopes of 15% or greater (15% = 1.5 foot rise in a horizontal 10 foot distance) except for residential or agricultural purposes. Logging operations shall not clear cut these areas (DEC Regulation).

## Section 427 Performance Standards

No Permitted accessory or specially permitted use shall be operated or designed in a manner which creates any of the following substance conditions and elements in such amounts, detectable at the property line as to adversely affect surrounding properties.

- A. Emission of noxious gases which endanger health, comfort, safety, or welfare of any person, or have a tendency to cause injury or damage to property, business or vegetation, or to animals wild or domestic.
- B. Vibration
- C. Lighting shall conform to Section 417.
- D. Ongoing and continuous noise between the hours of 10 p.m. and 6 a.m.

## ARTICLE V. SPECIAL PERMITS

### Section 501 Administration

The Planning Board will administer the review and granting of special permits as designated. Additions and alterations to uses and buildings authorized by special permit requires approval of the Planning Board.

### Section 502 Procedure

- A. The applicant shall submit a completed application to the Planning Board a minimum of 14 days prior to the regular monthly meeting. Part I of the Environmental Assessment Form shall be submitted at this time in accordance with the State Environmental Quality Review Act.
- B. The application for a special permit may be made by the owner of the property or other person with written approval of the owner. Such application shall include a site plan in accordance with Section VI, Site Plan Review.
- C. At the regular or special meeting, when the completed application is reviewed, the Planning

Board shall schedule a public hearing. It shall be scheduled for within 62 days after the completed application is submitted to the Planning Board and with at least five (5) days public notice in the official newspaper.

D. The Planning Board shall render a decision, at a regular or special meeting, either approving, approving with conditions, or denying a special permit application within 62 days of the public hearing

E. A special permit shall be construed to be authorization for only one particular special use and shall expire if the special use shall cease for more than six months for any reason. Special uses inherently of a seasonal nature, including, but not limited to, nature centers, campgrounds, recreation areas, and roadside stands, shall have a period extended to 12 months prior to expiration of special permits.

#### Section 503 Standards Applicable to All Special Permit Uses

Before granting a special permit, the Planning Board shall be satisfied that all of the following conditions have been met. The Planning Board is authorized to condition special permits to ensure compliance with these conditions (See Section 504, Conditions).

A. The proposed development has a site plan which meets the approval of the Planning Board as per Article VI.

B. The proposed development is compatible with nearby properties and will not discourage the appropriate development and use of adjacent properties or impair their value.

C. Traffic generated by the proposed development can be adequately and safely served by the existing and proposed roads.

D. The proposed development will not adversely affect community appearance.

E. The proposed development can be served by necessary community facilities and will not overtax such community facilities. This includes providing adequate access for emergency vehicles as required by Town Law Section 280-A.

F. Operation of any special use shall not have more impact to nearby properties by reason of dust, odor, noise, fumes, vibration, excessive lighting, or water pollution than would the operation of any permitted use.

G. Special use shall not conflict with the stated purpose of this ordinance (section 103), the town philosophy statement and its comprehensive plan.

H. Solar access of adjacent properties is not obstructed by said use.

I. All State Environmental Quality Review requirements have been met.

J. No special permit shall be issued for an existing use on a property where there is an existing violation of this ordinance or other town law or regulation.

#### Section 504 Conditions

The Planning Board, in granting special permits, may impose such conditions, safeguards and restrictions upon the proposed development as may be deemed necessary in the public interest to secure compliance with the provisions of this ordinance. Conditions may include, but are not limited to, the following:

A. The hours of operation

B. Access to the subject property

C. Protection of surface and groundwater

D. Lighting of the site, to include intensity and shielding, so as not to adversely affect adjacent or nearby property owners

E. Adequate sewer and water supplies

F. Sound limitations as needed to ensure peaceful enjoyment of neighbors

- G. The location, size, height, design of building, walls, fences, landscaping and buffer yard
- H. Timing or phasing of development
- I. Utilities underground
- J. Control of smoke, dust and odor
- K. Bonding as required to ensure standards are met and plans are implemented
- L. No special permit shall be issued for a use on a property where there is an existing violation of this ordinance or other town law or regulation.

## ARTICLE VI. SITE PLAN REVIEW

### Section 601 Developments Requiring Site Plan Review

All special permitted uses require site plan review. Special permitted uses requiring site plan review by the Town of Plainfield Planning Board are listed under each Land Use District.

### Section 602 Procedure

- A. Prior to the submission of a formal site plan, a pre-submission conference may be held at which the applicant or representative would meet in person with the Planning Board to discuss the proposed site plan so that the necessary subsequent steps may be undertaken with a clear understanding of the Town's requirements in matters relating to the development of the site.
- B. Within six (6) months following the pre-submission conference, five (5) copies of the site plan and any related information shall be submitted to the Planning Board accompanied by a fee in accordance with the schedule of fees of the Town of Plainfield, payable to the Town Clerk. If the application is not submitted within this six-month period, another pre-submission conference may be required. Part I of the Environmental Assessment Form, as required by the State Environmental Quality Review Act, shall also be submitted with the application.
- C. The Planning Board shall certify on each site plan or amendment whether or not the application is complete in accordance with Section 604, Submission requirements, and whether the plan meets the requirements of all land use ordinance provisions other than those of this Article, such as setbacks, number of parking spaces, etc. The Planning Board shall act to certify the application or return it to the applicant for completion or revision within ten (10) days of submission by the applicant.
- D. The Planning Board may, at its discretion, hold a public hearing on the application. Said hearing shall be held within sixty-two (62) days of submission to the Planning Board of said application. The Planning Board shall give notice of the hearing in a newspaper of general circulation in the Town at least ten (10) days prior to the hearing. If part of a special permit review, hearings will run together simultaneously.
- E. Whenever any site plan involves real property in an area described in Section 239-rn of the General Municipal Law, said site plan shall be referred to the County Planning Board, which Board shall report its recommendations to the Town Planning Board. Failure of the County Planning Board to report within thirty (30) days may be construed to be approval. The concurring vote of a majority plus one of the Town Planning Board shall be necessary to override County Planning Board recommendation of approval, approval with modifications or disapproval. In the event that

the County Planning Board recommends modifications or disapproval of a referred matter and the Town Planning Board acts to the contrary, the Town Planning Board shall file a report of its final action with the County Planning Board within seven (7) days after final action explaining why it acted contrary to the County Planning Boards recommendation.

F. The Planning Board shall, within 62 days of the public hearing, if one is held, or within 62 days of the date of the meeting at which the site plan was deemed complete, either:

1. Approve the site plan if the Board finds that the plan meets the requirements of this ordinance and any other applicable rules and regulations; or
2. Condition approval of the site plan upon the applicant making certain changes or modifications to the plan, said conditions to be set forth in writing by the Board; or
3. Disapprove the site plan, the reasons for such action to be set forth in writing by the Board. Failure to act within the required time shall be deemed approval. Should the Planning Board need an additional thirty (30) days to consider the application, then it may do so with consent of the applicant. Said agreement shall be in writing by the applicant and it shall be, in addition, recorded in the minutes.

G. Review of amendments to an approved site plan shall be acted upon in the same manner as the review of an original plan.

#### Section 603 Enforcement

A. The Planning Board may require the posting of a bond or other similar performance guarantee to ensure compliance with the plan and stated conditions of approval. The Planning Board may notify the appropriate government agency if after notification of such work is not performed as required.

B. Any special permit or site plan approval issued under this Article shall lapse within one year if a substantial use thereof has not commenced, except for good cause. The time required to pursue and await determination of a judicial appeal pursuant to Chapter 274-a and 274-b of the Town Law shall be included within the one-year time limit.

C. No topsoil, trees, shrubs or other vegetation shall be disturbed, cut and/or removed from the site until a site plan has been approved for the property in question.

#### Section 604 Submission Requirements

A. The site plan shall include the following data, details, and supporting plans. The number of pages submitted will depend on the proposal's size and complexity. All of the requirements must be met in each plan, except in accordance with B. of this Section.

B. The Planning Board may waive any of the requirements of Section 604, C. and D., or part thereof, prior to the submission of a formal site plan, when such requirements are not material to the project under review.

C. Site plans shall be prepared by a surveyor, registered professional engineer, architect, or landscape architect at a scale of one inch (1") equals twenty feet (20) or less, on standard 24"x36 sheets, with continuation on 8 1/2x11 sheets as necessary for written information.



D. Items required for submission include:

1. Name of the project, boundaries, location maps showing site's location in the town, date, north arrow and scale of the plan.
2. Name and address of the owner of record, developer, and seal of the engineer, architect or landscape architect.
3. Name and addresses of all owners of record of abutting parcels and those within three hundred feet (300) of the property line.
4. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses, and the location and use of structures within three hundred feet (300) of the site.
5. The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area, and show all exterior entrances, and all anticipated future additions and alterations.
6. The location of all present and proposed public and private ways, parking area, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, and walls. Location, type, and screening details for all waste disposal containers shall also be shown.
7. The location, height, intensity and bulk type (e.g., fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
8. The location, height, size, materials, and design of all proposed signage.
9. The location of all present and proposed utility systems including:
  - a) Sewage or septic system.
  - b) Water supply system.
  - c) Telephone, cable and electrical systems.
  - d) Storm drainage system including existing and proposed drain lines, culverts, catch basins, head walls, end walls, hydrants, manholes, and drainage swales. The Planning Board may also request soil logs, soil profile analysis (deep test pits), percolation tests and storm water run-off calculations for large developments or developments in environmentally-sensitive areas.
10. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable. There shall be pre-and post-drainage calculations for the site done by a certified engineer. From this the engineer must show how there will be no increase in runoff from the site. The use of ponds, wells, etc. shall be used but all sites shall have a zero increase in runoff so as not to disturb neighboring properties.
11. Existing and proposed topography at a five-foot (5') contour interval. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the parcel is within the 100-year flood plain, the area will be shown, and base flood elevations given. Indicate areas within site where ground removal or filling is required, and give its approximate volume in cubic yards.
12. A landscape plan showing all existing natural land features, trees, forest cover and water sources, and all proposed changes to these features, including size and type of plant material, and erosion control measures. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains, and drainage retention areas.
13. Land Use district boundaries within one hundred feet (100') of the site's perimeter shall be drawn and identified on the plan.

14. Traffic flow patterns within the site, entrances and exits, loading and unloading area, curb cuts on the site and within one hundred feet (100') of the site. The Planning Board may require a detailed traffic study for large developments or for those in heavy traffic areas to include:

- a) The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hours traffic level
- b) The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site
- c) The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels as well as road capacity levels shall also be given.

15. For new construction or alterations to any existing building, a table containing the following information must be included:

- a) Area of building to be used for a particular use such as retail operation, office, storage, etc.
- b) Maximum number of employees
- c) Maximum seating capacity, where applicable
- d) Number of parking spaces existing and required for the intended use

16. Elevation plans at a scale of 1/4" = 1' for all exterior facades of the proposed structure(s) and/or existing facades, plus addition(s) showing design features and indicating the type and color of materials to be used.

17. Other elements integral to the proposed development as may be specified by the Planning Board at the sketch plan conference.

#### Section 605 Standards for Review

The Planning Board shall review the site plan and supporting documents, taking into consideration the reasonable fulfillment of the objectives listed below.

##### A. Legal

Conformance with the provisions of the Local Laws and Ordinances of the Town, the Town Law of New York State, and all applicable rules and regulations of State and Federal agencies.

##### B. Traffic

Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.

##### C. Parking

Provisions for off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic.

##### D. Public Services

Reasonable demands placed on public services and infrastructure.

##### E. Pollution Control

Adequacy of methods of sewage and refuse disposal and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.

#### F. Nuisances

Protection of abutting properties and town amenities from any undue disturbances caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, storm water runoff, etc.

#### G. Existing Vegetation

Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.

#### H. Amenities

The applicant's efforts to integrate the proposed development into existing landscape through design features, such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.

#### I. Town Character

The building setbacks, area and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding landscape and the natural landscape.

### ARTICLE VII. NONCONFORMING BUILDINGS, LOTS AND USES

#### Section 701 Nonconforming Buildings

Any lawfully erected building or use in existence at the time of enactment of this ordinance may be continued.

A. A non-conforming building may not be enlarged, extended or altered except in conformance with this ordinance, except that repairs not exceeding seventy-five (75) percent of assessed value of the building shall be permitted.

B. A nonconforming building or use may be restored or reconstructed after being destroyed or damaged by fire, accident or other act of God provided all of the following are met:

1. the new building must house the same use as the one which was destroyed;
2. the new building must be erected within two years from the date the old building was destroyed;
3. the new building may only replace an older building that was actually standing no more than two years prior and which was not in violation of the International Building Code (for example, not condemned) and
4. the applicant seeking a land use permit for the new building was also the owner of the property when the prior building was destroyed (i.e. new owners must comply with current land use provisions) and
5. all construction on the new building shall be completed within 18 months after issuance of a land use permit.

C. Any permitted use may occupy a non-conforming building or portion thereof.

#### Section 702 Nonconforming Uses

Nonconforming uses shall be allowed to continue to exist. It may not be enlarged or extended. Whenever a nonconforming use has been discontinued for a period of one (1) year, such use shall not be reestablished. Once changed to a conforming use, no building or land shall revert to a non-conforming use.

#### Section 703 Manufactured Homes (HUD)

Existing Manufactured Homes (HUD) that, for whatever reason, are to be replaced on the same lot and/or on the same site, shall only be replaced with a Manufactured Home (HUD) meeting the requirements of current HUD codes. Sites currently having Manufactured Homes (HUD) or mobile homes (pre 1976/non HUD housing) under 18 feet wide in RA and RH districts may be replaced with a Manufactured home (HUD) under 18 feet wide or a pre 1976 mobile home updated to HUD code either by the current or subsequent owners providing a legal permit exists from the Town and a CO ( Certificate of Occupancy ) exists with the County for the one being replaced.

#### Section 704 Appeals

All appeals for non-conforming buildings, lots and uses shall go to the Board of Appeals which shall apply use and/or area variance standards per NYS Town Law in its review of any and all applications.

### ARTICLE VIII. ADMINISTRATION

#### Section 801 Enforcement

The duty of administering the provisions of this local law is hereby conferred upon the Land Use Administrator(s). He shall be appointed by the Town Board and receive compensation as the Town Board shall determine.

#### Section 802 Duties and Procedures of the Land Use Administrator(s)

##### A. Administer the Land Use Law

The Land Use Administrator(s) shall review and inspect the sites for applications for Land Use Permits. He shall aid applicants in understanding and meeting the requirements of the Land Use Law. If requirements can be met he will grant the permit. If they cannot be met he cannot issue a permit but will instruct the applicant on the process for bringing the issue to the Board of Appeals.

##### B. Referral to the Board of Appeals

An applicant, after he has been denied a Land Use permit, may appeal the Land Use Administrators findings to the Board of Appeals for an interpretation or a variance. Should an appeal be requested, the Land Use Administrator(s) shall notify the Secretary of the Board of Appeals of the request and forward all necessary supporting information.

##### C. Referral to Town Planning Board

Any application for a special permit, change of Land Use district or use that requires a site plan review shall be forwarded by the Land Use Administrator(s) to the Secretary of the Town Planning Board along with all supporting information.

#### D. Cite Land Use Violations

For any plans, construction, building, or use of premise found in violation of this local law, the Land Use Administrator shall inform the party in violation in writing and instruct them in ways to remedy the situation. If the violation continues he will submit the violation to the appropriate government agency.

### Section 803 Permits Required

No use or structure shall be established, erected nor land developed until a Land Use permit has been issued by the Land Use Administrator who shall issue such permits in accordance with regulations in this code.

#### A. Application

All applications for Land Use permits shall be in writing, signed by the owner, on forms furnished by the Land Use Administrator. The Land Use Administrator shall act upon all applications for permits within 10 working days from the day of application. A Land Use Permit shall become void 12 months from the date of issuance unless substantial progress has been made since that date on the project described therein; provided, however, that the permit shall be renewed by the Land Use Administrator for an additional 12 months upon application therefore. Additional extensions shall be subject to approval by the Board of Appeals.

#### B. Exceptions

##### 1. Maintenance and Repair:

No Land Use permit shall be required for normal maintenance and repair work, for painting, interior decoration, landscaping and the construction of a structure, such as a utility shed or animal shelter, where the total floor area is less than 100 sq. feet.

### Section 804 Board of Appeals

#### A. Creation, Appointment and Organization

A Board of Appeals shall consist of three (3) or five (5) members appointed in accordance with Section 267 of the Town Law. The Town Board shall designate a chairman, and from its membership the Board of Appeals shall appoint a secretary and shall prescribe rules for the conduct of its affairs. No person who is a member of the Town Board or Planning Board shall be eligible for membership on such Board of Appeals.

#### B. Powers and Duties

The Board of Appeals shall have all the powers and duties prescribed as statute and by this law, which are more particularly specified as follows:

##### 1. Interpretation:

Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this local law, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

##### 2. Appeals for Variances:

Upon denial of a Land Use permit by the Land Use Administrator, the Board of Appeals shall hear requests for variances.

### 3. Area Variances:

Area variances may be granted where setback, frontage, lot size, density or yard requirements of this local law cannot be reasonably met. In making decisions, the Board of Appeals 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 of Appeals shall also consider:

- a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting of the area variance;
- b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- c) Whether the requested area variance is substantial;
- d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- e) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it deems 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.

### 4. Use Variances:

Use variances may be granted by the Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable Land Use regulations. No such variance shall be granted by a Board of Appeals without a showing by the applicant that applicable Land Use regulations and restrictions have caused unnecessary hardship. The applicant shall demonstrate to the Board of Appeals that:

- a) Under applicable Land Use regulations the applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence;
- b) That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;
- c) That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- d) That the alleged hardship has not been self-created.
- e) Procedure:

1) All applications for variances shall be in writing on forms established by the Board of Appeals. They are available from the Land Use Administrator;

2) every application shall refer to the specific provision of the law involved and establish the details of why the variance should be granted;

3) upon receipt of the completed application, the Board of Appeals shall:

- i) schedule a public hearing within 62 days
- ii) arrange publication of notice of public hearing in the Town's official newspaper
- iii) have the applicant notify all landowners within 500 feet of his parcel

iv) all use variances submitted to the Board of Appeals; shall be referred to the Planning Board for review as to the conformance with the objectives of the Comprehensive Plan. No decision shall

be made by the Board of Appeals until such Planning Board review has been completed and a report issued. If the Planning Board fails to issue its report within 30 days, the Board of Appeals shall assume that a favorable report has been issued.

v) refer application to the County Planning board as required by General Municipal Law Section 239, if required

vi) determine whether a Draft Environmental Impact Statement should be required

4) Within 62 days of the public hearing, the Board of Appeals shall render a decision. If the matter was referred to the County Planning Board, a copy of the Board of Appeals' findings and decision must be sent to the County Planning Board.

### Section 805 Planning Board

#### A. Creation, Appointment and Organization

A Planning Board shall consist of five members appointed in accordance with Section 271 of the Town Law. The Town Board shall designate a chairman, and the Planning Board shall, from amongst its members choose a secretary and vice-chairman. The Planning Board shall prescribe rules for the conduct of its affairs. No person who is a member of the Town Board or the Board of Appeals shall be eligible for membership on the Planning Board.

#### B. General

In all cases where this local law requires authorization and approval of plans by the Planning Board, no Land Use permit shall be issued by the Land Use Administrator except upon authorization of and in conformity with the plans approved by the Planning Board.

#### C. Special Permits

The Planning Board is further authorized to issue special permits upon determination that the public health, safety and welfare shall be served and neighboring properties will not be injured.

### Section 806 County Planning Board

The Land Use Enabling Laws require that any of the following local Land Use actions be referred to the County Planning Board prior to action by the local board. Any proposal for a special permit, variance, site plan approval, comprehensive plan, change in the Land Use law text or map (redistricting, amending the Land Use law) which would affect the real property lying within a distance of 500 feet from the boundary of:

A. Any county line

B. Any town line

C. Any village line

D. Any existing or proposed county or state park

E. Any right-of-way of any county or state road or parkway

F. An operating farm in an Agricultural District

G. Any existing or proposed county or state owned land on which a public building or institution is situated must be referred to the County Planning Board who shall have 30 days from date of County receipt to take action on the matter.

## Section 807 Violations

### A. Complaint of Violations

Whenever a violation of this ordinance occurs, any person may file a complaint in regard thereto. All such complaints must be in writing, signed, and shall be filed with the Land Use Administrator who shall properly record such complaint and immediately investigate and report thereon to the Town Board.

### B. Notice of Violation

Whenever, in the opinion of the Land Use Administrator after examination and inspection, there appears to exist a violation of any provision of this ordinance, or of any rule or regulation adopted pursuant thereto, he/she shall serve a written notice of violation. Such notice of violation shall inform the recipient of:

- I. The nature and details of such violation.
2. Recommended remedial action which, if taken, will effect compliance with the provisions of this ordinance and with rules and regulations adopted pursuant thereto.
3. The date of compliance by which the violation must be remedied or removed.

### C. Stop Work Order

In case of noncompliance with this order within allotted time, the Land Use Administrator will notify the proper government agency- such as County Codes for building, sanitary and other county code infractions, DEC for State wetland infractions, Army Corp. of Engineers for Federal wetland infractions, etc. These agencies may stop work or take other appropriate actions under the law.

### D. Violations Specific to Land Use Law

Violations of this local law not covered by other agencies shall be dealt with as violations pursuant to Town Law section 268.

## Section 909 Amendments

This Local Law may be amended pursuant to the authority and power granted by the Municipal Home Rule Law of the State of New York, Articles 2 and 3, and pursuant to the Article 2 of the New York State Statute of Local Governments.

## APPENDIX

### Definitions



A. The word “person” includes a firm, association, organization, partnership, trust, company, agency, society or corporation as well as an individual.

B. The words “shall” and “must” are mandatory.

C. The word “lot” includes the words plot or parcel.

**Accessory Building** - Any building which is subordinate to and which use is incidental to the use of the principal building located on the same lot. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof such accessory building shall be considered part of the main building.

**Accessory Use** - Use which is customarily accessory and clearly incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

**Acre** - For the purpose of calculating lot area under this local law, an acre shall be considered to consist of 43,560 contiguous square feet.

**Agriculture** - The use of a parcel of land for agricultural purposes, including tilling of the top soil, dairying, pasture, apiculture, arboriculture, horticulture, floriculture, aquatic farming, harvesting of trees and animal husbandry. It includes the necessary accessory uses and structure for packing, treating, and storing of products, produce and equipment, provided that the operation of any such accessory use shall be secondary to that of normal agricultural activities.

**Alteration** - A change or rearrangement in the structural parts of a building or an enlargement, whether by extending to a side or by increasing the height or the moving from one location to another.

**Animal Hospital** - A business that treats animals and regularly houses them on the premises overnight and for extended periods for treatment.

**Apartment Building** - A building designed or used as separate, individual living quarters for three or more families.

**Automobile Related Business** - Business which have come into being as a result of the automobile such as service stations, inspection stations, dealerships selling, and shops used for repair, towing or the selling of parts for automobiles.

**Bed and Breakfast** - An establishment in a private dwelling that supplies temporary accommodations to overnight guests for a fee. Meals may or may not be provided. Tourist homes, boarding house and inns are included here; however, rest homes or homes for the aged are not.

**Board of Appeals** - The Town of Plainfield Board of Appeals whose duties are set forth in Plainfield Land Use Law.

**Building** - A structure wholly or partially enclosed with exterior walls and a roof, affording shelter to persons, animals or property.

**Bulk Storage** - The storage of chemicals, petroleum products and other materials in aboveground containers for subsequent release to distributors or retail dealers or outlets. In addition, the definition includes all storage of more than 1100 gallons, if the product is used on site and is not for sale.

**Business and Professional Offices** - Offices in which an occupation or vocation requiring advanced study in a specified field is practiced. Examples are: medical, law, engineering, surveying insurance, and real estate offices.

**Camps** - A parcel of land intended for seasonal use with structures for sleeping, and eating, having NYS building code approved structures and systems for disposal of waste.

**Campgrounds** - A parcel of land used or intended to be used to provide two or more sites for the parking of travel trailers, placement of tents or other temporary or removable sleeping accommodations.

**Cell Tower** - A tower containing antenna for servicing cellular communication devices.

**Club** - Any organization catering exclusively to members and their guests, or premises and buildings, for recreational or athletic purposes and not open to the general public, which are not conducted primarily for gain, provided there are no vending stands, merchandising or commercial activities, except as required for the membership and purposes of the club. Clubs shall include lodges, fraternal organizations, social and service organizations; gun, hunt, and fish clubs, mutual benefit societies, and other like organizations.

**Dish Antenna** - Any concave, circular or dish-shaped devise designed for receiving communication or television signals from space, but does not include conventional television, radio or amateur antennas.

**Dwelling, One-family** - A building designed or used as living quarters for one family including cooking, sleeping, sanitary and living areas.. The term dwelling shall include seasonal homes and modular homes provided they meet all of the requirements of this local law, Town of Plainfield and New York State Building Code and all other regulations or ordinances applicable to dwellings.

**Dwelling, Farm Labor** - A building containing only one dwelling unit and occupied by one family, members of which are employed on a farm.

**Dwelling, Two-family** - A detached building designed for year-round occupancy by two families living independently of each other, other than manufactured housing (HUD), recreational vehicle, camp or rooming house.

**Dwelling Unit** - A building or entirely self-contained portion thereof containing housekeeping facilities for only one family, including any domestic servants employed on the premises, having no enclosed space (other than vestibules, entrances or other hallways or porches) and no cooking or sanitary facilities in common with any other dwelling unit. A boarding house, dormitory, hotel, inn, nursing home or similar structure shall not be deemed to constitute a dwelling unit.

**Eating and/or Drinking Establishment** - A parcel of land which includes facilities primarily used for the sale of prepared food or beverages for public consumption.

Family - One or more persons occupying a dwelling unit and living as a single non-profit housekeeping unit.

Farm - Not less than 10 acres of land, used in the preceding two years for the production of crops, livestock and livestock products with an average gross sales value of ten thousand (\$10,000) or more. Includes land which otherwise satisfies the requirements for eligibility for an agricultural value assessment.

Farm, Hobby - An agricultural operation where keeping of animals is primarily for the enjoyment and /or consumption of food for the household and where any income generated is not more than 1/2 of the households total income.

Financial Guarantee - A financial security in an amount sufficient to guarantee the installation of basic public improvements, protect roads, or guarantee a contract is filled. Such improvements may include, but are not limited to, public water supply, sewage disposal systems, storm drains and sewers, pavements markings, roads, traffic signs and signals, and sidewalks. Acceptable financial securities must be approved by the Town Attorney and the Town Board and may be in one of several forms, including, but not limited to, a performance bond, a certificate of deposit, a certified check and as irrevocable letter of credit drawn in favor of the Town.

Flood Plain - An area of land susceptible to being inundated by water as defined and mapped in the Flood Damage Prevention Local Law and adopted by the Town pursuant to the Federal Flood Insurance Program.

Forest Management - Management of natural vegetation for timber harvesting, firewood, wildlife habitat improvement and water quality.

Garage, Private - An accessory building or part of a principal building used for the storage of one or more motor vehicles provided that no business, occupation or service is conducted for profit herein. A carport or similarly covered are for the storage or housing of one or more automobiles, with or without walls, but not fully enclosed, is part of this definition.

Health Care/ Elderly Facility - A facility or institution, whether public or private, principally engaged in providing services for health maintenance diagnosis or treatment of human disease, pain, injury deformity or physical condition, including, but not limited to, a general hospital, special hospital, public health center, diagnosis center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing, home, home for the aged and home health care agency.

Height - The vertical distance measured from the elevation of the finished grade to the high point of the structure.

Home Occupation - An occupation or other subordinate use of a nonresidential nature which is conducted within a dwelling unit, or building accessory thereto, which is clearly incidental and accessory or secondary to the use of the property for residential purposes.

Hotel - A facility offering transient lodging accommodations to the general public and providing additional service such as restaurants, meeting rooms, and recreational facilities.

Industry, Heavy –Any use or activity which generates significant volumes of smoke, odors,

noise, or other polluting wastes and is not compatible with other uses in the district. Examples of “heavy industry” which are intended to be included in this definition are: chemical manufacturing; exploration for natural gas; extraction of natural gas; natural gas processing facilities (as defined elsewhere in this law) and/or compressor stations; exploration for crude oil; extraction of crude oil; oil refineries; coal mining; coal processing; and steel manufacturing. It is expressly stated that the foregoing examples are not intended to be exhaustive and shall not be construed to limit the meaning, scope or application of this definition or to limit the application of this definition solely to the activities identified in the examples.

Industry, Light - Research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly and/or treatment of finished products from previously prepared materials which activities are conducted wholly within an enclosed building. Finished or semifinished products may be temporarily be stored outdoors pending shipment. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. Such uses include warehousing, fabrication and assembly businesses. It also includes “clean” industries like corporate offices for major industries.

Junkyard - Any area, lot, land, parcel, building or structure, or part thereof, used for storage, collection, processing, purchase or sale, disassembly, packing, sorting, salvage, buying, selling or exchange of waste paper, rags, scrap metal or discarded or scrap goods, materials, machinery; or tow or more unregistered, inoperable motor vehicles, automobile junkyards, as defined in the General Municipal Law, Section 136, shall be included in this definition.

Kennel - A place for the care and breeding of four or more dogs.

Land Fill - The depositing of refuse, trash or garbage in a natural or man-made depression or trench or dumping it at ground level with the intent to then cover with earth or other material.

Land Use Administrator - An individual appointed by the town board who administers land use permits for permitted principal uses and buildings as set forth in the Land Use Law. The Land Use Administrator will determine if a use requires a special permit and notify the Planning Board. If a use is non-conforming or some requirement cannot be met i.e.: setback, road frontage, etc. and inform the party that they may ask for a variance from the Board of Appeals.

Land Use District - An area within the Town for which the regulations and requirements governing land use and structures upon it are uniform.

Lot - A designated parcel, tract or area of land established by plat, subdivision, or other legal means, to be used, developed or built upon as a unit.

Lot Area - the total area included within lot lines and as determined by the most recent official records or recordings on the town tax maps or by survey calculation.

Lot Corner - A lot or parcel of land abutting upon two or more streets at their intersections or upon two parts of the same street forming an interior angle of less than 135 degrees.

Lot Coverage - The percentage of the lot area that is covered by the buildings or paved areas on the lot.

**Lot Depth** - The minimum distance from the road right-of-way line of a lot to the rear of said lot.

**Lot Line** - Any boundary of a lot. Any lot line not a rear line or a front line shall be deemed a side line.

**Lot Line, Front** - The front of a lot shall be construed to be the portion adjacent to or nearest the road.

**Lot Line, Rear** - The lot line generally opposite the street line.

**Lot Line, Through** - A lot which fronts two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

**Modular Homes** - A factory built dwelling, inspected at the factory, that meets New York State building code.

**Manufactured Housing (HUD), Single and Double-wide** - A factory built one family dwelling constructed on a chassis to facilitate its transportation to the site and built to the standards of the U. S. Department of Housing and Urban Development (HUD). Single-wides are at least 12 feet wide and 650 square feet and brought to the site as one unit. Double-wides are two such units built to be able to be connected one on site, and each narrow enough to be transported. manufactured housing shall not be construed to be a travel trailer or recreational vehicle.

**Manufacturing** - Any process whereby the nature, size or shape of raw materials are changed or where articles are assembled.

**Mineral Extraction** - Operations extracting gravel, rock, stone, sand, fill, topsoil or unconsolidated minerals from the surface or just below the ground for sale but does not include operations requiring deep mining, extracting of geothermal resources, natural gas and/or petroleum, or the process of grading a lot preparatory to the construction of a building.

**Mobile Home** - Factory built one family dwelling constructed on a chassis which was constructed prior to 1976. When used these homes shall be updated to meet the Mobile Home Construction and Safety Standards of the U. S. Department of Housing and Urban Renewal and the application codes of the New York State Uniform Fire Prevention and Building Code and any County Codes. A mobile home shall not be construed as a travel trailer or recreational vehicle.

**Mobile Home Park, Manufactured Housing Park** - A parcel of land under single ownership which has been specifically planned and improved for the long term placement (over 30 days) of two or more mobile homes or manufactured housing for non transient use.

**Motel** - A building or group of buildings providing individual sleeping accommodations complete with bathrooms for travelers. Each lodging unit has direct access to the outside and a parking spot.

**Non-Conforming Building, Use or Lot** - A building, structure, use of land or lot, lawfully existing at the time of enactment of this ordinance, which does not conform to the regulations of the district or districts in which it is located.

Nursery or Greenhouse - The growing of plants, trees, and shrubs for resale on a scale requiring buildings suited to house them for control of humidity and temperature.

Parking Space - An off-street paved or unsurfaced space which is accessible and available for the parking of one motor vehicle.

Permitted Principal Use - For the purpose of this local law, any use which is allowed by right in a district without review by the Planning Board.

Places of Outdoor Assembly or Amusement - Tracts of land graded, groomed or restructured for a specific use, i.e.: golf courses, sporting event fields, amusement parks, etc. which may also have attendant buildings to support such use.

Religious Institution - Church, temple parish house, convent seminary and retreat houses.

Restaurant - Buildings devoted to the preparing and serving of food - mainly meals which are consumed on site but may also be taken off premises to be eaten.

Retail Trade - An enclosed store engaged in selling goods or merchandise to the general public, for personal or household consumption and rendering services incidental to the sale of such goods.

Resort - A facility for transient guests where the primary attraction is generally recreational facilities or activities.

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

Road Right-of-Way - The right-of-way line of a road as indicated by usage, dedication, or by deed of record.

Roadside Stand - A permanent or temporary structure used for the display, support, and protection of products with the intent to sell to buyers.

School - An institution, either public or private providing full-time day instruction and a course of study which meets the requirements of the New York State Education Law or a nursery, daycare or kindergarten which meets all pertinent requirements set by the New York State Education law and or the New York State Health Code.

Service Establishment - Establishments providing services or entertainment, as opposed to products, to the general public, including personal, business, repair, educational or other personal convenience services, including, but not limited to, coin-operated laundry, cleaning and garment services photographic studios, beauty shops, barber shops, shoe repair, funeral services, clothing rental, reducing salons, and tanning parlors.

Setback, Front - The required open space extending across the entire width of the lot between the road center line and the front of the main building.

Setback, Rear - The required open space extending across the entire width of the lot between the rear lot lone and the back of the main building.

Setback, Side - The required open space extending from the rear setback line and the front setback line between the side lot line and the side of the building.

Site Plan Review - A review and approval process, conducted by the Land Use Administrator, whereby site plans are reviewed utilizing criteria stated in the Land Use Law and as authorized by Town Law.

Special Permit Use - A use, which because of its unique characteristics, required individual consideration through a review procedure established by the Planning Board, and may require certain conditions and safeguards before being permitted.

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

Substantial Improvement - Any extension, repair, reconstruction, or other improvement of a structure, the cost of which equals or exceeds 50% of the fair market value of the structure, either before the improvement is started or, if the property has been damaged and is being restore, before the damage occurred. The term does not include project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions.

Tourism Related Business - Businesses connected with the travel industry such as travel agencies, information booths, etc. and those businesses that grow up as a result of tourism i.e.: bed and breakfasts, inns, motels, hotels, eating establishments, equipment rentals, tour guides, and gift shops, etc.

Unconsolidated Minerals - Loose, unattached, unstratified, particles of earth materials such as sand gravel, or sediment, without combined rigidity or cohesiveness due to lack of binding or natural mineral cement.

Use - The specific purpose or activity for which land or buildings are designed, arranged or intended or for which land or buildings are occupied or maintained.

Variance - Permission to depart from the literal requirements of the Land Use Law.

Variance, Area - A departure from the area setback, frontage, coverage, size or other requirements of the applicable zoning district, or a departure form any provision of this Land Use Law except use.

Warehousing - Storage facilities operated for a specific commercial establishment or a group of establishments in a particular industrial or economic field.

Wholesaling - Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Yard - An open space that lies between the principal building or accessory building or buildings and the nearest lot line.

Yard, Front - An open, unoccupied space on the same lot with a building, between the front setback line and the front lot line, and extending the full width of the lot.

Yard, Rear - An open space, unoccupied except for accessory buildings on the same lot with a building between the rear setback line and the rear lot line and extending the full width of the lot.

Yard, Side - An open space, unoccupied except for accessory building on the same lot with a building, between the building and the side lot line, and extending from the front yard to the rear yard.

Zero lot line - The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.