

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of LYNDONVILLE, NEW YORK
~~Town~~
Village

Local Law No. 1 of the year 19 92.

A local law Amending the Zoning Ordinance of the Village of Lyndonville,
(Insert Title) Chapter 240 of the Code of the Village of Lyndonville.

Be it enacted by the BOARD OF TRUSTEES of the
(Name of Legislative Body)

~~County~~
~~City~~ of LYNDONVILLE as follows:
~~Town~~
Village

Section 1. Section 240-2 B. of the Code of the Village of Lyndonville, is hereby amended by adding the following words or terms and their respective definitions:

BUILDING PERMIT: A document issued by the Village of Lyndonville Code Enforcement Officer authorizing the construction and occupancy of structures.

DRIVE-IN SERVICE: A traffic-generating facility where a product is sold or a service performed for customers while they are in or near their motor vehicles in off street parking or service areas. This term includes convenience store, drive-in banking, fast food service, drive-in photo processing, drive-in outdoor auto wash or similar use. This term may include outlets where gasoline is sold.

PERMIT: Permit shall mean Zoning Permit except when used with the word building.

PERMITTED USE (OR USE OF RIGHT): A land use allowed under the provisions of this Chapter of the Code of the Village of Lyndonville.

SITE PLAN: A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, right-of-ways, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Planning Board.

SITE PLAN REVIEW: A review and approved process, conducted by the Planning Board, whereby site plans are reviewed utilizing criteria stated in this Chapter of the Code of the Village of Lyndonville.

SPECIAL PERMIT USES: Those particular uses which are specifically permitted in a given district only when conditioning criteria enumerated in this Chapter of the Code of the Village of Lyndonville.

ZONING CERTIFICATE OF COMPLIANCE: A certificate issued by the Code Enforcement Officer stating that a structure of the use thereof is in compliance with the Chapter.

ZONING PERMIT: A document issued by the Code Enforcement authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses in conformity with this Chapter of the Code of the Village of Lyndonville.

Section 2. Section 240-8 B.(1) of the Code of the Village of Lyndonville is hereby repeated and is amended to provide as follows:

§240-8

B. Special Permit Uses

1) The Planning Board subject to the provisions of Article XV of this Chapter of the Code of the Village of Lyndonville may authorize the issuance of a special permit for the establishment of:

- (a) Physician's or other professional offices.
- (b) Membership clubs not operated for financial gain.
- (c) Lodges and recreation center.
- (d) Overnight guest homes and other multiple dwellings for transients and non-transients as defined in the Multiple Residence Law. Such facilities shall meet the requirements of the Multiple Residence Law and such other laws, rules and regulations as may be in effect at the time of application.
- (e) Mortuaries.
- (f) Beauty Parlors.
- (g) Two-family dwellings.
- (h) Drive-In Services.

Section 3. Section 240-10 B. of the Code of the Village of Lyndonville is hereby repealed and is amended to provide as follows:

§Section 240-10

B. Special Permit Uses. The Planning Board may authorize the issuance of a special use permit, subject to such safeguards, conditions and restrictions as the Planning Board shall deem necessary for the purposes of this chapter, and shall further condition such authorization as may be provided in this section for the following uses:

(1) Any industrial use which is not a prohibited use.

(2) Storage of bulk liquid fuels above the ground.

(3) Housing for migrant workers, in accordance with the regulations of the state and of the county applicable to such housing.

(4) House trailer camps and parks. Each trailer shall be situated on a site of not less than eight thousand (8,000) square feet in area, and there shall be four (4) yards, each having a width or depth of not less than twenty-five (25) feet. The trailer camp or park shall meet the requirements of the county and state for such installations.

(5) Industrial food-processing facilities. Such facilities shall meet the county and state requirements and shall provide that all ensilage and plant and fruit and vegetable wastes be stored in silos or pits for the period of storage on the premises, and such silos and pits shall be constructed so that effluent shall not be discharged onto the land or pollute surface or ground water; also, so that fermentation odors shall be confined as may be practical.

(6) Junkyards and vehicle wrecking yards. All wrecking, dismantling, processing and other operations shall be conducted within a structure. No vehicle or other materials shall be placed or stored in the front yard or in either side yard.

Section 4. Chapter 240 of the Code of the Village of Lyndonville is hereby amended by adding thereto the following:

ARTICLE XII
PERMITS AND PROCEDURES

§240-40 PERMITS REQUIRED

No use or structure shall be established, erected nor land developed until a zoning permit has been issued by the Code Enforcement Officer who shall issue such permits in accordance with regulations in this Chapter of the Code. Building permits are also required before buildings or structures can be occupied. Permit applications shall be filed with the Village Clerk.

§240-41 PREAPPLICATION CONFERENCE WITH PLANNING BOARD

Preapplication conferences with the Village's Planning Board are encouraged for all Special Use Permit Applications and/or Site Plan Approval.

§240-42 APPLICATION PROCEDURE AND REQUIRED INFORMATION

A. Application

Application must be made with the Code Enforcement Officer on forms approved by the Village Board, and be made available at the Office of the Code Enforcement Officer.

B. Information

All information on the application form must be completed. In addition, the following information is also required to constitute a complete application:

1) Map Required - Two copies of a property map shall be submitted with all applications. The map shall be either:

a. Sketch Map - A sketch map is required with all applications for one or two family dwellings, their customary accessory uses, of farm use. The sketch map shall be drawn to scale and show the dimensions and location of the lot, exact size buildings on the lot, proposed location of water and sewage disposal lines, parking areas and driveway location, surface drainage patterns and location of existing or proposed easements.

b. Site Plan - A site plan is required with applications for all other uses.

C. Approved of Water and Sewage Disposal Systems.

Evidence of approval of the water supply and the sewage disposal system plans by the Village Superintendent of Public Works, must be submitted at the time of application. Applications lacking such information shall not be accepted.

D. Evidence of Property Ownership or Intent to Purchase.

Copies of deeds, titles, purchase agreements, or other proof of ownership or intent to purchase must be attached to an application before it will be accepted.

E. Licenses

Any use currently licensed by Federal, State or County Agencies and already operating with the Village shall present evidence of currently valid licenses before any expansion permits are considered.

F. Fee

The appropriate non-refundable fee established by the Village Board in its fee structure shall be collected at the time of application. This fee structure shall be filed and posted at the Office of the Village Clerk.

§240-43 ZONING PERMIT TYPES

Under the terms of this Chapter, the following classes of Zoning Permits may be issued:

A. Permitted Use - A zoning permit for a permitted use may be issued by the Code Enforcement Officer on his own authority.

B. Special Permit Uses and/or Site Plan Approval. A Zoning permit for a special permit use may be issued by the Code Enforcement Officer after special permit or site plan approval from the Planning Board.

C. Zoning Permit - After an Appeal or Request for a Variance - A zoning permit use may be issued by the Code Enforcement Office upon order of the Zoning Board of Appeals after a public hearing.

§240-44 ZONING PERMIT GRANTED

When all requirements of this Chapter of the Code have been met, the Code Enforcement Officer shall issue a zoning permit and return one approved copy of the map no later than fifteen (15) days after approval. The Code Enforcement Officer shall file one copy of the approved permit in the Village Clerk's office.

§240-45 TERMINATION OF PERMIT

Any zoning permit, or special use permit for which construction, or use has not commenced on (1) year after issuance shall be automatically revoked.

§240-46 CERTIFICATE OF CONFORMITY

The applicant shall notify the Code Enforcement Officer when the structure or use is ready for final inspection. The Code Enforcement Officer shall then make a final inspection. If satisfied that the regulations pertaining to the project have been complied with and that the project has been completed as specified on the approved application, the Code Enforcement Officer shall issue a certificate of conformity, granting permission to occupy or use the structure. (Permission to occupy a building or structure also requires approval from the Code Enforcement Officer.)

ARTICLE XIII
SPECIAL PERMIT REGULATIONS

§240-47 DRIVE IN SERVICES

A. The following information shall be submitted as part of the application for site plan approval and the special use permit for drive-in services in addition to that information required in other sections of this Chapter of the Code.

1. The location and dimensions of all structures including buildings, screened trash areas, fencing, and lighting (show direction and level of illumination).
2. The location and dimension of all off-street parking and ingress and egress locations.
3. Proposed landscaping of site.

B. All drive-in services shall provide suitable storage of trash in areas which are so designated and constructed as to allow no view of the trash storage from the street, to prevent waste paper from blowing around the site or onto adjacent properties or public right-of-way, and to permit safe, easy removal of trash by truck or hand.

C. Exterior lighting proposed for the site shall be planned, erected and maintained so it will not cast direct light or glare upon adjacent properties or public right-of-way. The light source shall not be higher than twenty (20) feet.

D. Landscaping and fencing shall be provided to minimize visual unattractiveness and minimize conflicts with adjacent land uses.

E. Water supply and sewage disposal systems shall be reviewed by the Village Superintendent of Public Works.

F. The Planning Board may impose hours of operation so as to be in harmony with the surrounding neighborhood.

§Section 240-48 (Reserved)
through

§Section 240-58 (Reserved for future use)

ARTICLE XIV
ADMINISTRATION AND ENFORCEMENT

§240-59 ENFORCEMENT

The duty of administering and enforcing the provisions of this Chapter of the Village Code is hereby conferred upon the Code Enforcement Officer, who shall be appointed by the Village Board.

§240-60 DUTIES AND PROCEDURES OF THE CODE ENFORCEMENT OFFICER

A. Administer the Zoning Provisions of the Village Code.

The Code Enforcement Officer shall review all applications for building permits and, if the minimum requirements of this Chapter are met, the Officer shall issue a permit.

B. Referral to the Zoning Board of Appeals

An applicant, after being denied a building permit, may appeal the Code Officer's findings to the Zoning Board of Appeals (ZBA) for an interpretation or a variance.

Should an appeal be requested the Code Enforcement Officer shall notify the Secretary of the ZBA of the request and forward all necessary supporting information.

C. Referral to Village Planning Board.

Any application for a special permit, change of zoning district or use that requires Site Plan Review shall be forwarded by the Code Enforcement Officer to the Secretary of the Village Planning Board of the request and forward all necessary supporting information.

D. Cite Zoning Violations.

For any plans, construction, building, use on premise found in violation of this Chapter, the Code Enforcement Officer shall order the responsible party, in writing, to remedy the conditions.

E. Report to Village Board.

A monthly report to the Village Board describing and enumerating actions taken and permits issued shall be given.

F. Public Record.

The Code Enforcement Officer shall file all permit actions with the Village Clerk.

§Section 240-61 PLANNING BOARD

The Village Board of Trustees may establish a Planning Board pursuant to the provisions of Village Law §7-718. In the absence of the appointment of members to Planning Board, the Board of Trustees shall fulfill the duties of the Planning Board.

§Section 240-62 OFFICER, RULES, EXPENSES

A. The Village Board may select a Chairman of the Planning Board, or on failure to do so, the Planning Board shall elect a chairman from its own members.

B. The Planning Board may adopt rules or bylaws for its operations.

C. The Village Board shall provide an appropriation to the Planning Board to cover necessary expenses including the means for the Planning Board to maintain a written record of its meetings and public hearings.

§Section 240-63 FUNCTIONS OF THE PLANNING BOARD

- A. Prepare or change a comprehensive land development plan for the Village.
- B. Review and comment on all proposed zoning amendments before referral to the County Planning Board.
- C. Conduct Site Plan Review as authorized by Village Law §7-725 and prescribed in Article XVI of this Chapter of the Code.
- D. Review and grant or deny special permits as authorized by Article XV.
- E. Render assistance to the Zoning Board of Appeals on its request.

§Section 240-64 (Reserved)
through
§Section 240-74 (Reserved)

ARTICLE XV
SPECIAL PERMITS

§240-75 PURPOSE

It is the intent of this Chapter to use Special permits to control the impact of certain uses upon areas where they will be incompatible unless conditioned in a manner suitable to a particular location. Special permits bring needed flexibility and individuality to the otherwise rigid controls of zoning regulations

§240-76 ADMINISTRATION

Pursuant to the provisions of the Village Law the Village Planning Board will administer the review and granting of Special Permits.

§240-77 PROCEDURE

- A. The Code Enforcement Officer shall refer the completed special permit application to the Planning Board within ten (10) days after receiving a completed application.
- B. At its next regular or special meeting, the Planning Board shall designate a public hearing date within a reasonable period of time, not to exceed forty-five (45) days from the date application must be referred to the County Planning Board in accordance with General Municipal Law, Section 239m.

C. The Planning Board shall send a notice of the public hearing to the applicant and publish a notice of the public hearing in the official newspaper of the Village.

D. The notice of the public hearing shall be sent and published at least ten (10) calendar days prior to the date of public hearing as well as sufficient information so as to identify the property involved and the nature of the proposed action.

E. The Planning Board shall make a factual record of all its proceedings involving the granting of a special permit. The decision of the Planning Board shall contain the reasons for its decision.

F. The Planning Board shall render its decision, either approving, approving with conditions, or denying, within forty-five (45) days after the hearing, unless an extension is mutually agreed upon.

G. Each application for a special permit shall be accompanied by a proposed plan showing the information required for site plan approval in Article XVI.

H. Each special permit application must also receive site plan approval before the special permit may be granted.

§240-78 FINDINGS

A. The Planning Board may grant a special permit for uses in Article XV provided that all requirements and conditions set forth in that Article are complied with.

B. The Planning Board shall make written findings for each special permit decision. Findings shall state the reasoning behind, the basis for, and the evidence relied upon to reach the decision. Compliance with the requirements of Article XV shall be substantiated.

§240-789 (Reserved)
through
§240-89 (Reserved)

ARTICLE XVI SITE PLAN REVIEW

§240-90 PURPOSE

The intent of this section is to set forth additional general standards applying to certain uses and activities. The nature of these uses and activities require special consideration of their impacts upon

surrounding properties, the environment, community character and the ability of the Village to accommodate development.

§240-91 APPLICATIONS

All applications for zoning permits, zoning variances, or special permits, except for one and two family dwellings and their permitted accessory uses or any addition to a single family dwelling shall be accompanied by a site plan approval.

§240-92 PROCEDURE

A. Each application for a building permit, variance or special permit for any structure, building or use other than one or two family dwellings and their permitted accessory use, any addition to a single family dwelling shall be referred to the Planning Board. The application shall be made to the Planning Board by filing it with the Village Clerk. The Code Enforcement Officer shall present it to the Planning Board at their next regularly scheduled meeting. The applicant may wish to attend a Planning Board meeting to answer questions concerning the application.

B. Within forty-five (45) days of receipt of the application or sixty (60) days in cases when application must be referred to the County Planning Board in accordance with General Municipal Law, Section 339m, the Planning Board shall render a decision to approve with conditions, or deny, and forward the decisions to the Code Enforcement Officer. Any extension of this forty-five (45) day period may be granted upon consent of both the applicant and the Planning Board. If the Planning Board fails to act within said forty-five (45) day period or extension that has been granted, the site plan shall be considered approved.

C. A full written record of the Planning Board minutes and decisions together with all documents pertaining to the case shall be filed in the Office of the Village Clerk and shall be mailed to the applicant.

§240-93 PREAPPLICATION CONFERENCE

A Preapplication conference may be held between the Planning Board and applicant to review the basic site design concept and generally determine the information to be required on the site plan.

B. As necessary, the Planning Board may require the following:

1. Provision for pedestrian access, if necessary.
2. Location of fire lanes and hydrants.
3. Designation of the amount of building area proposed for retail sales or similar commercial activity.
4. Other elements integral to the proposed development as considered necessary by the Planning Board.

§240-95 PLANNING BOARD REVIEW OF SITE PLAN

The Planning Board's review of the site plan shall include, as appropriate, the following:

A. General Considerations

1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls. Including the maximum feasible redesign of private roads to conform to public access and rights of way.
2. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
4. Location, arrangement, size and design and general site compatibility of buildings, lighting and signs. No use shall be undertaken which eliminates or substantially reduces the view/vista of an existing property due to height, bulk or orientation of structure.
5. Adequacy of storm-water and drainage facilities.
6. Adequacy of water supply and sewage disposal facilities.
7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum feasible retention of existing vegetation.

8. In the case of apartment complex or to other multiple dwelling, the adequacy of useable open space for play areas and informal recreation.
9. Protection of adjacent or neighboring properties against noise, glare, unsightliness or nuisances.
10. Protection of solar access on adajacent or neighboring properties.
11. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
12. Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
13. Special attention to the productive use and access with "backlot" areas, indicating present and future intended uses.

B. Public Hearing

The Planning Board may conduct a public hearing. If a public hearing is considered desirable by a majority of the Planning Board, such public hearing shall be conducted within forty-five (45) days of the receipt of the application and shall be advertised in the official newspaper of the town at least five (5) days before the public hearing. Decision shall be rendered wihtin forty-five (45) days of the public hearing.

Section 5. This local law shall take effect upon its filing with the Office of the New York Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1992 of the ~~(County)~~(City)(Town)(Village) of Lyndonville, New York was duly passed by the Board of Trustees on March 9, 1992, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

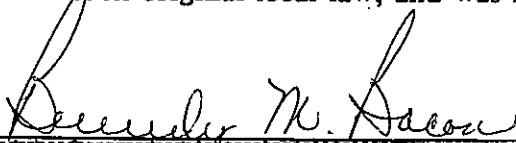
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1., above.



~~Clerk of the County Legislative Body, City, Town or Village Clerk~~
~~or officer designated by local legislative body~~

(Seal)

Date: March 13, 1992

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF Orleans

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Village Attorney

Title

~~XCounty~~
~~XCity~~
~~XTown~~ of Lyndonville, New York
Village

Date: March 13, 1992

617.21

Appendix F

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number _____

Date March 9th, 1992

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Lyndonville, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Enactment of a Local Law Amending the Zoning Ordinance of the Village of Lyndonville

SEQR Status: Type I
Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action: Adoption of a Local Law known as Local Law No. 1 for the Year 1992 entitled a Local Law Amending the Zoning Ordinance of the Village of Lyndonville, Chapter 240 of the Code of the Village of Lyndonville which said Local Law provides for the issuance of special permits by the Village of Lyndonville.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.) All that Tract or Parcel of Land situate in the County of Orleans, State of New York, known and described as the Village of Lyndonville.

STATE OF NEW YORK)
) SS:
COUNTY OF ORLEANS)

KAROLE A. PALMER, being duly sworn, deposes and says: that I reside at 11114 Palmer Road, Medina, New York; that on the 27th day of February, 1992, at the direction of and on behalf of the Village Clerk of the Village of Lyndonville, New York, your deponent duly posted a copy of the Legal Notice setting the Public Hearing on Local Law No. 1 for the Year 1992, entitled a Local Law Amending the Zoning Ordinance of the Village of Lyndonville, Chapter 240 of the Code of the Village of Lyndonville, a copy of which is annexed hereto, on the bulletin board located in each of the following:

Village Hall, Village of Lyndonville
2 South Main Street
Lyndonville, New York

Town Hall, Town of Yates
8 South Main Street
Lyndonville, New York

Karole A. Palmer
KAROLE A. PALMER

Subscribed and sworn to before me
this 27th day of February, 1992.

Christine M. Washak
Notary Public, State of New York

CHRISTINE M. WASHAK
Notary Public, State of New York
Qualified in Niagara County
Commission Expires Nov. 26, 1992