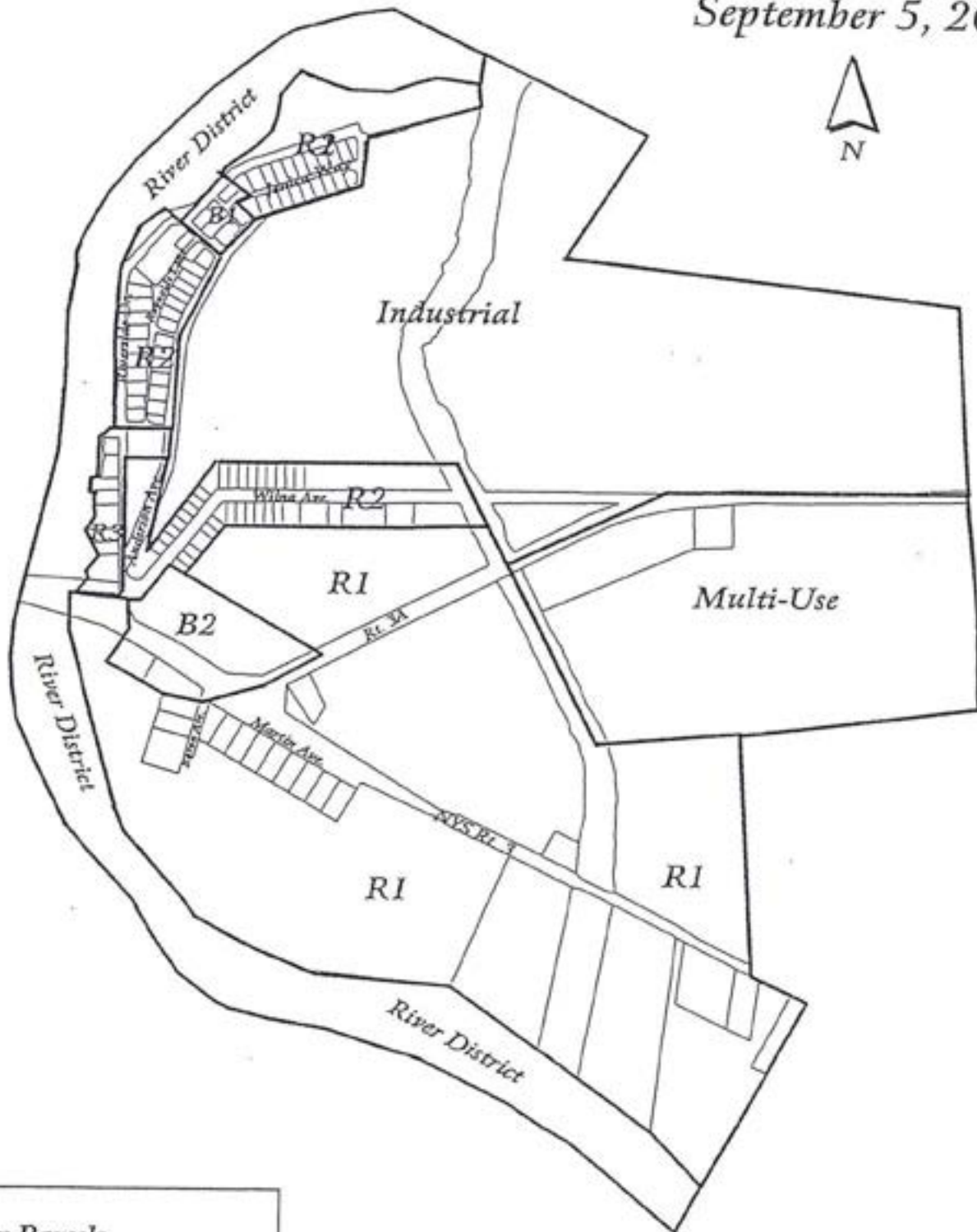


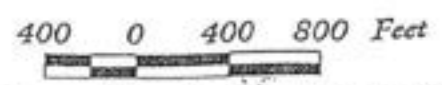
**VILLAGE OF
DEFERIET**

ZONING BOOK

Village of Deferiet
Zoning Map
September 5, 2001



□ Tax Parcels
~ Zoning District Boundaries



Map created by Jefferson County Planning Department 9/01

Chapter 16**ETHICS, CODE OF**

§ 16-1. Purpose.

§ 16-2. Definitions.

§ 16-3. Standards of conduct.

§ 16-4. Filing claims.

§ 16-5. Distribution of Code of Ethics.

§ 16-6. Penalties for offenses.

[**HISTORY:** Adopted by the Board of Trustees of the Village of Deferiet 9-1-1970. Amendments noted where applicable.]

GENERAL REFERENCES

Officers and employees — See Ch. 44.

Personnel policies — See Ch. 49.

Procurement policy — See Ch. 52.

§ 16-1. Purpose.

Pursuant to the provisions of § 806 of the General Municipal Law, the Village Board of the Village of Deferiet recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this chapter to promulgate these rules of ethical conduct for the officers and employees of the Village of Deferiet. These rules shall serve as a guide for official conduct of the officers and employees of the Village of Deferiet. The rules of ethical conduct of this chapter, as adopted, shall not conflict with, but shall be in addition to any prohibition of Article 18 of the General

Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

§ 16-2. Definitions.¹

As used in this chapter, the following terms shall have the meanings indicated:

INTEREST — A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the municipality which such officer or employee serves. For the purposes of this chapter, a municipal officer or employee shall be deemed to have an "interest" in the contract of:

- A. His spouse, minor children and dependents, except a contract of employment with the municipality which such officer or employee serves.
- B. A firm, partnership or association of which such officer or employee is a member or employee.
- C. A corporation of which such officer or employee is an officer, director or employee.
- D. A corporation, any stock of which is owned or controlled directly or indirectly by such officer or employee.

MUNICIPAL OFFICER OR EMPLOYEE — An officer or employee of the Village of Deferiet, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a Fire Chief or Assistant Fire Chief.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 16-3. Standards of conduct.

Every officer or employee of the Village of Deferiet shall be subject to and abide by the following standards of conduct:

- A. Gifts. He shall not, directly or indirectly, solicit any gift having a value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.²
- B. Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.
- C. Representation before one's own agency. He shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.
- D. Representation before any agency for a contingent fee. He shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

² Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- E. Disclosure of interest in legislation. To the extent that he knows thereof, a member of the Village Board and any officer or employee of the Village of Deferiet, whether paid or unpaid, who participates in the discussion or gives official opinion to the Village Board on any legislation before the Village Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.
- F. Investments in conflict with official duties. He shall not invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction, which creates a conflict with his official duties.
- G. Private employment. He shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties.
- H. Future employment. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Village of Deferiet in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

§ 16-4. Filing claims.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the Village of Deferiet, or any agency thereof, on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 16-5. Distribution of Code of Ethics.³

The Mayor of the Village of Deferiet shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Village of Deferiet within 10 days after the adoption hereof. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code, nor the enforcement provisions thereof.

§ 16-6. Penalties for offenses.

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

³ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

Chapter 151

SITE DEVELOPMENT REVIEW

§ 151-1. Review by Planning Board required.

[HISTORY: Adopted by the Board of Trustees of the Village of Deferiet 6-11-1985 by L.L. No. 1-1985. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention — See Ch. 93.

Subdivision of land — See Ch. 162.

Zoning — See Ch. 190.

§ 151-1. Review by Planning Board required.

No property in the Village of Deferiet is to be developed by an owner or prospective owner until a site development review is done by the Planning Board of said village.

Chapter 162

SUBDIVISION AND LAND DEVELOPMENT

ARTICLE I

Enactment, Authorization, Purpose and Variance

- § 162-1. Enactment and authorization.**
- § 162-2. Title.**
- § 162-3. Purposes.**
- § 162-4. Administration.**
- § 162-5. Variance.**
- § 162-6. Fees.**

ARTICLE II **Definitions**

- § 162-7. Terms defined.**

ARTICLE III **Review and Approval Procedure**

- § 162-8. Stages.**
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- § 162-10. Sketch plan conference.**
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DEFERIET CODE

ARTICLE IV

Documents To Be Submitted

- § 162-14. Information required for all plat submissions.
- § 162-15. Minor subdivisions.
- § 162-16. Preliminary plat for major subdivisions.
- § 162-17. Final plat for major subdivisions.
- § 162-18. Waiver of submission requirements.

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Design Standards and Required Improvements

- § 162-19. Street design standards.
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- § 162-21. Sidewalks.
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- § 162-26. Unique and natural features.
- § 162-27. Public open spaces and sites.
- § 162-28. Unsuitable land for subdivisions.

ARTICLE VI

Bond for Installation of Improvements

- § 162-29. Agreements with Village.
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- § 162-31. Extension of time.
- § 162-32. Agreement; schedule of improvements.

§ 162-33. Modification of requirements.

§ 162-34. Inspections.

§ 162-35. Acceptance of streets and facilities.

ARTICLE VII
Miscellaneous Provisions

§ 162-36. Penalties for offenses.

§ 162-37. Certification and filing with county.

[HISTORY: Adopted by the Board of Trustees of the Village of Deferiet 8-13-1985 by L.L. No. 5-1985; amended in its entirety 12-29-2009 by L.L. No. 4-2009. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention — See Ch. 93.
Site development review — See Ch. 151.
Zoning — See Ch. 190.

ARTICLE I
Enactment, Authorization, Purpose and Variance

§ 162-1. Enactment and authorization.

Pursuant to the provisions of § 7-728 of New York State Village Law, and authority granted to the Village in § 10 of the Municipal Home Rule Law, the Village Board of the Village of Deferiet authorizes and empowers the Planning Board of the Village of Deferiet to approve plats within the Village of Deferiet and to pass and approve the development of plats already filed in the office of the Clerk of Jefferson County, if such plats are entirely or partially undeveloped, and the Planning Board is authorized and empowered to approve or disapprove:

- A. Changes in the lines of existing streets, highways or public areas shown on subdivision plats or maps in the office of the Clerk of Jefferson County.
- B. The laying out, closing off or abandonment of streets, highways or public areas under the provisions of this Village and highway laws within the Village of Deferiet.

§ 162-2. Title.

This chapter shall be known as the "Subdivision Control Law of the Village of Deferiet, New York."

§ 162-3. Purposes.

The purpose of this chapter is to provide for orderly, efficient growth within the community and to afford adequate facilities for the transportation, housing, comfort, convenience, safety, health and welfare of its population.

§ 162-4. Administration.

- A. This chapter shall be administered by the Planning Board and the Zoning Enforcement Officer.
- B. The Planning Board may seek the assistance of consultants, including but not limited to engineers or attorneys. When this is necessary, the Planning Board shall require an escrow account be established to cover these review expenses. The Board shall, if necessary, obtain an estimate of expenses for the consultants prior to setting the amount of the escrow account.
- C. The Planning Board may require additional security for the Village's review expenses, in accordance with the provisions of this section, in the event that the Village's potential liability for such expenses exceeds the initial amount deposited.

SUBDIVISION AND LAND
DEVELOPMENT

§ 162-4

§ 162-6

- D. All unused funds or proceeds from the escrow account shall be refunded to the applicant upon completion of the following:
- (1) Final approval, or rejection, of any application; or
 - (2) Final approval for all completed improvements and submission of all final bills to the Village for its review of expenses incurred as a result of the applicant's proposed plan.
- E. Applicability. No subdivision or portion thereof shall be sold, offered for sale, leased, or otherwise disposed of until a plan or plat is submitted to the Planning Board for approval and the plat is either approved or deemed approved by failure of the Board to render a decision within the time specified in Article III.
- F. Zoning permits. No permit shall be issued for the erection of any building within a proposed subdivision until said subdivision has been duly approved by the Planning Board and filed in the office of the County Clerk.

§ 162-5. Variance.

The Board may waive, subject to appropriate conditions, the provision of any or all such improvements and requirements as, in its judgment of the special circumstances of a particular plat or plats, are not requisite in the interest of the public health, safety and general welfare or which in its judgment are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

§ 162-6. Fees.

Application fees shall be set by Village Board resolution.

ARTICLE II Definitions

§ 162-7. Terms defined.

For the purpose of this article, words and terms used herein are defined as follows:

COMPREHENSIVE PLAN — The materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the Village.

FINAL PLAT — A drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by this chapter, to be presented to the Planning Board for approval and which, if approved, may be duly filed or recorded by the applicant in the office of the County Clerk.

LOT LINE ADJUSTMENT — The modification of any front, side, or rear lot line or property lines between any two parcels. A lot line adjustment shall not be considered a subdivision nor is it subject to subdivision review.

OFFICIAL SUBMISSION DATE — The date on which an application for plat approval, complete and accompanied by all required information cited in Article IV, § 162-14, endorsements and fees has been filed with the Planning Board.

PLANNING BOARD — The Deferiet Village Planning Board.

PRELIMINARY PLAT — A drawing or drawings showing the layout of a proposed subdivision, submitted to the Planning Board for approval prior to submission of the plat in final form, and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

SKETCH PLAN — A sketch of a proposed subdivision to enable the subdivider to save time and expense in reaching

general agreement with the Planning Board as to the form of the layout and objectives of this article.

STREET, MAJOR — A street intended to serve heavy flows of traffic from minor streets or as a business street providing access to business properties.

STREET, MINOR — A street intended to serve primarily as an access to abutting residential properties.

SUBDIVISION — Division of any parcel of land, into two or more lots, blocks or sites for the purpose of conveyance, transfer of ownership, improvement, building development or sale. The term "subdivision" shall include resubdivision. A tract of land shall constitute a subdivision upon the sale, rental, offer of resale or lease or building development of the second lot thereof within any consecutive three-year period.

SUBDIVISION INSPECTOR — The Zoning Enforcement Officer of the Village of Deferiet who is the person appointed, designated or otherwise retained by the Village Board to carry out the functions assigned to such person according to this article.

SUBDIVISION, MAJOR — A subdivision containing five or more lots or any subdivision requiring a new street.

SUBDIVISION, MINOR — A subdivision containing two, three or four lots, fronting on an existing street.

UNDEVELOPED PLAT — Those plats where 20% or more of the lots within the plat are unimproved unless existing conditions, such as poor drainage, have prevented their development.

ZONING ENFORCEMENT OFFICER — The person appointed, designated or otherwise retained by the Village Board to carry out the functions assigned to such person according to this article. See "Subdivision Inspector."

ARTICLE III
Review and Approval Procedure

§ 162-8. Stages.

- A. Minor subdivisions shall be processed in the following stages:
- (1) Sketch plan conference.
 - (2) Final plat submission.
 - (3) Public hearing.
 - (4) Final plat decision.
- B. Major subdivisions shall be processed in the following stages:
- (1) Sketch plan conference.
 - (2) Preliminary plat submission.
 - (3) Public hearing.
 - (4) Preliminary plat decision.
 - (5) Final plat submission.
 - (6) Optional public hearing.
 - (7) Final plat decision.

§ 162-9. Preapplication procedure.

Prior to the preparation of and the submission of a plat for approval, the subdivider should proceed to gather the necessary information and data on the existing conditions at the site. He or she should study the site suitability and opportunities for development. Presumably, he or she will discuss financing, planning and marketing with the lending institutions. With his or her licensed land surveyor, he or she should develop a preliminary layout in sketch form which, in turn, should be

submitted to the Planning Board for advice and assistance and should include a preliminary environmental assessment (EAF).

§ 162-10. Sketch plan conference.

- A. The subdivider shall request an appointment with the Planning Board for the purpose of reviewing the sketch plan. The Planning Board Clerk will notify the subdivider of the time, date and the place that the Planning Board will meet to consider and review such sketch plan and the program as they relate to the community Comprehensive Plan, design standards and improvement requirements. This meeting is intended to assist the subdivider in the planning and preparation of the preliminary or final plat to save both time and money in preparing maps and plans. The plan will be classified as a minor or major subdivision by the Planning Board as defined by this chapter. Subdivisions classified as minor may proceed directly to preparation of a final plat without submission and approval of a preliminary plat, which shall be required for a major subdivision.
- B. This step does not require formal application, fee or filing with the Planning Board.

§ 162-11. New York State Department of Health.

New York State Department of Health approval may be required for any subdivision containing five or more lots. Early contact by the subdivider with this department is advised.

§ 162-12. Preliminary plat.

- A. All major subdivisions shall be subject to the preliminary plat requirements, as specified herein. The subdivider shall file an application for approval of the preliminary plat on forms available at the Village office, accompanied by all documents specified in Article IV herein. The

preliminary plat shall be clearly marked "preliminary plat" and shall conform to the definition provided within § 162-7.

- B. Preliminary plat procedure. The Planning Board shall follow the procedures of New York State Village Law § 7-728 to approve, approve with conditions or disapprove the preliminary plat as outlined herein.
- (1) Application submission. All major subdivisions shall be subject to the preliminary plat requirements. The subdivider shall file an application for approval of the preliminary plat on forms available at the Village office accompanied by all documents specified in Article IV. If the Planning Board determines the subdivision is a minor subdivision, the subdivider may submit a final plat as described pursuant to § 162-13C, Final plat procedure.
 - (2) SEQRA. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article Eight of the Environmental Conservation Law and its implementing regulations.
 - (3) Public hearing. Following the review of the preliminary plat, the Planning Board shall hold a public hearing. This hearing shall be held within 62 days of the official submission date of the plat. The subdivider or the subdivider's agent shall attend the hearing.
 - (4) Notice of public hearing.
 - (a) The legislative body or other authorized body having jurisdiction in a municipality shall give notice to an adjacent municipality when a hearing is held by such body related to a subdivision review and approval on property that is within 500 feet of an adjacent municipality. Such notice shall be given by mail or electronic transmission to the clerk of the

adjacent municipality at least 10 days prior to any such hearing.

- (b) The hearing shall be advertised at least once in a newspaper of general circulation in the Village at least five days before the hearing if held independently of the hearing on the draft environmental impact statement, or 14 days before a hearing held jointly. Notice of the hearing shall be mailed to farm operations identified in the agricultural data statement at least five days before the hearing. All mailings are at the expense of the subdivider. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.
- (5) Decision. The Planning Board shall by resolution approve with or without modification or disapprove the preliminary plat as follows:
- (a) If the preparation of an environmental impact statement on the preliminary plat is not required, the Planning Board shall make its decision within 62 days after the close of the public hearing on the preliminary plat.
 - (b) If an environmental impact statement is required, the Planning Board shall make its own findings and its decision on the preliminary plat within 62 days after the close of the public hearing on such preliminary plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer.
 - (c) If the Planning Board approves the preliminary plat with modifications, or disapproves the preliminary plat, the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a preliminary plat, the Planning Board shall

state in writing any modifications it deems necessary for submission of the plat in final form.

- (6) Certification and filing of preliminary plat. Within five business days of the adoption of the resolution granting approval of such preliminary plat, two copies of such plat shall be certified by the Chairperson of the Planning Board as having been granted preliminary approval and a copy of the plat and resolution shall be filed in the office of the Village Clerk. A copy of the resolution and plat shall be mailed to the owner.
- (7) Effect of approval. Approval of a preliminary plat shall not constitute approval of the final plat. The preliminary plat shall be a guide to the preparation of the final plat. Before submission of the final plat or any portion thereof for formal approval, the subdivider must comply with these regulations and all requirements set forth by the Planning board in its review of the preliminary plat, and any NYS Department of Health requirements.

§ 162-13. Final plat.

- A. All subdivisions, as defined herein, shall require final plat approval by the Planning Board.
- B. The subdivider shall file an application for final plat approval on forms available at the Village office, accompanied by documentation as specified in Article IV herein, to the Planning Board. Such application shall be submitted at least 10 days prior to the meeting at which it is to be considered by the Planning Board, and no later than six months after the date of the preliminary plat approval.
- C. Final plat procedure. The Planning Board shall follow the procedures of New York State Village Law § 7-728 to

approve, approve with conditions or disapprove the final plat as outlined herein.

- (1) Application submission. All subdivisions shall require final plat approval by the Planning Board. The subdivider shall file an application for final plat approval on forms provided by the Village, and accompanied by documentation as specified in Article IV to the Planning Board. Such application shall be submitted no later than six months after the date of the preliminary plat approval. If the final plat is not submitted within six months, approval of the preliminary plat may be revoked by the Planning Board.
- (2) Public hearing. Following review of the final plat, a public hearing shall be held for a minor subdivision. Final plats for major subdivisions which are in substantial agreement with the preliminary plat do not require a second public hearing. Final plats for major subdivisions which are not in substantial agreement with the preliminary plat shall have a second public hearing. This hearing shall be held within 62 days of the official submission date of the final plat. The subdivider or the subdivider's agent shall attend the hearing.
- (3) Notice of public hearing.
 - (a) The legislative body or other authorized body having jurisdiction in a municipality shall give notice to an adjacent municipality when a hearing is held by such body related to a subdivision review and approval on property that is within 500 feet of an adjacent municipality. Such notice shall be given by mail or electronic transmission to the clerk of the adjacent municipality at least 10 days prior to any such hearing.

- (b) The hearing shall be advertised at least once in a newspaper of general circulation in the Village at least five days before the hearing. Notice of the hearing shall be mailed to all farm operations identified in the agricultural data statement at least five days before the hearing. All mailings are at the expense of the subdivider.
- (4) Decision. The Planning Board shall, by resolution, approve, approve with modification, or disapprove the final plat within 62 days of the closing of the public hearing or the official submission date if no public hearing is held.
- (5) Certification of final plat. Within five business days of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the Chairperson of the Planning Board as having been granted conditional or final approval. A copy of the resolution shall be mailed to the owner and a copy shall be filed in the office of the Village Clerk. In the case of a conditionally approved plat, such resolution shall include a statement of the requirements which when completed will authorize the signing thereof. Upon completion of such requirements the plat shall be signed by said duly authorized officer of the Planning Board and a copy of such signed plat shall be filed in the office of the Village Clerk. Conditional approval of the final plat shall expire within 180 days after the resolution granting such approval unless all requirements stated in such resolution have been certified as completed. The Planning Board may extend by not more than two additional periods of 90 days each the time in which a conditionally approved plat must be submitted for signature if, in the Planning Board's opinion, such extension is warranted by the particular circumstances.

- (6) Approval of plat in sections. In granting conditional or final approval of a plat in final form, the Planning Board may permit the plat to be subdivided and developed in two or more sections and may in its resolution granting conditional or final approval state that such requirements as it deems necessary to insure the orderly development of the plat be completed before said sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of a final plat may be granted concurrently with conditional or final approval of the entire plat, subject to any requirements imposed by the Planning Board.
- (7) Default approval of final plat. The time periods prescribed herein within which a Planning Board must take action on a final plat are specifically intended to provide the Planning Board and the public adequate time for review and to minimize delays in the processing of subdivision applications. Such periods may be extended only by mutual consent of the owner and the Planning Board. In the event a Planning Board fails to take action on a final plat within the time prescribed therefor, or within such extended period as may have been established by the mutual consent of the owner and Planning Board, such final plat shall be deemed granted approval.
- (8) Expiration of approval; filing plat with County Clerk. The signature of the Chairman or other duly authorized member of the Planning Board constituting final approval by the Planning Board of a subdivision plat shall expire within 62 days from the date of such approval, unless within such sixty-two-day period such plat or section thereof shall have been duly filed or recorded in the office of the County Clerk.

ARTICLE IV
Documents To Be Submitted

§ 162-14. Information required for all plat submissions.

- A. Name and address of subdivider and professional advisers, including license numbers and seals.
- B. Map of property, drawn to scale, at a scale of one inch to 50 feet, one inch to 100 feet, or one inch to 200 feet showing:
 - (1) Subdivision name, scale, North arrow and date.
 - (2) Subdivision boundaries.
 - (3) Contiguous properties and names of owners.
 - (4) Existing and proposed streets, utilities and structures.
 - (5) Watercourses, marshes, wooded areas, public facilities and other significant physical features on or near the site.
 - (6) Proposed pattern of lots, including lot widths and depths, street layout, open space, draining, water supply and sewage disposal facilities.
 - (7) Land contours at ten-foot intervals or other suitable indicators of slope.
- C. Copy of tax map(s).
- D. Existing restrictions on the use of land, including easements, covenants and zoning.
- E. Total acreage of subdivision and number of lots proposed.
- F. Building types, approximate size and cost.

§ 162-15. Minor subdivisions.

The following shall be submitted with all applications for approval of a final plat for a minor subdivision:

- A. One copy of the plat to be submitted to the County Clerk, drawn with ink on appropriate material, plus three paper copies.
- B. Information specified under § 162-14, updated and accurate.
- C. Sufficient data acceptable to the Planning Board to readily determine the location, bearing and length of every street line, lot line and boundary line; such data shall be sufficient to allow for the reproduction of such lines on the ground.
- D. On-site sanitation and water supply facilities shall be designed to meet the specifications of the State Department of Health, and a statement to this effect shall be made on the application.
- E. Copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- F. Additional information as deemed necessary by the Planning Board.
- G. Any required fees.

§ 162-16. Preliminary plat for major subdivisions.

The following shall be submitted with all applications for approval of a preliminary plat for a major subdivision:

- A. Three copies of the plat map, drawn to scale. The map scale shall be one inch to 100 feet, unless otherwise specified by the Planning Board.
- B. All information specified as under the Subdivision Control Law § 162-14, updated and accurate.

- C. All parcels of land proposed to be dedicated to public use and the conditions of such use.
- D. Grading and landscaping plans.
- E. The width and location of any street or public ways and the width, location, grades and street profiles of all streets or public ways proposed by the developers.
- F. The approximate location and size of all proposed waterlines, hydrants and sewer lines, showing connection to existing lines.
- G. Drainage plan, indicating profiles of lines or ditches and drainage easements on adjoining properties.
- H. Plan and cross sections showing sidewalks, streetlighting, street trees, curbs, water mains, sanitary sewers and storm drains, the character, width and depth of payments and subbase, the location of any underground cables.
- I. Preliminary designs for any bridges or culverts.
- J. The proposed lot lines with appropriate dimensions and area of each lot.
- K. An actual field survey of the boundary lines of the tract, giving complete description by bearings and distances, made and certified by a licensed surveyor. The corners of the tract shall also be marked by monuments of such size and type as approved by the Planning Board, shown on the plat.
- L. A copy of all covenants or deed restrictions intended to cover all or part of the tract.
- M. A draft environmental impact statement if required or an environmental assessment form.
- N. Where the preliminary plat submitted covers only a part of the subdivider's entire holding, a sketch of the prospective

future street and drainage system of the unsubdivided part shall be submitted for study to the Planning Board.

- O. Additional information as deemed necessary by the Planning Board.
- P. Any required fees.

§ 162-17. Final plat for major subdivisions.

The following shall be submitted with all applications for approval of a final plat for a major subdivision:

- A. One copy of the plat to be submitted to the County Clerk, drawn with ink on suitable material, as required for filing by the Jefferson County Clerk, plus four copies. The map scale shall be one inch to 100 feet unless otherwise specified by the Planning Board.
- B. Proposed subdivision name and the name of the village and county in which the subdivision is located; the name and address of the record owner and subdivider; name, address, license number and seal of the surveyor and/or engineer.
- C. Street lines, pedestrian ways, lots, easements and areas to be dedicated to public use.
- D. Sufficient data, acceptable to the Planning Board, to determine readily the location, bearing and length of every street line, lot line, boundary line; such data shall be sufficient to allow for the reproduction of such lines on the ground.
- E. The length and bearing of all straight lines, radii, length of curves and central angles of all curves; tangent bearings shall be given for each street. All dimensions of the lines of each lot shall also be given. The plat shall show the boundaries of the property, locations, graphic scale and true North point.

- F. All offers of cession and any covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Village Attorney as to their legal sufficiency.
- G. Permanent reference monuments shall be shown and constructed in accordance with Planning Board specifications.
- H. Approval of the State Health Department of water supply systems and sewage disposal systems proposed or installed.
- I. An approved environmental impact statement, if required, or an environmental assessment form.
- J. Construction drawings, including plans, profiles and typical cross sections, as required, showing the proposed location, size and type of street, sidewalks, streetlighting standards, street trees, curbs, water mains, sanitary sewer or septic systems, storms drains, or ditches, pavements and subbase and other facilities.
- K. Evidence of legal ownership of property.
- L. Deed restrictions, existing and proposed in form for recording.
- M. A certificate by the Zoning Enforcement Officer certifying that the subdivider has complied with one of the following alternatives:
 - (1) All improvements have been installed in accord with requirements of this chapter and with the action of the Planning Board giving approval of the preliminary plat; or
 - (2) A performance bond or certified check has been posted in sufficient amount to assure such completion of all required improvement.

- N. Any other data such as certificates, affidavits, endorsements or other agreements as may be required by the Planning Board in enforcement of this chapter.

§ 162-18. Waiver of submission requirements.

When an application concerns a subdivision of uncomplicated nature, such as a small subdivision along an existing street that requires no installation of public facilities, the Planning Board may waive certain submission requirements.

ARTICLE V
Design Standards and Required Improvements

§ 162-19. Street design standards.

- A. Conformity with Comprehensive Plan. The arrangement, width, location and extent of major roads and all minor roads should conform and be in harmony with the Comprehensive Plan for the Village. Streets not in the Comprehensive Plan should conform to the recommendation of the Planning Board, based on existing and planned streets, topography, public safety, convenience and proposed uses of land. The Village Highway Superintendent shall be consulted by the Planning Board for an advisory opinion before the approval of subdivision plans that include new streets. Proposed plans for street or road construction shall be in compliance with § 162-20, Street construction standards.
- B. Arrangement. Residential minor streets shall be designed to discourage through traffic whose origin and destination is not within the subdivision.
- C. Location. When a proposed subdivision is adjacent to or contains a state highway, the Planning Board may seek information from the New York State Department of Transportation as to the status of said highway in reference to right-of-way and direction. The Planning

Board may require a marginal street approximately parallel to and on each side of such a right-of-way at a distance suitable for an appropriate use of the intervening land as for park purposes in residential districts or for commercial or industrial purposes. Such distance shall also be determined with due regard for the requirements of approach grades and future grade separation. Railroad right-of-way shall receive similar consideration.

- D. Intersections. Streets shall intersect one another at angles as near to a right angle as possible, and no intersections of streets at angles less than 60° shall be approved. Street intersection shall be rounded with a radius of 25 feet measured at right-of-way line when said intersection occurs at right angles. If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve of radius acceptable to the Planning Board. Street jogs with center-line offsets of less than 125 feet shall be avoided.
- E. Dead-end street. Each dead-end street shall be provided with a turnaround deemed sufficient by the Village Highway Superintendent for snowplowing. Dead-end streets designed to be so permanently shall not be permitted unless provided with a turnaround.
- F. Half street. Dedication of a half street shall be prohibited, except when essential to the reasonable development of the subdivision in conformity with the other requirements of this article and where the Planning Board finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- G. Access. In commercial and industrial districts, definite and assured provision shall be made for service access, such as off-street parking, loading and unloading, consistent with and adequate for the uses proposed.

- H. Names and numbers. Names and new streets shall not duplicate existing or platted streets. New streets which are extended or in alignment with existing streets shall bear the name of the existing street. House numbers shall be assigned in accordance with the house numbering system now in effect in the Village.
- I. Street signs. The subdivider shall provide and erect street signs of a type to be approved by the Village Board at all street intersections prior to acceptance of the constructed streets.
- J. Trees. If street trees are provided, they should be outside the street right-of-way and planted in such a manner as not to impair visibility at any corner or corners.

Standards for Street Design

	Minor Street	Major Street
Minimum width of right-of-way (feet)	50	60
Minimum width of pavement (feet)	18	24
Minimum width of shoulders (feet)	5	5
Minimum radius of horizontal curves (feet)	150, except for street	400
Minimum length of vertical curves (feet)	Such that at least 100 feet line of sight exists measured 3 feet above the street surface	200

Standards for Street Design

	Minor Street	Major Street
Minimum length of tangents between reverse curves (feet)	100, except where excessive grades may be reduced to reasonable grades by shortening tangent	200
Maximum grade	10% except that grades up to 14% maybe approved on short runs	6% to 8%
Minimum grade	1%	1%
Minimum braking sight distance (feet)	200	300

§ 162-20. Street construction standards.

- A. Street improvements shall be installed at the expense of the subdivider.
- B. Streets shall be built with:
 - (1) Subgrade, which shall be rough graded the full width of the street right-of-way and compacted the full width between the outer edges of the curbs and gutter. The subbase shall consist of a suitable gravel and stone material approved by the Village Highway Superintendent and compacted to a depth approved by the Village Highway Superintendent.
 - (2) Base course, consisting of a suitable gravel and stone material approved by the Village Highway Superintendent at least six inches in depth after compaction.

- (3) Surface course, consisting of an approved bituminous material.

§ 162-21. Sidewalks.

Sidewalks may be required and shall be installed as follows:

- A. Sidewalks shall be installed at the expense of the subdivider, at such locations as the Planning Board may deem necessary.
- B. Sidewalks must be constructed to comply with the detail specifications of the Planning Board.
- C. Sidewalks shall be concrete, or other approved material, and have a minimum width of four feet in residential areas and five feet in commercial and industrial areas.

§ 162-22. Utilities.

Public utility improvements may be required and shall be installed as follows:

- A. Fire protection: hydrants to be of size, type and location specified by the insurance services organization.
- B. Streetlighting: poles, brackets and lights to be of size, type and location approved by the local power company.
- C. Electricity: power lines shall be placed underground and shall be approved by the local power company.
- D. Utility services shall be located from six feet to eight feet from the front property line to the center line of the utility service between the sidewalk and curblin.

§ 162-23. Water supply.

- A. Individual wells shall be installed at the expense of the subdivider to the approval of the Planning Board.

- B. If, in the opinion of the Planning Board, it is feasible and desirable to require a public water supply system, such system shall be installed at the expense of the subdivider to the approval of the Planning Board.

§ 162-24. Sewage disposal.

- A. Individual septic systems shall be installed at the expense of the subdivider to the approval of the Planning Board.
- B. If, in the opinion of the Planning Board, it is feasible and desirable to require a sanitary sewer system, such system shall be installed at the expense of the subdivider to the approval of the Planning Board in accordance with plans approved by the New York State Department of Environmental Conservation.
- C. All sanitary sewage disposal systems shall meet the requirements of the New York State Department of Health and Department of Environmental Conservation to the satisfaction of the Planning Board.
- D. Dry sewers may be required in those parts of the Village deemed to have sufficient population density to merit community sanitary sewer systems in the future. Such requirements shall be in harmony with the Comprehensive Plan for the Village.

§ 162-25. Lots.

- A. Location. All lots shall abut by their full frontage on public streets to ensure suitable access.
- B. Dimensions. The lot size, width, depth, shape and area shall comply with Chapter 190, Zoning, of the Code of the Village of Deferiet.
- C. Double frontage lots. Frontings on two streets, other than corner lots, shall be discouraged.

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- D. Pedestrian easements. In order to facilitate pedestrian access from streets to schools, parks, play areas or nearby streets, perpetual unobstructed easements at least 20 feet wide may be required by the Planning Board. In heavy traffic areas, sidewalks may be required in addition.
- E. Setback. The provisions of the Chapter 190, Zoning, shall apply regarding setback lines.
- F. Lot lines. Side lot lines shall be approximately at right angles to the street or radial to curved streets. On large-size lots and except when indicated by topography, lot lines shall be straight.
- G. Corner lots. Lots for residential use shall have extra width to permit appropriate building setbacks from and orientation to both streets.

§ 162-26. Unique and natural features.

Unique physical features, such as historic landmarks and sites, rock outcrops, hilltop lookouts, desirable natural contours and similar features, shall be preserved where possible. Also, streams, lakes, ponds and wetlands shall be left unaltered and protected by easements. All surfaces must be graded and restored within six months of completion of subdivision so no unnatural mounds or depressions are left. Original topsoil moved during construction shall be returned and stabilized by approved methods. Damage to existing trees should be avoided.

§ 162-27. Public open spaces and sites.

- A. Consideration shall be given to the allocation of areas suitably located for community purposes as indicated on the Comprehensive Plan and be made available by one of the following methods:

- (1) Dedication to the Village.
 - (2) Reservation of land for the use of property owners by deed or covenant.
 - (3) Reservation for acquisition by the Village within a reasonable period of time. Said reservation shall be made in such manner as to provide for a release of the land to the subdivider in the event that the Village does not proceed with the purchase.
- B. If the Planning Board determines that suitable park or parks of adequate size can not be properly located in the plat, or is otherwise not practical, the Board may require as a condition to approval of the plat a payment to the Village of a sum to be determined by the Village Board, which sum shall constitute a trust fund to be used by the Village exclusively for neighborhood park, playground or recreational purposes, including the acquisition of property.
- C. The Planning Board may require the reservation of such other areas of sites of a character, extent and location suitable to the needs of the Village as water plants, sewage treatment plant and other community purposes not anticipated in the Comprehensive Plan.

§ 162-28. Unsuitable land for subdivisions.

As a safety measure for the protection of the health and welfare of the people of the Village, that portion of a proposed lot which is found to be unsuitable for subdivision due to harmful features (e.g., drainage problems) shall not be subdivided until adequate methods are formulated by the subdivider and approved by the Planning Board. Before final approval, the subdivider shall, in lieu of the improvements, furnish a surety bond or certified check covering the cost of the required improvements.

ARTICLE VI
Bond for Installation of Improvements

§ 162-29. Agreements with Village.

In order that the Village has the assurance that the construction and installation of such improvements as storm sewer, public water supply, sewage disposal, street signs, sidewalks and street surfacing will be constructed, the subdivider shall enter into one of the following agreements with the Village:

- A. Construct all improvements directly affecting the subdivision, as required by this chapter and by the Planning Board, prior to final approval of the plat.
- B. In lieu of the completion of the improvements, 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 Planning Board.
- C. In lieu of the completion of improvements, 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.

§ 162-30. Conditions.

- A. Before the final plat is approved, the developer shall have executed a subdivider contract with the Village and a performance bond or certified check shall have been deposited covering the estimated cost of the required improvements that have been designated by the Planning Board.
- B. The performance bond or certified check shall be to the Village and shall provide that the subdivider, his or her heirs, successors and assigns, his or her agent or servants will comply with all applicable terms, conditions, provisions and requirements of this chapter, will faithfully

perform and complete the work of constructing and installing such facilities or improvements in accordance with such laws and regulations.

- C. Any such bond shall require the approval of the Village Board and the Village Attorney as to form, sufficiency, manner of execution and surety.
- D. Wherever a certified check is made, the same shall be made payable to the Village.

§ 162-31. Extension of time.

The construction or installation of any improvements or facilities, other than streets, for which guaranty has been made by the subdivider in the form of a bond or certified check deposit, shall be completed within one year from the date of approval of the final plat. The subdivider may request an extension of time, provided that he or she can show reasonable cause for inability to perform said improvements within the required time. The extension shall not exceed six months, at the end of which time the Village may use as much of the bond or check deposit to construct the improvements as necessary. The same shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications.

§ 162-32. Agreement; schedule of improvements.

When a certified check or performance bond is made pursuant to the preceding sections, the Village and subdivider 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 subdivider upon completion and approval after inspection of such improvement or installation. However, 10% of the check deposit or performance bond shall not be repaid to the subdivider until one year following the completion, inspection and acceptance by the Village of all

construction and installation covered by the check deposit or performance bond as outlined in the subdivider's contract.

§ 162-33. Modification of requirements.

Upon approval by the Village Board, the Planning Board, after due notice and public hearing, may modify its requirements for any or all improvements, and the face value of the performance bond shall thereupon be increased or reduced by an appropriate amount so that the new face value will cover the cost in full of the amended list of improvements required by the Planning Board and any security deposited with the bond may be increased or reduced proportionately.

§ 162-34. Inspections.

Periodic inspections during the installation of improvements shall be made by the Zoning Enforcement Officer to ensure conformity with the approved plans and specifications as continued in the subdivider's contract and this chapter. The subdivider shall notify the Zoning Enforcement Officer when each phase of improvements is ready for inspection. At least five days prior to commencing construction of required improvements, the subdivider shall pay to the Village Clerk the inspection fee required by the Village Board. Upon acceptable completion of installation and improvement, the Planning Board shall issue a letter to the subdivider or his or her representative, and such letter shall be sufficient evidence for the release by the Village of the portion of the performance bond or certified deposit as designated in the subdivider's contract to cover cost of such completed work.

§ 162-35. Acceptance of streets and facilities.

When the Zoning Enforcement Officer, following final inspection of the subdivision, certifies to the Planning Board and the Village Board that all installation and improvements have been completed in accordance with the subdivider's

contract, the Village board may, by resolution, proceed to accept the facilities for which bond has been posted or check deposited.

ARTICLE VII
Miscellaneous Provisions

§ 162-36. Penalties for offenses.

- A. Any person, firm or corporation who commits an offense against, disobeys, neglects or refuses to comply with or resist the enforcement of any of the provisions of this chapter shall, upon conviction, be deemed guilty of a violation, punishable by a maximum fine of \$250 or by imprisonment for not more than 15 days, or by both such fine and imprisonment. Each week an offense is continued shall be deemed a separate violation of this chapter.
- B. In addition to the penalties provided by statute, the Village Board may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

§ 162-37. Certification and filing with county.

The Village Check is hereby directed to forthwith file a certified copy of this chapter with the Clerk of Jefferson County.

TAXATION

Chapter 168

TAXATION

ARTICLE I
Veterans Exemption

- § 168-1. Purpose.
- § 168-2. Maximum exemption established.

ARTICLE II
Utility Tax

- § 168-3. Purpose and intent.
- § 168-4. Definitions.
- § 168-5. Imposition of tax.
- § 168-6. Records.
- § 168-7. Returns to be filed.
- § 168-8. Payment of tax.
- § 168-9. Failure to file.
- § 168-10. Notice.
- § 168-11. Penalty.
- § 168-12. Refunds.
- § 168-13. Tax to be considered an operating cost.
- § 168-14. Action to enforce payment.
- § 168-15. Rules and regulations.

[**HISTORY:** Adopted by the Board of Trustees of the Village of Deferiet as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Veterans Exemption

[Adopted 10-2-1984 by L.L. No. 1-1984; amended in its entirety 6-11-1985 by L.L. No. 2-1985]

§ 168-1. Purpose.

The purpose of this article is to reduce the maximum veterans exemption allowable pursuant to § 458-a of the Real Property Tax Law of the State of New York.

§ 168-2. Maximum exemption established.

Pursuant to the provisions of Subdivision 2(d) of § 458-a of the Real Property Tax Law of the State of New York, the maximum veterans exemption from real property taxes allowable pursuant to § 458-a of the Real Property Tax Law is established as follows:

- A. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed the lesser of \$6,000 or the product of \$6,000 multiplied by the latest state equalization rate of Deferiet.
- B. In addition to the exemption provided by Subsection A of this section, where the veteran served in a combat theater or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, qualifying residential real property also shall be exempt from taxation to the extent of 10% of the assessed value of such property; provided, however, that such exemption shall not exceed the lesser of \$4,000 or

the product of \$4,000 multiplied by the latest state equalization of Deferiet.

- C. In addition to the exemptions provided by Subsections A and B of this section, where the veteran received a compensation rating from the United States Veteran's Administration because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by 50% of the veteran's disability rating; provided, however, that such exemption shall not exceed the lesser of \$20,000 or the product of \$20,000 multiplied by the latest state equalization rate of Deferiet.

ARTICLE II

Utility Tax

[Adopted 6-15-1993 by L.L. No. 1-1993]

§ 168-3. Purpose and intent.

It is the purpose and intent of this article to authorize, impose and collect the maximum tax allowed on the gross income or gross operating income, as the case may be, on all utilities doing business in the Village of Deferiet to the maximum extent allowed by law.

§ 168-4. Definitions.

All words and terms used in this article shall have the same meaning and effect as those words and terms have in § 5-530 of the Village Law and § 186-a of the Tax Law.

§ 168-5. Imposition of tax.

Upon every utility subject to the supervision of the New York State Department of Public Service which is doing business in the Village of Deferiet and which has a gross income for the

year ending December 31 in excess of \$500, there is imposed an annual tax equal to 1% of its gross income. Upon every other utility which is doing business in the Village of Deferiet which has a gross operating income in excess of \$500 for the year ending December 31, there is imposed an annual tax equal to 1% of its gross operating income. The foregoing taxes shall apply only to the gross income or gross operating income applicable within the territorial limits of the Village of Deferiet but shall be in addition to any and all taxes, special assessments, rents and fees imposed by any other provision of law, rule or regulation. No tax is imposed by this section on any transaction originating or consummated outside the territorial limits of the Village of Deferiet, notwithstanding that some act be necessarily performed with respect to such transaction within such limits.

§ 168-6. Records.

Every utility subject to tax under this article shall keep such records of its business and in such form as the Village Treasurer of the Village of Deferiet may require, and such records shall be preserved for a period of three years, except that the Village Treasurer may consent to their destruction within that period or may require that they be kept longer.

§ 168-7. Returns to be filed.

Every utility, regardless of whether a tax is owed hereunder, shall file, on or before March 15 each year, a return for the preceding year ending on December 31, including any period for which the tax imposed hereunder or by any amendment hereof is effective. Each return shall state the gross incomes or gross operating incomes, as the case may be, for the period covered by such return. Returns shall be filed with the Village Treasurer on a form to be furnished by the Treasurer for such purpose and shall contain such other data, information or matters as the Village Treasurer may require to be included therein. The Village Treasurer, in order to ensure payment of the tax

imposed, may require at any time, on four weeks' notice, a further or supplemental return, which shall contain any data that may be specified by the Village Treasurer, and every return shall have annexed thereto a certification of the head of the utility making the same or the owner or copartner thereof or of the principal officer of the corporation, if such business is conducted by a corporation, to the effect that statements contained therein are true.

§ 168-8. Payment of tax.

Tax due shall be payable at the time of filing of a return and shall be deposited with the Village Treasurer. All moneys collected by the Village Treasurer shall be credited and deposited in the general fund of the village.

§ 168-9. Failure to file.

Upon the failure of any person to file a return or supplemental return or provide any additional information requested by the Village Treasurer, the Village Treasurer may commence an action in Supreme Court, State of New York, to determine and approve the amount of tax due. In any such action, the village shall be entitled to recover all costs and charges accrued in the prosecution of such proceedings, including reasonable attorney's fees, together with the tax due, interest, penalties, costs and charges.

§ 168-10. Notice.

Any notice authorized or required under the provisions of this article may be given by mailing the same to the person for whom it is intended, in a postpaid envelope, addressed to such person at the address given by him in the last return filed by him hereunder or, if no return has been filed, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is

determined according to the provisions of this article by the giving of notice shall commence to run from the date of mailing of such notice.

§ 168-11. Penalty.

Any person failing to file a return or corrected return or to pay any tax or any portion thereof within the time required by this article shall be subject to a penalty of 5% of the amount of tax due, plus 1% of such tax for each month thereafter of delay, or fraction thereof, after such return was required to be filed or such tax became due. The Village Treasurer may grant reasonable extensions of time to file upon showing by the utility of reasonable need for the requested extension.

§ 168-12. Refunds.

If, within one year from the payment of any tax or penalty, the payer thereof shall make application for a refund thereof and the Village Treasurer or a Supreme Court shall determine that such tax or penalty or any portion thereof was erroneously or illegally collected, the Village Treasurer shall refund the amount so determined. For like cause and within the same period, a refund may be so made on the initiative of the Village Treasurer. However, no refund shall be made of a tax or penalty paid pursuant to a determination of the Village Treasurer as hereinbefore provided, unless the Village Treasurer, after a hearing or of his own motion, shall have reduced the tax or penalty or it shall have been established in a proceeding pursuant to § 5-530 of the Village Law that such determination was erroneous or illegal. All refunds shall be made out of moneys collected under this article. An application for a refund, made as hereinbefore provided, shall be deemed an application for the revision of any tax or penalty complained of, and the Village Treasurer may receive additional evidence with respect thereto. After making his determination, the Village Treasurer shall give notice thereof to the person interested.

§ 168-13. Tax to be considered an operating cost.

The tax imposed by this article shall be charged against and be paid by the utility and shall not be added as a separate item to bills rendered by the utility to customers or others but shall constitute a part of the operating costs of such utility.

§ 168-14. Action to enforce payment.

Whenever any person shall fail to pay any tax or penalty imposed by this article, the attorney regularly representing the village shall, upon the request of the Village Treasurer, bring an action to enforce payment of the same. The proceeds of any judgment obtained in any such action shall be paid to the Village Treasurer. Each such tax and penalty and interest charge shall be a lien upon the property of a person liable to pay in the same manner and to the same extent as the tax, penalty and interest imposed by § 186-a of the Tax Law is a lien.

§ 168-15. Rules and regulations.

In the administration of this article, the Village Treasurer shall have the power to make reasonable rules and regulations, not inconsistent with law, as may be necessary for the exercise of his powers and the performance of his duties and to prescribe the form of blanks, reports and other records relating to the administration and enforcement of this article.

Chapter 190

ZONING

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ARTICLE IX
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§ 190-30. Amendment procedure.

ARTICLE X
Effective Date

§ 190-31. When effective.

[HISTORY: Adopted by the Board of Trustees of the Village of Deferiet 10-3-2001 by L.L. No. 1-2001.¹ Amendments noted where applicable.]

GENERAL REFERENCES

- Building construction — See Ch. 93.
- Site development review — See Ch. 151.
- Subdivision and land development — See Ch. 162.

ARTICLE I
General Provisions

§ 190-1. Purpose.

The purpose of the Deferiet Zoning Law is to promote and guide development in an orderly and efficient manner. This will reduce land use conflicts, promote traffic safety, enhance and protect the historical and recreational attributes of the Village, retain and improve land values, encourage quality development, ensure wise use of utilities, and promote the

1. Editor's Note: This local law superseded former Ch. 190, Zoning, adopted 8-13-1985 by L.L. No. 4-1985.

general health and welfare of Village residents. This law is designed to protect existing development while providing some control of growth so that future development will not be a detriment to the Village and its residents.

§ 190-2. Title.

This law shall be known as the "Village of Deferiet Zoning Law."

§ 190-3. Application of regulations.

- A. No building, structure, land or parts thereof shall be used, occupied, erected or moved or exteriors altered except in conformance with the requirements of this law and only after a zoning permit is issued.
- B. No building shall hereafter be erected or altered:
 - (1) To exceed the maximum height requirements of the district in which it is located.
 - (2) To have narrower or smaller rear yards, front yards, or side yards than are specified in this law for the district in which such building is located.
- C. No part of a yard or other open space about any building required for the purpose of complying with the provisions of this law shall be included as a part of a yard or other open space similarly required for another building.
- D. A zoning permit shall not be required for routine maintenance and improvements (e.g., roof replacements, window replacements, siding replacements, etc.) that do not expand the exterior dimensions of the structure and do not involve a change in use.
- E. Multiple principal commercial uses are permitted on one lot provided that each use meets the dimensional requirements set forth in Article IV, § 190-9.

ARTICLE II
Definitions

§ 190-4. Word usage; terms defined.

- A. When used in this law, words in the present tense include the future, and words of one gender include all genders. The singular number includes the plural, and the plural includes the singular. The term "shall" is intended to be mandatory. Whenever a word or term is defined to include certain items or matters, such inclusion is intended to be by way of specification and not of limitation. The word "lot" includes the word "plot" or "parcel." If interpretation or clarification of any word used in this law is needed, it shall be provided by the Village Zoning Board of Appeals in accordance with such powers granted to it.
- B. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURE/USE — Any building or use which is subordinate to, and whose use is incidental to, the principal building or use on the same lot or on an adjoining lot under the same ownership.

ADULT ENTERTAINMENT USE — Any business, including but not limited to those specifically enumerated in this law, which has more than 10% of the volume of its stock-in-trade devoted to the display, viewing or dissemination of material distinguished or characterized by an emphasis on matter depicting, describing, or related to sexual activity or specified anatomical areas, including but not limited to any establishment that allows or promotes dancers, performers or employees, whether male or female, to display specified anatomical areas.

AGRICULTURAL USE — Land which is used for raising livestock or agricultural products, including farm structures and storage of agricultural equipment, riding and boarding stables, and, as an accessory use, the sale of agricultural products raised on the property.

ALLEY — A single lane service roadway or right-of-way that provides a secondary means of access to an abutting lot not intended to support general traffic circulation. The following are examples of alleys in the Village of Deferiet: Regis, Reynolds, Jenica Way, Post Office Drive, School Block Alley, and Store Block Alley. **[Amended 12-29-2009 by L.L. No. 2-2009]**

ALTER/ALTERATION — To change or rearrange any exterior structural part of the existing facilities of a building or structure by enlarging the building or structure, whether by extending any side or increasing the height thereof, or to move the same from one location or position to another. It shall not be considered an alteration if there is no expansion of exterior dimensions. For instance, replacement of windows, doors, siding, roofing, etc., as well as interior alterations, shall not be considered an alteration for the purpose of this law.

ANTENNA — A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include, but not be limited to, radio navigation, radio, television, microwave communications and wireless communications.

AUTOMOBILE SERVICE STATION — Any lot or building or portion thereof used or occupied for the sale or supply of gasoline or motor vehicle fuels, oils, or lubricants, or for the polishing, greasing, washing, servicing or repairs and painting of motor vehicles. This also may include the sale of petroleum products, prepackaged food products, household items, newspapers and magazines, sandwiches and other freshly prepared foods.

BED-AND-BREAKFAST — A private dwelling, structure, or part thereof in which lodging is provided to nine or fewer transient occupants for profit by the owner or operator and which may or may not provide in-house food service to its guests.

BUILDING — Any structure having a roof supported by columns or by walls which is used or occupied for the shelter, housing or enclosure of animals, persons or property. The term, unless specified, includes both principal and accessory buildings.

BUILDING AREA — The total area, taken on a horizontal plane at main grade level, consumed by the principal building and all accessory buildings, excluding chimneys, uncovered porches, patios, terraces, steps and open areaways.

BUILDING LINE — The line formed by the face of the building/structure nearest the lot line. This shall include measurement from such structures as chimneys, uncovered porches, patios, terraces, steps, open areaways, roof overhangs, cornices, eaves and other similar protrusions.

CAR WASH — A building, structure or facility which obtains commercial income from the washing, cleaning or waxing of motor vehicles. Such a use may be the principal function of the building or land on which it is situated or an ancillary use thereof.

CLUB, PRIVATE — A building or use catering exclusively to club members and their guests for fraternal or recreational purposes.

COMMUNITY FACILITY — A nonprofit or quasi-public use, such as a church, library, religious gathering place, public or private school, hospital, museum, performing arts center, or municipally owned or operated building, structure, or land use for public purposes.

CORNER SURVEYOR POST — a type of ground marker placed by a professional licensed surveyor to identify the geographical point where a property boundary line changes linear direction. Also referred to as a "corner post" or "corner stake." [Added 12-29-2009 by L.L. No. 2-2009]

DRIVE-IN SERVICES — A commercial facility, building or use which relies upon the motoring public for its business. Such facilities contain appropriate traffic/parking arrangements to serve motor vehicles. Examples of such facilities include drive-in restaurants, banks, etc.

DWELLING UNIT — Any building used in whole or part for human habitation (mobile homes are defined separately).

- (1) **DWELLING, SINGLE-FAMILY** — A detached building, or a portion thereof, used or occupied as living quarters and containing separate cooking facilities. The term does not include a tourist home, mobile home, institutional use, hotel, motel or tourist accommodations.
- (2) **DWELLING, MULTIPLE** — A building, or a portion thereof, used or occupied as living quarters and containing separate cooking facilities. The term does not include a tourist home, mobile home, institutional use, hotel, motel or tourist accommodations.

ERECT — To construct, build, re-erect, reconstruct, rebuild or excavate for a building or structure.

ESSENTIAL SERVICES — Services and utilities needed for the health, safety, and general welfare of the community, such as telephone, electrical or gas substations, water treatment or storage facilities, pumping stations and similar facilities.

FAMILY — Any number of individuals living together as a single housekeeping unit.

FENCE — A structure of wood, stone or other materials commonly used as fencing materials or a combination thereof intended for defense, security, screening, partitioning, or enclosure. **[Amended 12-29-2009 by L.L. No. 2-2009]**

FENCE, SPLIT-RAIL — An artificial barrier constructed from vertical rail posts and split rails which horizontally join the vertical rail posts. The purpose of the rail fence is primarily a visual separation of two areas. **[Added 12-29-2009 by L.L. No. 2-2009]**

FLOOR AREA — The total horizontal area of all floors of a building excepting the basement and attic thereof measured along the faces of the interior walls.

FUNERAL HOME — An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body and for the observances held for a dead person as an incident to burial and cremation.

GATE — A movable barrier hinged to a fence or wall, which closes an opening in the fence or wall. **[Added 12-29-2009 by L.L. No. 2-2009]**

GRADES, FINISHED — Completed surfaces of ground, lawns, walks, paved areas and roads brought to finished (final) grade, as shown on plans relating thereto.

HEIGHT — The vertical distance measured from the average elevation of the main grade at the front of the building/structure to the highest point of the roof.

HOME OCCUPATION — Any accessory use of a service character customarily conducted within a dwelling by the resident thereof which is clearly secondary to the use of the dwelling for living purposes and does not substantially change the character thereof or have any exterior evidence of such use, other than an approved advertising sign and parking requirements associated therewith. Occupations such as a physician, dentist, lawyer, insurance sales, beauty salon, musical instructor, and seamstress shall be deemed to be home occupation uses. Not more than two people plus the property owner shall be employed at such a use.

HOTEL/MOTEL — A building which has a common entrance and general dining room and provides for more than nine occupants for short or extended periods of time.

INDUSTRIAL/MANUFACTURING OPERATIONS — Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials.

INOPERATIVE MOTOR VEHICLE — Any motor vehicle which is unregistered or inoperative for a period of six successive months or more.

KENNEL/VETERINARY SERVICES — A building, portion thereof or use which is used in the treatment and convalescence of ailing animals or the boarding of animals.

LAW — Refers to the Zoning Law of the Village of Deferiet, unless otherwise specified.

LOT — A circumscribed area of land which is described in a deed or depicted or filed on a subdivision plat, either of which has been legally and duly recorded or filed in the Jefferson County Clerk's office.

LOT AREA — Total area within the property lines excluding any part thereof lying within the boundaries of a public street or proposed public street or area of an easement or right-of-way for vehicular ingress and egress.

LOT, CORNER — A parcel of land bounded by two or more intersecting streets. A corner lot is formed by either the intersection of two streets or the intersection of a street and an alley. A corner lot formed by two streets is considered to have two front yards while a corner lot bounded by a street and an alley shall have a front yard on the street and a rear yard on the alley. **[Amended 12-29-2009 by L.L. No. 2-2009]**

LOT DEPTH — A mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

LOT, INTERIOR — A lot other than a corner lot.
[Added 12-29-2009 by L.L. No. 2-2009]

LOT LINE — A property line dividing one lot from another or from the street, alley, or waterway.
[Amended 12-29-2009 by L.L. No. 2-2009]

- (1) **LOT LINE, FRONT** — The lot line adjoining any street line not including alleys or the Black River. If a lot adjoins two or more streets, it shall be deemed to have a front lot line respectively on each.
- (2) **LOT LINE, REAR** — The lot line opposite from the front lot line. If the lot abuts an alley, the rear lot line directly divides a property from the right-of-way of the alley.
- (3) **LOT LINE, SIDE** — Any lot line other than front or rear lot lines. If a parcel is a corner lot, the lot line that is perpendicular to the rear lot line as well as perpendicular to one of the two front lot lines is a side lot line.

LOT OF RECORD — Any lot which individually or as a part of a subdivision has been recorded in the County Clerk's office and for which proof can be given that the lot was intended for development prior to adoption of this law.

LOT WIDTH — The horizontal distance between the side lot lines measured at the required setback lines.

MEDICAL FACILITY — Any building, portion of a building or use thereof which is used in the diagnosis and/or treatment of medical ailments.

MOBILE HOME — Manufactured housing built on a chassis and factory designed to be less than 18 feet in width. A mobile home shall be construed to remain a

mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. This does not include recreation vehicles or sectional prefabricated houses.

MOBILE HOME PARK — Any lot under single ownership on which two or more mobile homes are located, regardless of whether or not a charge is made for accommodations.

MODULAR HOME — A dwelling unit which is manufactured in two or more sections off site and transported to the construction/placement site and assembled there. All modular homes shall only be permitted on a permanent foundation. Modular homes will be considered single-family dwellings.

MOTEL — A building, or group of buildings, whether detached or in connected units, used as individual sleeping or living quarters with direct outside access and a related office, with or without restaurant facilities, designed primarily for transient travelers and provided with accessory off-street parking facilities.

NONCONFORMING USE — A use, lot or structure legally and substantially existing at the effective date of this law which does not conform to the requirements of this law.

NURSING HOME — A dwelling where persons are lodged and furnished with meals and nursing care for commercial purposes. This shall not include homes for the mentally handicapped or drug or alcohol rehabilitation patients.

OFFICE — Establishments such as, but not limited to, engineers, architects, attorneys, banks and trust companies, credit agencies, investment companies, insurance agents, brokers, and buyers, sellers, agents and developers of real estate.

OFF-STREET PARKING FACILITY — A space for parking off the public streets and places in the Village.

PARKING SPACE — An off-street space available for the parking of one motor vehicle and having an area of not less than nine feet wide by 18 feet long, exclusive of passageways and access thereto, and having direct access to a street or highway.

PERMITTED USE — Any principal or accessory use allowed as of right under the provisions for the district in which the land, building or structure is located and that does not require a special use permit review.

PLANNING BOARD — The Planning Board of the Village of Deferiet.

POOL, SWIMMING — A structure or facility constructed to hold water at least three feet deep and used by either private or public parties for recreational purposes.

PRINCIPAL BUILDING — A building in which is conducted the main or principal use of the lot on which such building is located.

PRINCIPAL USE — The main or principal purpose for which any land, building or structure is used or occupied.

RECREATION AREA/FACILITY — A municipally or privately owned and operated swimming pool, open space, tennis court, athletic field, hiking trail, fishing access or similar area or facility for recreational use.

RECREATION VEHICLE — A vehicle which is:

- (1) Built on a chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Self-propelled or permanently towable by a light-duty truck; and

- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreation, camping, travel and seasonal use.

RECREATION VEHICLE PARK — Any lot or parcel of land upon which two or more recreation vehicle sites are located, established, or maintained for occupancy by recreation vehicles of the general public as temporary living quarters for recreation or vacation purposes.

RESTAURANT — Any establishment at which food is sold for consumption to patrons seated in an enclosed building or on the premises.

RETAIL STORE OR SERVICE, LARGE — A store of commercial or service nature with 7,500 square feet or more of gross floor area.

RETAIL STORE OR SERVICE, SMALL — A store of commercial or service nature with less than 7,500 square feet of gross floor area.

RETAINING WALL — A structure of wood, stone, or other material for the retention of earth, stone, fill or other materials as in the case of retaining walls or bulkheads.
[Added 12-29-2009 by L.L. No. 2-2009]

SCHOOL — Includes parochial, private, public and nursery school; college, university and accessory uses; and shall exclude commercially operated schools of beauty culture, business, dancing, driving, music and similar establishments.

SELF-SERVICE STORAGE FACILITY — A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

SERVICE STATION — See definition for "automobile service station."

SEXUAL ACTIVITIES — Any act of masturbation, fellatio, sadomasochism, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such a person is female, breast.

SHOPPING CENTER — Two or more commercial establishments built on a site that is planned, developed, owned and managed as an operating unit related in location, size, and type of shops to the trade area that the unit serves.

SIGN — Any kind of billboard, signboard, pennant, or other shape or device or display used as an advertisement, announcement, or direction. Such a notice may be incorporated onto a building surface or be freestanding or attached.

SIGN, ADVERTISING — A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered on the premises or elsewhere than where the sign is located.

SPECIFIED ANATOMICAL AREAS — Human male or female genitals, pubic area or buttocks with less than a full opaque covering, or female breast with less than fully opaque covering of any portion thereof below the top of the nipple, or covered male genitals in a discernibly turgid state.

STREET — A public thoroughfare for motor vehicles which affords a primary means of transportation and access. An alley shall not be considered a street.
[Amended 12-29-2009 by L.L. No. 2-2009]

STREET LINE/HIGHWAY/ALLEY RIGHT-OF-WAY — The dividing line between a lot and a road right-of-way line or, in the case of a lot encompassing a road or street right-of-way, the right-of-way line for public travel. Where the width of the road is not established the road line shall be considered to be the edge of the shoulder or the interior edge of a sidewalk, if any.

STRUCTURE — Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. The term includes dwelling units, buildings, swimming pools, platforms, stadiums, and towers but is not intended to include conventional sidewalks, driveways, curbs, or hedges.

TELECOMMUNICATION FACILITY — Any structure on which a transmitting or receiving antenna(s) is located.

TRUCK TERMINAL — A lot, building or structure therein used principally for the transient storage of registered and licensed trucks, tractor trailers, vans, or other motor vehicles used for bulk transport, loading and unloading of materials and including any refueling, cleaning or repairs associated therewith.

WAREHOUSE — A facility that stores goods for future transport, truck terminals and distribution centers not for the public.

YARD — Generally determined to mean that unoccupied open space (from the ground upward) between the building line and the nearest lot line or street line.

- (1) **YARD, FRONT** — The area between the front building line and the front lot line and extending the full width of the lot.
- (2) **YARD, REAR** — The area between the rear building line and the rear lot line and extending the full width of the lot.
- (3) **YARD, SIDE** — The area extending from the front yard to the rear yard between the required side building line and the side lot line.

ZONING OFFICER — The person appointed by the Village Board to carry out the regulations of this law.

ZONING PERMIT — A permit issued under this law by the Zoning Officer evidencing compliance with the requirements of this law prior to any change in use or construction or exterior alteration of any structure.

ARTICLE III Establishment of Districts

§ 190-5. Zoning districts.

For the purpose of promoting the health, safety and general welfare of the community, the land within the Village of Deferiet is divided into the following zoning districts:

- A. Residential 1 (R-1).
- B. Residential 2 (R-2).
- C. Residential 3 (R-3).
- D. Business 1 (B-1).
- E. Business 2 (B-2).
- F. Multiple Use (MU).
- G. Industrial (IND).
- H. River District.

§ 190-6. Zoning Map. ²

These zoning districts are shown, defined, and bounded on a map titled "Zoning Map, Village of Deferiet, Jefferson County, New York," dated September 5, 2001, and are further described by this law. This law includes both explanatory materials and the map. This law (as well as any amendments thereto) must be filed in the office of the Village Clerk. The Clerk shall certify

2. Editor's Note: The Zoning Map is on file in the office of the Village Clerk.

(by recording the nature and date) any changes to this law or the map.

§ 190-7. Interpretation of district boundaries.

- A. Where uncertainty exists with respect to the exact boundaries of districts as shown on the Zoning Map, the final decision will be made by the Village Zoning Board of Appeals.
- B. District boundary lines generally follow or parallel, at set distances, center lines of roads, waterways, railroads, existing lot lines, and other man-made and natural features. The Zoning Officer shall be given the authority to scale these districts from the Zoning Map and relate them to accurate ground points when they are not appropriately delineated on the map.

**ARTICLE IV
Schedules**

§ 190-8. Schedule I, Use Controls.

- A. Residential 1 District.
 - (1) Purpose: to provide single-family residential uses and compatible development.
 - (2) Permitted uses: accessory uses and single-family dwellings.
 - (3) Special permit uses: recreation facilities/areas, community facilities, bed-and-breakfasts, home occupations, and essential services.
- B. Residential 2 District.
 - (1) Purpose: to provide single-family residential uses and compatible development with smaller lots.

- (2) Permitted uses: accessory uses and single-family dwellings.
- (3) Special permit uses: recreation facilities/areas, community facilities, bed-and-breakfasts, home occupations, and essential services.

C. Residential 3 District.

- (1) Purpose: to promote larger-lot single-family and multiple-family residential uses and compatible opportunities.
- (2) Permitted uses: accessory uses, multifamily dwellings, and single-family dwellings.
- (3) Special permit uses: home occupations, bed-and-breakfasts, and essential services.

D. Business 1 District.

- (1) Purpose: to promote commercial development in the Village Center.
- (2) Permitted uses: accessory uses and single-family dwellings.
- (3) Special permit uses: home occupations, medical facility, restaurant, small retail, private clubs, bed-and-breakfasts, essential services, office, recreation facility/area, community facility, and religious institution.

E. Business 2 District.

- (1) Purpose: to provide for larger-lot commercial development.
- (2) Permitted uses: accessory uses and single-family dwellings.

- (3) Special permit uses: automobile service station,³ convenience store, car wash, essential services, home occupations, hotel/motel, medical facility, office, private clubs, religious institution, restaurant, large retail, small retail, shopping center, bed-and-breakfasts, drive-in services, community facility, nursing home, and recreation facility/area.

F. Industrial District.

- (1) Purpose: to accommodate industrial uses.
- (2) Permitted uses: accessory uses.
- (3) Special permit uses: essential services, industrial/manufacturing operations,⁴ office, truck terminal, warehouse, telecommunication facilities,⁵ and all special permit uses listed under the Business Districts.

G. Multiple Use District.

- (1) Purpose: to accommodate mixed residential development and complimentary commercial development.
- (2) Permitted uses: single-family dwellings and accessory uses.
- (3) Special permit uses: adult entertainment,⁶ automobile service station,⁷ convenience store, car wash, home occupations, essential services, hotel/motel, medical

3. Editor's Note: This use has specific special use criteria. See § 190-12A.

4. Editor's Note: This use has specific special use criteria. See § 190-12C.

5. Editor's Note: This use has specific special use criteria. See §§ 190-10C and 190-12E.

6. Editor's Note: This use has specific special use criteria. See § 190-12B.

7. Editor's Note: This use has specific special use criteria. See § 190-12A.

facility, mobile home park,⁸ nursing home, office, private clubs, recreation facilities/areas, religious institution, restaurant, large retail, small retail, shopping center, truck terminal, bed-and-breakfasts, veterinarian/kennel, multiple-family dwellings, drive-in services, multifamily dwellings, mobile homes, recreation vehicle park, and telecommunication facility.⁹

H. River District.

- (1) Purpose: to protect the shoreline areas of Black River by preserving existing vegetation and keep development from damaging the pristine rivershed.
- (2) Permitted uses: essential services.
- (3) Special permit uses: recreation facility/area.

§ 190-9. Schedule II, Lot Dimensions.

District	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Minimum Yards			Maximum Height Building (feet)
			Front (feet)	Side (feet)	Rear (feet)	
R-1	20,000	100	40	20	20	35
R-2	5,000	50	20	10	20	35
R-3	15,000	75	30	15	25	35
B-1	5,000	50	5	5	5	35
B-2	30,000	200	30	10	10	35
IND	50,000	300	100	75	100	35
MU	20,000	100	40	20	30	35
River	20,000	100	40	20	20	35

8. Editor's Note: This use has specific special use criteria. See § 190-12D.

9. Editor's Note: This use has specific special use criteria. See §§ 190-10C and 190-12E.

NOTES:

Accessory uses in all districts shall have a minimum setback requirement of five feet from the front, side, and rear property lines.

Setbacks shall not be required for fences or walls.

All uses shall have a minimum setback of five feet from an alley.

ARTICLE V Special Permit Review

§ 190-10. Permit review procedure.

Following are the procedural steps that an applicant shall undertake for a special permit review. Only those actions listed under Article IV, § 190-8, Schedule I as special uses need to undergo this review. A special permit must be approved by the Village Planning Board if it meets the conditions established for the respective use.

- A. An application for a special use permit shall be considered received by the Village Planning Board when a complete application is submitted at a meeting of the Village Planning Board and the necessary fees have been paid.
- B. The Planning Board may require that any or all of the following elements be included in the special use application:
 - (1) Name and address of applicant and owner, if different, and of the person responsible for preparation of such drawings.
 - (2) Date, North arrow, and written and graphic scale.
 - (3) Boundaries of the area plotted to scale, including distances, bearings, and areas.
 - (4) Location and ownership of all adjacent lands as shown on the latest tax records.
 - (5) Location, name, and existing width and right-of-way of adjacent roads.

- (6) Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use or adjoining the property.
- (7) Location, size, and design of the following: any proposed use, existing and proposed buildings, driveways, parking, outdoor storage, sidewalks or pedestrian paths, drainage facilities, sewage facilities, water facilities, signs, outdoor lighting, landscaping or screening, and snow storage.
- (8) Plans for controlling soil erosion and sedimentation during the development, if applicable.
- (9) Plans for grading and drainage showing existing and proposed contours of one-foot intervals, if applicable.
- (10) Written designation of the amount of gross floor area (measured from interior dimensions proposed for each nonresidential use).
- (11) A SEQR environmental assessment form (EAF) or draft environmental impact statement (EIS), where required.
- (12) Facade drawings with elevations of all proposed buildings from finished grades.
- (13) Traffic volume generation and circulation plans both on and off the proposed project site.
- (14) Projected construction schedule and stages.
- (15) Location and design of any structures, facilities, and processes that potentially impact upon the quality of ambient air, the quantity of the impact and mitigating measures that will be taken to reduce adverse impacts on the quality of ambient air.
- (16) Other elements integral to the proposed development as considered necessary by the Planning Board,

including identification of any federal, state, or county permits required for the project's execution.

- (17) All applicable application fees and review costs as determined by the Village Board.

C. Telecommunication facilities.

- (1) In addition to all the other special use application requirements described in this section, an application for a telecommunication facility shall include the following additional information:
- (a) Make and model of the tower to be erected.
 - (b) Manufacturer's design data, installation instructions and construction plans.
 - (c) Applicant's proposed tower maintenance and inspection procedures.
 - (d) Anti-climb devices for the tower and any guy wires.
 - (e) Documentation of the proposed intent and capacity of use as well as a justification for the height of any tower or antennas and justification for any land or vegetation clearing required.
 - (f) A completed environmental assessment form (long form).
 - (g) A completed visual environmental assessment form (visual EAF).
 - (h) An adequate report inventorying existing towers within a reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities and use of other preexisting structures as an alternative to new construction.

- (2) The applicant shall be required to submit a report demonstrating its good faith efforts to secure shared use from existing towers as well as documenting capacity for future shared use of the proposed tower.
- D. The Planning Board shall hold a public hearing within 62 days of receiving a complete application.
- E. Public notice of said hearing shall be printed in a newspaper of general circulation in the Village at least five days prior to the date of the public hearing. At least 10 days before such hearing, the Board shall mail notices to the applicant and to the County Planning Board as required by General Municipal Law § 239-m, which shall be accompanied by a full statement of such proposed action.
- F. The Planning Board shall decide upon the application within 62 days after the hearing is closed. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Board. The decision of the Planning Board shall be filed in the office of the Village Clerk within five business days and a copy mailed to the applicant.

§ 190-11. General special use criteria.

- A. Following is a list of the general criteria that all special uses must meet before special permit approval is granted by the Planning Board:
 - (1) The proposed special use must not conflict, by virtue of its character, location, arrangement, size and design of buildings, lighting and signs, with neighboring uses.
 - (2) The proposed special use shall not cause undue noise, vibration, odor, lighting glare, and unsightliness so as to detrimentally impact on adjacent properties.

- (3) Appropriate on-lot drainage is required to eliminate any potential on-site water-related or erosion problems. The drainage systems instituted shall not detrimentally impact on adjacent properties.
 - (4) Traffic access to and from the site, as well as on lot, shall be so constructed as to reduce traffic hazards. Adequacy and arrangement of safe vehicular traffic access and circulation, including intersections, road widths, curb cuts, channelization structures and traffic controls. Such facilities must be constructed to Village specifications and standards.
 - (5) Adequacy and arrangement of pedestrian traffic access and circulation, including separation of pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic, and pedestrian convenience. This shall also include specifications and standards to which such facilities shall be constructed.
 - (6) Adequacy, type and arrangement of trees, shrubs and other landscaping which constitutes a visual and/or a noise-detering buffer between competing adjacent uses and adjoining lands. The proposed use shall be landscaped to ensure a sightly appearance. This shall ensure adequate vegetative ground cover to eliminate erosion and promote aesthetics. Trees and existing vegetation shall be retained where possible.
- B. In reaching its decision on the proposed use, the Planning Board shall consider, among other things, the need for the use in the specified location, the existing character of the area in which the use would be located, the potential effect of the use on the neighborhood, the safeguards provided to minimize possible detrimental effects of the proposed use on adjacent property and the manner in which the use meets the criteria established in this article.

§ 190-12. Specific special permit uses and their requirements.

Following is a list of specific special use requirements. These are specific requirements for some uses and must be followed. Uses that are not listed herein and are listed as special uses in Article IV, § 190-8, Schedule I shall meet the general criteria for all special uses found in § 190-11 of this article.

A. Automobile service stations.

- (1) Underground tanks shall be not less than 50 feet from any property line.
- (2) Entrance and exit driveways shall be located at least 10 feet from any property line.
- (3) There shall be a limit of 10 registered vehicles stored on site waiting to be serviced.
- (4) There shall be a limit of two unregistered vehicles on the property at any time.

B. Adult entertainment.

- (1) Such uses may not be located within 1,000 feet, measured from lot line to lot line, of churches, schools, parks, playing fields or other areas in which groups of minors regularly congregate.
- (2) Uses shall not be located within 1,000 feet of any residential lot line.
- (3) Such uses shall not be located within a one-thousand-foot radius of another such use.
- (4) One exterior sign that meets the sign requirement for the district within which the use is located will be allowed. However, said sign shall not depict lewd or obscene objects or activity or utilize lewd or obscene language.

- (5) All building openings, entries, windows, doors, etc., shall be located, covered or screened in such a manner as to prevent a view into the interior from any public or semipublic place.

C. Industrial/manufacturing operations.

- (1) Any manufacturing, fabricating or servicing related to the operation must take place within a building designed to accommodate the use.
- (2) Materials used in the manufacturing, fabricating or servicing operation may be stored outside the building accommodating the use, provided they shall be arranged in a neat and orderly fashion and shall be enclosed by a fence at least five feet in height so as to prohibit unauthorized entrance by children and individuals. The outside storage area shall not be larger than the square footage of the first floor of the building used to house the operation.
- (3) The use shall be set back a sufficient distance from neighboring residential property to reduce any possible land use conflicts, traffic problems, noise, dust, odors, unsightliness, or other unhealthy/objectionable conditions. The Board may also impose various screening techniques (i.e., plantings, fences, etc.) of such character that alleviates or reduces these conditions.
- (4) The use shall not produce exterior noise levels that are detrimental to off-street residential areas. Such levels shall not exceed 90 decibels at off-lot locations.

- D. Mobile home park. An applicant who proposes to construct a mobile home park shall state that he, as agent or owner, shall be responsible for the proper maintenance and upkeep of the proposed park and must meet the following criteria:

- (1) The park shall have an adequate entrance road at least 24 feet wide. The roadway shall be constructed of all-weather materials.
 - (2) The total number of mobile home lots shall not exceed four per gross acre.
 - (3) Side and rear property lines shall be densely planted with trees and shrubs.
 - (4) Mobile home parks which accommodate 25 or more mobile homes shall provide at least one recreation area consisting of at least 10% of the gross site area of the mobile home park. Part or all of such space shall be in the form of developed recreation areas to be usable for active recreation purposes.
 - (5) Refuse shall be disposed of in a manner acceptable to the Village and to the New York State Health Department or other appropriate state agency. There shall be no on-lot exposed garbage, junk or other wastes.
 - (6) A mobile home shall be so placed on each lot such that it shall be a distance of at least 25 feet from any other mobile home in such park.
 - (7) Lighting shall be provided along park roadways and walkways to ensure safety for residents.
 - (8) The entire park shall be landscaped to ensure a sightly appearance.
- E. Telecommunication facilities. No special use application for the construction or modification of a telecommunication tower shall be approved unless the following criteria are satisfied:
- (1) Towers and antennas shall be set back a minimum of the height of the tower and antennas or other fixture on top of the tower plus 100 feet. All other structures, including guy wire anchors and accessory

facilities, shall observe the required setbacks within the affected zone. Additional setbacks may be required by the Planning Board as needed.

- (2) All towers and accessory uses thereto shall be sited to have the least practical adverse visual effect on the environment. The use of any part of the telecommunications tower or any accessory use thereto for signs or promotional or advertising purposes is prohibited.
- (3) Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA).
- (4) Accessory facilities shall maximize use of building materials, colors, and textured designs to blend with the natural surroundings.
- (5) Existing on-site vegetation shall be preserved to the maximum extent possible.
- (6) All telecommunication towers, accessory uses thereto, and guy anchors, if any, shall be enclosed by a fence not less than eight feet in height to protect them from trespassing and vandalism.
- (7) The Board may request a review of the application by a qualified engineer in order to evaluate the need for, and the design of, any new tower.
- (8) The applicant shall agree, in writing, to use its best efforts, within commercial reasonableness, to allow other entities to collocate antennas and other communication devices on the tower.

ARTICLE VI
Supplemental Regulations

§ 190-13. Sign regulations.

A. For all uses, the following sign regulations shall apply:

- (1) Two temporary special event signs shall be permitted. These signs shall advertise events, activities or other similar instances that will be terminated on a set date. Yard sales, garage sales and similar on-lot sales shall be considered temporary activities, and, as such, signs advertising such events shall fall under the requirements of this section. No such sign shall exceed four square feet in area. Such signs shall be removed at the end of the event by the sponsor of the event or those who placed the sign.
- (2) Signs may be placed in required yards, providing such placement does not interfere with traffic safety.
- (3) No sign shall be placed closer than five feet to a street line or lot line.
- (4) Mechanically moving, flashing or self-illuminating signs shall not be permitted unless required for public safety purposes as identified by a unit of government.
- (5) Floodlights and other external lighting fixtures used in the illumination of signs shall be permitted if located and/or shielded so as not to produce direct glare at neighboring residences and highway traffic.
- (6) Any business, enterprise, institution, or other advertising entity that ceases operations shall remove its sign(s) within 90 days of such cessation.
- (7) Signs shall not be placed so as to extend over walkways and streets.

B. For all home occupations, the following sign regulations shall apply:

- (1) No sign shall exceed six square feet in area.
- (2) Only one permanent sign per lot or use may be erected.

C. Religious institution signs shall not exceed 24 square feet in area. There shall be only one such sign permitted on church property.

D. In the B-1, B-2, MU and Industrial Districts, the following sign regulations shall apply:

- (1) Any sign affixed to a building shall not exceed 10% of the total square footage of that side of the building to which the sign is affixed.
- (2) No freestanding sign shall exceed 100 square feet in total area.
- (3) Only one freestanding sign per use is permitted.
- (4) Any nonconforming sign existing in the Industrial District at the time of the adoption of this law or an amendment thereto shall only be replaced by a sign conforming to the regulations for this district.
- (5) Any business, enterprise, institution, or other advertising entity that ceases operations shall remove its signs within 90 days of such cessation.
- (6) Signs shall not be placed so as to extend over walkways and streets.
- (7) Each individual use in a shopping plaza may have one wall or roof sign, the design and style of which shall be coordinated so as to create aesthetic uniformity within the plaza. Each use in the shopping center is allowed two square feet of signage per linear foot of store frontage on the building plus

50 square feet of signage on the center's one freestanding sign.

§ 190-14. Yard and fence requirements. [Amended 12-29-2009 by L.L. No. 2-2009]

A. Yard requirements. In all districts the following supplemental regulations apply:

- (1) In the case of a corner lot, both yards fronting on streets shall be considered front yards and must meet the appropriate setbacks. Any yard abutting an alley shall be a rear yard.
- (2) In determining the yard requirements of a lot, porches, carports, private garages, or similar attached structures are considered a part of the principal building. Such structures shall not be required to have a setback distance from the principal building, but they shall maintain required setbacks from adjacent lot, alley and street lines.
- (3) Fences and walls are acceptable in all districts. Before a fence or wall is installed or constructed, the applicant will apply for and obtain approval for a fence permit.
- (4) Tree branches, dense vegetation, and shrubbery in the front yards of corner lots shall be routinely trimmed to maintain safe motorist visibility.
- (5) Property owners are responsible for identifying the exact location of their lot lines.

B. General fence requirements.

- (1) Under no circumstances shall fences be placed so as to impair motorist visibility or to cause traffic hazards.

- (2) No barbed wire or electrically charged fences shall be allowed in residential zoning districts.
- (3) Fencing requirements that enclose swimming pools, spas, and hot tubs shall be in compliance with the Residential Building Code of the State of New York.
- (4) To maintain the aesthetic character of the neighborhood and street, the finished side of a fence shall face the neighboring lot or street.
- (5) Fences which enclose a rear yard abutting an alley shall have a gate that provides a point of entry for emergency responders.
- (6) All types of fences must be placed a minimum of 2.5 feet from a fire hydrant.
- (7) Property owners who place any kind of fencing on a corner lot shall be solely responsible for the upkeep, maintenance, repair, and damage caused during routine snow removal operations and Village right-of-way maintenance.

C. Specific fence requirements.

- (1) Front yard:
 - (a) No fence greater than three feet in height is allowed.
 - (b) Fences shall be set back from the lot line a minimum of six inches.
- (2) Side yard:
 - (a) No fence greater than six feet in height is allowed.
 - (b) Fences may be placed on the lot line.
- (3) Rear yard:

- (a) No fence greater than six feet in height is allowed.
 - (b) In rear yards adjacent to an alley, fences shall be set back from the lot line a minimum of six inches.
 - (c) In rear yards adjacent to another lot, fences may be placed on the lot line.
- (4) Corner lot. On a lot bounded by an alley, a fence shall be no more than three feet in height when within a distance of 10 feet from the rear lot line intersection with the street line or the corner surveyor post and no more than six feet for the remainder of the rear yard.
- (5) Split-rail fence. The posts of a split-rail fence are allowed to be a maximum of four feet in height. Split rail fences are permitted in front, side, and rear yards.

§ 190-15. Off-street loading requirements.

- A. In all districts, in connection with every building or building group or part thereof having a gross floor area of 4,000 square feet or more which is to be occupied by a commercial use similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, off-street loading berths or unloading berths as follows:

Gross Floor Area (square feet)	Number of Berths
4,000 to 25,000	1
25,001 to 40,000	2
40,001 to 60,000	3

**Gross Floor Area
(square feet)**

Number of Berths

For each additional 50,000

1

- B. The loading berth required in each instance shall be not less than 12 feet in width and 25 feet in length. Such space may also be a part of a required parking area.

§ 190-16. Off-street parking requirements.

- A. Uses in all districts shall meet the following off-street parking requirements:
- (1) Religious institution: one for each 3.5 seats.
 - (2) Community facilities and public assemblies: one for each 200 square feet of floor area or one for each 3.5 seats, whichever is greater.
 - (3) Motels, hotels, boardinghouses, and rooming houses: one for each sleeping or dwelling unit plus one for the maximum employees per shift.
 - (4) Industrial operations: one for each employee in the maximum working shift.
 - (5) Restaurants, bars, nightclubs, adult uses, and private clubs: one per four maximum occupancy plus employees.
 - (6) Retail stores: one space for each 200 square feet of floor space, plus one for each employee.
 - (7) Wholesale establishments or warehouses: one for each employee in maximum shift.
 - (8) Offices: one per office plus one per employee.
 - (9) Home occupations: minimum of three spaces.

- (10) Dwellings and mobile homes: two for each dwelling unit.
 - (11) Nursing homes: two per each employee plus 50% occupancy.
 - (12) Medical facility: one for each office.
 - (13) Automobile service station: one per 500 square feet plus one per employee.
 - (14) Car wash: sufficient space for cars waiting for service.
 - (15) Shopping center: the sum of each use's parking.
 - (16) Truck terminals: one per employee.
 - (17) Veterinarian/kennel: 10 per office plus employees.
 - (18) Bed-and-breakfast: one per room plus occupant.
 - (19) Recreational facility: to be determined during special use review.
- B. All parking requirements for uses not defined here will be determined during special use review.
- C. Placement of the parking lot and parking spaces shall not be closer than five feet to lot or street lines.

§ 190-17. Buffer or transition zone.

- A. A buffer or transition zone shall be established between residential and multiple use or industrial districts when a new physical development (not use of an existing structure) is proposed for a lot adjoining such a district line. Development on such lots shall be set back at least 25 feet from the district line.
- B. When a special use abuts a residential property, the Planning Board may find it necessary to require screening

of sufficient height and density (i.e., fences, hedges, etc.) to reduce or eliminate the conflicting environmental conditions previously mentioned.

§ 190-18. Swimming pools.

Swimming pools are permitted structures in all districts and may be located within a required side or rear yard. However, swimming pools shall not be closer than 10 feet to a lot line.

§ 190-19. Inoperative motor vehicles.

In all districts, inoperative motor vehicles are not permitted to be kept on the premises for a period longer than 45 days unless they are enclosed within a structure or fence so as not to be visible from off the property.

ARTICLE VII Nonconforming Uses and Lots

§ 190-20. Nonconforming uses.

- A. Every structure or use not conforming to the regulations of the district in which it is located at the time of adoption of this law shall be a nonconforming use.
- B. A nonconforming structure or use may not be altered or resumed unless in conformity with law regulations.
- C. A nonconforming use of a structure or land that has ceased for a consecutive period of 12 months or for 24 months during any three-year period may not be altered, rebuilt, or resumed unless in conformity with law regulations.
- D. A nonconforming use may be extended throughout any parts of a building which were arranged or designed for such use at the time of adoption of this law.

- E. Nothing in this law shall be deemed to prevent the strengthening or restoring to a safe condition of any nonconforming structure, or any structure located on a nonconforming lot, declared unsafe by resolution of the Village Board of Trustees in accordance with the provisions of Chapter 97, Buildings, Unsafe, of the Code of the Village of Deferiet.
- F. Nothing in this law shall be deemed to prevent the reconstruction or replacement of a nonconforming structure to its original configuration when destroyed by fire or act of God.
- G. District changes/amendments. Whenever an area is transferred from a district of one classification to a district of a different classification, or amendments are adopted which change permitted uses or other regulatory measures governing such, the above regulations shall apply to nonconforming uses created by such transfer.

§ 190-21. Nonconforming lots.

- A. In all zoning districts, a nonconforming lot of record is a lot which does not meet the dimensional requirements of this law, provided that such lot, at the time it was first separately described in a drawing or instrument recorded in the Jefferson County Clerk's office, met all the substantive and procedural requirements of all state laws, the then-applicable Subdivision Law¹⁰ and the minimum dimensional requirements of the then-applicable Zoning Ordinance or Zoning Law.
- B. Notwithstanding the requirements of this law, a nonconforming lot may be improved by a structure upon meeting all of the following conditions:
 - (1) The nonconforming lot does not adjoin other property held by the same owner where sufficient land could

10. Editor's Note: See Ch. 162, Subdivision and Land Development.

be transferred to eliminate the nonconformity without reducing such other property to nonconforming dimensions.

- (2) The nonconforming lot otherwise satisfies all applicable provisions of this law.

§ 190-22. Change or expansion of a nonconforming use or structure.

- A. A nonconforming use may be changed to a less noxious nonconforming use or a nonconforming use or structure may be expanded if such a change or expansion is granted a special use permit by the Planning Board pursuant to Article V.
- B. The Planning Board shall apply the standards and follow the procedure contained in Article V.
- C. The Planning Board shall not grant a special use permit for such a change unless it finds that the new or expanded nonconforming use will be either more compatible with the surrounding neighborhood than the existing nonconforming use or that an expansion will have no adverse effect on the surrounding neighborhood.

ARTICLE VIII

Administration and Enforcement

§ 190-23. Zoning permit.

- A. No building or structure shall be erected, or use instituted, until a permit has been issued by the Zoning Officer. The exterior structural area of a building shall not be enlarged until a permit therefor has been issued.
- B. A zoning permit shall not be required for:
 - (1) Fences or walls, provided they meet the requirements of Article VI, § 190-14.

- (2) Chimneys, placement of posts, and other similar accessory uses.
- C. When establishing measurements to meet the required yards, the measurements shall be taken from the street line or lot line to the point attached to the structure which projects out the furthest. This shall include such projecting facilities as cornices, chimneys, eaves, porches, carports, attached garages, etc.
- D. No such zoning permit or certificate of compliance shall be issued for any building where said construction, addition, and exterior expansion or use thereof would be in violation of any of the provisions of this law.
- E. A zoning permit issued under this law shall expire 12 months from the date of issue if construction is not started.
- F. Any use that has been discontinued for a period of 12 months or longer shall be termed abandoned and may not be re-instituted without applying for a new zoning permit.
- G. Applications for special use permits shall be submitted to the Zoning Officer and shall include five copies of a plat plan showing the actual dimensions of the lot to be built upon and any requirements of Article V, § 190-10.
- H. A fee, as determined by the Village Board, shall be levied for each zoning permit issued.
- I. Temporary zoning permits may be issued by the Zoning Officer for a period not exceeding one year, for conforming and nonconforming uses. Such permits, for nonconforming structures, are conditioned upon agreement by the owner or operation to remove the nonconforming structure(s) or equipment upon expiration of the permit or to bring the use into compliance by a specific time. Such permits may be renewed upon discretion of the Planning Board.
- J. Issuance of a zoning permit does not eliminate the need to obtain any other development permit that may be required by a local, county, or state agency (e.g., a building permit

pursuant to the New York State Uniform Fire Prevention and Building Code).

§ 190-24. Zoning Officer.

- A. This law shall be enforced by the Zoning Officer, who shall be appointed by the Village Board.
- B. The Zoning Officer's authority shall include:
- (1) Issue and deny permits.
 - (2) Scale and interpret district boundaries on the Zoning Map.
 - (3) Issue or deny certificates of compliance.
 - (4) Refer appropriate appeal, special review and amendment matters to the Planning Board, Village Board, and Zoning Board of Appeals.
 - (5) Revoke a permit where there is false, misleading or insufficient information and revoke a permit and/or certificate of compliance where the applicant has not done what was proposed on the application.
 - (6) Issue stop-work orders for noncompliance with this law.
 - (7) Report to the Village Board of Trustees the number of permits issued and fees at the Village Board's request.

§ 190-25. Certificate of compliance.

- A. No land shall be occupied or used and no building hereafter constructed, erected, extended or used, or changes made in the use, until a certificate of compliance has been issued by the Zoning Officer stating that the building or proposed use thereof complies with the provisions of this law.

- B. All certificates of compliance shall be applied for coincident with the application for a zoning permit. Said certificate shall be issued within 10 days after the erection, alteration or institution of a new use and shall have been approved as complying with the provisions of this law.
- C. The Zoning Officer shall maintain a record of all permits, certificates and other appropriate correspondence/paperwork. Copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.

§ 190-26. Zoning Board of Appeals.

- A. A Zoning Board of Appeals consisting of three members is hereby created. The Village Board shall appoint the members and Chairperson thereof in conformance with the Village Law.
- B. Powers and duties. The Zoning Board of Appeals shall have all the power and duties prescribed by the New York State Village Law.

§ 190-27. Planning Board.

The Planning Board shall have the following powers and duties with respect to this law:

- A. Approval, approval with conditions, or disapproval of special uses.
- B. Advisory opinions, when requested by the Zoning Board of Appeals or Village Board.
- C. Referral to the County Planning Board of all special uses that fall under the requirements of § 239-m of the General Municipal Law.

§ 190-28. Enforcement; penalties for offenses.**A. Violation remedy procedures.**

- (1) Initiating a complaint. Whenever a violation of this law occurs, the enforcement officer, Village officer or an aggrieved citizen may initiate a complaint.
- (2) Recording the complaint. The enforcement officer shall accurately record the complaint and file it appropriately.
- (3) Notice of violation. The enforcement officer is then to inform the landowner that he/she is violating the law. The landowner shall be notified by certified mail as to the manner in which he/she is in violation. The landowner will have 14 days to remedy the situation from the mailing date. The enforcement officer may informally contact the landowner about the situation before this step is taken.
- (4) Stop-work order. A stop-work order may be issued to the landowner in the same manner as a notice of violation. This requires, though, that all construction stop immediately.
- (5) Local proceedings. If a violation persists, the enforcement officer shall issue an appearance ticket to the violator. The enforcement officer charges the landowner with violating one or more sections of this law. The violator will then have to appear in Town of Wilna Court.

B. Whenever a violation of this law occurs, the Zoning Officer, Village or any person may file a complaint. All such complaints shall be filed with the Zoning Officer, who shall record the complaint valid. The Zoning Officer shall then issue a stop-work order, requiring all work to cease until the violation is corrected. If the violation is not corrected within the specified time, the Village shall take action to compel compliance.

- C. Pursuant to Municipal Home Rule Law § 10 and Village Law § 7-714, any person, firm, or corporation who or which commits an offense against, disobeys, neglects or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation punishable by a fine not exceeding \$350. Each week an offense is continued shall be deemed a separate violation of this law.

§ 190-29. Interpretation and severability.

- A. Interpretation. Interpretation and application of the provisions of this law shall be held to be minimal requirements, adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this law differ with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the highest standards, shall govern.
- B. Severability. Should any section or provision of this law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

**ARTICLE IX
Amendments**

§ 190-30. Amendment procedure.

The Village Board may from time to time amend, supplement, or repeal the regulations and provisions of this law after public notice and public hearing. All proposed changes shall be referred to the Jefferson County Planning Board for its recommendation thereon prior to final action. The Village Board, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendment and cause notice to be given as required by Village Law § 7-708.

ARTICLE X
Effective Date

§ 190-31. When effective.

The provisions of this law shall take effect upon filing with the Secretary of State and upon compliance with the provisions of Article 7 of the Village Law.

**DISPOSITION
LIST**

Chapter DL

DISPOSITION LIST

§ DL-1. Disposition of legislation.

The following is a chronological listing of legislation of the Village of Deferiet adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] Information regarding legislation which is not included in the Code nor on this list is available from the office of the Village Clerk. The last legislation reviewed for the original publication of the Code was L.L. No. 3-1997, adopted 8-11-1997. A complete listing, including disposition, of all legislation reviewed in conjunction with the original publication of the Code is on file in the office of the Village Clerk.

§ DL-1. Disposition of legislation.

L.L. No.	Adoption Date	Subject	Disposition
1-1998	11-16-1998	Adoption of Code	Ch. 1, Art. I
1-1999	6-21-1999	Outdoor burning	Ch. 103
2-1999	9-20-1999	Vehicles and traffic amendment	Ch. 177
1-2001	10-3-2001	Zoning	Ch. 190
1-2008	3-5-2008	Residency requirements for appointed Village officers	Ch. 44, Art. II

§ DL-1

DEFERRET CODE

§ DL-1

L.L. No.	Adoption Date	Subject	Disposition
1-2009	4-1-2009	Vehicles and traffic amendment	Ch. 177

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