



Village of Granville

Washington County, New York

Zoning Law

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ARTICLE 1
GENERAL PROVISIONS

A. Short Title:

This Local Law shall be known and cited as the “Zoning Law of the Village of Granville,” Washington County, New York.

B. Authority:

Pursuant to the authority and power granted under Village Law Section 7-700, the Village Board of Trustees of the Village of Granville, County of Washington, New York hereby adopts and enacts as follows:

C. Purpose:

The Zoning Law of the Village of Granville, which includes both the zoning text and the zoning map, has been adopted in order to advance the goals, policies, and recommendations of the Village of Granville Comprehensive Plan. The Comprehensive Plan serves as the planning policy document for the Village, while the Zoning Law establishes land use regulations to advance these policies. It is the intent of the Village Board that all planning and zoning decisions are to be made in accordance with the Comprehensive Plan.

The Zoning Regulations and Districts herein set forth and as identified upon the Zoning Map of the Village of Granville are made for the purpose of promoting public health, safety, and general welfare and prescribing the most desirable use for which the land in each district may be adapted and those uses to be subjected to special regulations, while conserving value of land throughout the Village. The height, bulk, and location of buildings and other structures, the area of yards, courts, and other open spaces, the density of population, and location and use of buildings, structures and land for trade, industry, residence or other purpose, are hereby restricted and regulated as hereinafter provided.

Such regulations have been designed to lessen congestion in the streets; to secure safety from fire, flood, and other dangers; to provide adequate sunlight, air, convenience of access, and to facilitate the adequate provision of transportation, water, sewage, schools, parks, open space, and other public requirements.

The Zoning Law has also been crafted to encourage certain types of development in areas where the land is well suited for such development, and/or where such development has already occurred, and/or where infrastructure is available to support both the type and intensity of the proposed use. In encouraging development in designated areas, it is the intent that nearby properties and/or neighborhoods are not significantly impacted as a result, either through environmental impacts, visual effects, or through a reduction in property values.

In addition to the above general purposes, the Zoning Law of the Village of Granville, either directly or indirectly, is designed to advance the following Goals of the Village of Granville

Comprehensive Plan:

1. Preserve and enhance historic resources, which reinforce a sense of identity and pride for the residents.
2. Maintain and enhance the character of existing historic structures in a manner that respects their historic value.
3. Raise awareness of historic properties throughout the Village.
4. Heighten public awareness of all the Village has to offer for both tourists and residents alike.
5. Encourage and support greater civic participation and pride throughout the Village, and enhance the Village as a tourist destination.
6. Heighten awareness of the history and diversity of the many cultural backgrounds and ethnicities of Granville's original residents.
7. Protect and enhance environmentally significant water bodies in order to minimize adverse impacts due to man-made development.
8. Preserve and enhance the many scenic resources within the Village.
9. Preserve and protect areas of open space that are important to the Village for use as public recreational or leisure purposes.
10. Maintain and enhance Village buildings and properties to sufficiently serve their function for all residents.
11. Utilize the Granville Central Schools as a neighborhood center.
12. Provide the desired recreational opportunities for all Village residents.
13. Maximize the recreational potential of the Mettawee and Indian Rivers.
14. Increase communication and cooperation amongst Village, Village, and School officials.
15. Retain Granville's small-village character and "sense of community."
16. Continue to provide a high quality of life for residents and businesses in the Village.
17. Provide effective and safe street lighting that compliments the aesthetics of the Village.
18. Provide safe and efficient circulation of pedestrian and automotive traffic, to minimize the impact of the Village's quality of life.
19. Continue to cooperate and participate in the planning efforts of county, regional and state transportation entities.
20. Increase opportunities to move throughout the Village without having to depend upon private automobiles.
21. Provide a balanced mix of housing opportunities including a desirable range of housing types and price ranges, which are affordable and accessible for all residents.
22. Preserve and enhance the existing residential properties.

23. Develop a business friendly environment to assist current and future business enterprises.
24. Promote Main Street as the vibrant heart of the Village of Granville.
25. Continue to focus attention on sustaining the economic vitality of the Village.
26. Provide a wide range of business programs aimed at increasing employment opportunities and expanding the tax base within the community.
27. Work for a compatible combination of business, residential, and public uses along Church Street, Main Street, and Quaker Street.
28. Encourage future development that is of quality design, will enhance the existing character of the Village, and meet the necessary long-term needs of the community.
29. Protect and enhance the visual character and design quality of the Village along transportation corridors, Village municipal boundaries, and gateways to the community.
30. Explore, identify, and conserve existing vacant land and commercial buildings for adaptive re-use for needed services in order to meet the necessary long-term needs of the community.

D. Legislative Intent:

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety, and general welfare. Where this chapter imposes greater restriction upon the height of buildings, or requires larger yards, courts, or other open spaces than are imposed or required by existing provisions of law or ordinance or by any other rules, regulations, or permits adopted or issued at any time, the provisions of this chapter shall control. Wherever the requirements of this chapter differ from the requirements of another local law, regulation or chapter of the Code of the Village of Granville, the more restrictive shall govern.

E. Application of Regulation:

1. Before the construction, relocation, or alteration of any building or structure as to the outside dimensions of the building or structure, a building permit shall be obtained. No site preparation for any building shall begin unless and until a building permit has been issued.
2. No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, moved, altered, demolished, reconstructed, or enlarged unless in conformity with the regulations specified for the district in which it is located.
3. No building or structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of dwelling units, to occupy a greater percentage of lot area, or to have narrower or smaller rear yard, front yard, or side yards, than is specified herein, for the district in which such building is located.

No part of a yard or other open space surrounding any building required for the purpose of complying with the provisions of this Law shall be included as part of a yard or other open space similarly required for another building.

4. No yard or lot existing at the time of the passage of this Law shall be so reduced in size that its area or any of its dimensions or open spaces shall be smaller than required by this Law.
5. No building or occupancy permit shall be issued unless the Code Enforcement Officer is satisfied that the land or parcel in question has no natural characteristics which would endanger the health, safety or welfare of the resident, or others. Such natural characteristics may include fire, flooding, and excessive slope.
6. Only those uses specifically identified as Permitted By-Right, Requiring Special Use Permit Approval, and Requiring Site Plan Review Approval shall be permissible in their respective districts. All other uses are expressly prohibited.
7. Unless otherwise specified, there shall be only one (1) principal use and building per lot except as specified in the following instance. Multiple uses are allowed if the minimum lot size requirements are met for each use.

F. Severability:

Should any section, subsection, sentence, clause, phrase, or provision of this Local Law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

G. Effective Date:

This local law shall become effective twenty days after it is filed as provided in section twenty-seven of the Municipal Home Rule Law.

H. Repeal of Previous Zoning Ordinance and Map:

The zoning ordinance known as the Zoning Ordinance of the Village of Granville, New York, adopted March 20, 1928, and all amendments thereto, is hereby repealed, with the provision that violations of such Zoning Ordinance of 1928, and all amendments thereto, shall remain violations to the extent that the matters in violation do not conform to the provisions of this Zoning Law.

ARTICLE 2

INTERPRETATION AND DEFINITIONS

A. Interpretation:

For the purpose of this Local Law certain terms or words used herein shall be interpreted or defined as follows:

1. Words used in the present tense include the future tense.
2. Words used in the singular include the plural, and words used in the plural include the singular.
3. The word "person" includes an individual, firm, or corporation.
4. The word "lot" includes the word "plot" or "parcel."
5. The term "shall" is always mandatory; the word "may" is always permissive.
6. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."
7. The word "building" includes the word "structure."
8. A "building" or "structure" includes any part thereof.
9. The phrases, "to erect," "to construct," and "to build" a building, all have the same meaning and includes to excavate for a building and to relocate a building by moving it from one location to another.
10. Any word or term not defined herein shall be used with a meaning of standard usage.

B. Definitions:

ABANDONED AUTOMOBILE: Any motor vehicle that is not licensed or is incapable of meeting minimum NYS motor vehicle inspection standards.

ACCESSORY LIVING QUARTERS: A second dwelling unit contained within a single-family detached dwelling, for use as a complete independent living facility providing complete housekeeping facilities including kitchen, sleeping, and sanitary facilities for the exclusive use of the occupant(s), and subject to the requirements of Article 5-A of this Law.

ACCESSORY STRUCTURE/BUILDING: A structure subordinate to a principal structure on the same lot and used for purposes customarily incidental to those of the principal structure. Accessory structures do not include movable, demountable, or temporary enclosures, and are subject to the requirements of Article 5-B of this Law.

ACCESSORY USE: A use customarily incidental, subordinate to the principal use or building, and located on the same lot with such principal use, or building.

ADULT ORIENTED BUSINESS: An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, films for sale or viewing on premises by use of motion-

picture devices or any other coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or related to specific sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.

ADULT ENTERTAINMENT ESTABLISHMENT: A public or private establishment, which is licensed to serve food, drink, and/or alcoholic beverages, which features topless dancers, strippers, male or female impersonators or similar entertainers.

ALTERATIONS: As applied to a building or structure, a change, rearrangement, or adjustment to an existing structure, or structural parts; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

ASSISTED LIVING FACILITY: A non-medical institution occupied primarily by senior citizens in which room, board, laundry, some form of personal care and often-recreational services are provided. Assisted living facilities are licensed by the New York State Department of Health. Assisted living facilities exist under several names including: independent living facilities, domiciliary care facility, care home, community-based care facility, residential care facility, etc. Nursing homes are not considered assisted living facilities.

ATTIC: That space of building which is between the top of the uppermost floor construction immediately below and wholly or partly within the roof framing and that is not finished as habitable space (See STORY, HALF).

BANK: A business establishment for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds.

BASEMENT: Any space of a building which is partly below finished grade, but having more than one-half of its height measured from floor to ceiling above average finished grade.

BED AND BREAKFAST: A building containing a single dwelling and in which one (1), but not more than four (4), sleeping rooms are provided by the owner/occupant for compensation for the accommodation of transient guests with or without meals.

BOUNDARY LINE ADJUSTMENT: Any change in the boundary line between two contiguous parcels, which does not result in the creation of any lot and which is confirmed by the filing of a new deed or deeds in the County Clerk's office containing a new description of the parcel to which land was added thereby merging the title to the property or in the case of minor adjustments relating to the exact location of a boundary, the filing of a boundary line agreement executed by both landowners. The determination of which document to file shall be made by the Planning Board.

BUFFER YARD: An area of land forming a visual and/or physical separation or barrier between two uses. In the case of a visual barrier, the land shall be covered with natural plantings or man-made material to provide a continuous physical screen preventing visual access and reducing noise.

BUILDABLE AREA: That area which excludes areas of excessive slope and on which state or federal environmental regulations shall preclude development. In addition, the buildable area shall exclude all of the area within 15 feet of any side or rear line and an area within 50 feet of any road. In the event that the road is a state route that excluded area shall be 75 feet. For nonresidential lots, the minimum buildable area would be determined by the Planning Board after consideration of all relevant facts.

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

BUILDING, DETACHED: A building surrounded by open space on the same lot.

BUILDING, FRONT LINE OF: The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps. The area between the front line of the lot and the front line of a building is the front yard.

BUILDING, HEIGHT OF: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING PERMIT: A permit to construct, reconstruct, enlarge, relocate, extend or alter any building or structure that is in compliance with the provisions of the Village of Granville Zoning Law that is issued by the Code Enforcement Officer.

BUILDING PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING, SEMI-DETACHED: A building attached by a party wall to another building normally of the same type on another lot, but having one side yard.

BUILDING GROUP: A group of two (2) or more principal buildings and any buildings accessory occupying a lot in one (1) ownership, and having any yard in common.

BUILDING, LINE: The line, established by statute, Local Law, or ordinance, beyond which the exterior surface of a building on any side shall not extend, as specifically provided by law. In the instance of a cantilevered section of a building or projected roof or porch, said line shall coincide with the most projected surface.

BULK: A term to describe the size, volume, area, and shape of buildings and structures, and the physical relationship of their exterior walls or their location to lot lines, other buildings and structures, or other walls of the same building; and all open spaces required in connection with a building, other structure, or tract of land.

CAR WASH: A building; premises or portions thereof, where automobiles are washed either by the patron or others using machinery and mechanical devices specifically designed for this

purpose.

CELLAR: Any space in a building, the structural ceiling level of which is less than four (4) feet above average finished grade where such grade meets the exterior walls of the building.

CERTIFICATE OF COMPLIANCE: A certificate issued by the Code Enforcement Officer upon completion of construction, alteration, or change in occupancy or use of a building. Said certificate shall acknowledge compliance with all the requirements of this Law and such adjustments thereto granted by the Board of Appeals.

CERTIFICATE OF OCCUPANCY: A certificate to be issued by the Code Enforcement Officer upon completion of construction, alteration, and/or change in or use of a building, stating that the building is safe and habitable. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless a certificate is issued, a structure cannot be occupied.

CHURCH (or PLACE OF WORSHIP): A building or premises used for regular public worship by members or representatives of a religious sect or organization as defined by State statute.

CLEAR CUT: The indiscriminate removal of trees, shrubs, or undergrowth, usually for the purposes of preparing real property for non-agricultural development purposes. This definition shall not include the selective removal of non-native tree or shrub species when the soil is left relatively undisturbed; removal of dead trees; or normal mowing operations.

CLERK OF THE PLANNING BOARD: The person who shall be designated to perform the duties of the clerk of the Planning Board for all purposes of these regulations.

CLUB, PRIVATE: An organization, established for purposes other than generating profit, catering exclusively to members and their guests, or premises and buildings for social, recreational or athletic purposes for the membership and purposes of such club.

COLLECTOR STREET: A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

COMMERCIAL PARKING LOT: Any tract of privately owned land which is used for the storage of motor vehicles and is not necessary to any other use on the same or any other lot, and contains parking space rented to the general public or reserved for a group of individuals by the hour, day, week, month or year.

COMMERCIAL VEHICLE: A vehicle of more than one (1) ton capacity used for the transportation of persons or goods primarily for gain, or any vehicle carrying a sign or lettering of a commercial nature exceeding eighteen (18) inches by twenty-four (24) inches.

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

CONFERENCE CENTER: An establishment conducting meetings, services and similar gatherings for scientific, philanthropic or religious purposes. A "conference center" differs from a school in that no accreditation or continuous curriculum is involved and meetings, seminars, etc., are short, a maximum of two weeks, and the clients are primarily adults. Artistic performances or exhibitions of works of art are not considered meetings or seminars.

COUNTY: Washington County.

DAY CARE CENTER: A facility duly permitted by the New York State Department of Social Services for the care of either six (6) or more children, or six (6) or more adults, for less than 24 hours a day on a regular basis.

DEAD-END or CUL-DE-SAC: A street or portion of a street with only one vehicular traffic outlet.

DISTRICT OR ZONE: That portion of the Village within which specific uses are permitted according to the designation applied thereto in Article 3 and Article 4 of this Law.

DUMP: A lot or land used primarily for the disposal by abandonment, burial, burning or any other means and for whatever purposes, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

DWELLING: A building or part of a building designed or used principally as the living quarters for one (1) or more families in one (1) or more dwelling units.

DWELLING, SINGLE - FAMILY DETACHED: A building containing one (1) dwelling unit designed for occupancy by one (1) family, and having two side yards. This term includes modular homes, but shall not include manufactured homes, mobile homes, motel, hotel, rooming house or other accommodations used for less transient occupancy.

DWELLING, TWO (2) FAMILY/DUPLEX: A building, also known as a duplex, containing two (2) entirely separate dwelling units designed for occupancy by two (2) families. This term shall not include manufactures homes, mobile homes, motel, hotel, rooming house, or other accommodations used for more or less transient occupancy.

DWELLING, MULTI-FAMILY: A building containing three (3) or more entirely separate dwelling units with shared or individual entrances and/or other essential facilities and services. This term shall not include manufactured homes, mobile homes, motel, hotel, rooming house, or other accommodations used for more or less transient occupancy.

DWELLING UNIT/APARTMENT: One (1) room or rooms connected together, consisting of a separate independent housekeeping establishment for owner occupancy, rental or lease, and containing independent cooking, living, sanitary and sleeping facilities.

DWELLING UNIT: One (1) room or rooms connected together, consisting of a separate independent housekeeping establishment for owner occupancy, rental or lease, and containing

independent cooking, living, sanitary and sleeping facilities. This shall include sectional and modular homes provided they meet the standards of this Law and the New York State Fire Prevention and Building Code. It shall not include motel, hotel, lodging establishments for transient occupancy, travel trailer, manufactured homes, or mobile homes as defined herein.

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designed part of said property. A right-of-way granted, but not dedicated, for limited use of private land within which the owner of the property shall not conduct any use contrary to the use of said property by the holder of the easement.

ENGINEER or LICENSED PROFESSIONAL ENGINEER: A person licensed as a professional engineer by the State of New York.

ENVIRONMENTAL ASSESSMENT FORM (EAF): A form used by an agency to assist it in determining the environmental significance or non-significance of actions. A properly completed EAF must contain enough information to describe the proposed action, its location, its purpose, and its potential impacts on the environment.

ENVIRONMENTAL IMPACT STATEMENT (EIS): A written "draft" or "final" document prepared in accordance with Sections 617.9 and 617.10 of SEQ. An EIS provides a means for agencies, project sponsors, and the public to systematically consider significant adverse environmental impacts, alternatives, and mitigation. An EIS facilitates the weighing of social, economic, and environmental factors early in the planning and decision-making process. A draft EIS is the initial statement prepared by either the project sponsor or the lead agency and circulated for review and comment.

FAMILY: One or more persons who live together as a single housekeeping unit and maintain a common household, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel; may consist of a single person or two or more persons, whether or not related by blood marriage, or adoption; may also include foster children, domestic servants, and gratuitous guests.

FENCE: An artificially constructed barrier that is erected for the purpose of enclosing a piece of land, dividing a piece of land into distinct portions, or separating two (2) contiguous lots.

FINISHED GRADE: The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or other structure. If the line of intersection is not reasonably horizontal, the finished grade-in computing height of building and other structures or for other purposes shall be the average elevation of all finished grade elevations around the periphery of the building.

FLOOR AREA: The aggregate sum of the gross horizontal area of the several floors of the building or buildings, measured from the exterior of walls or from the centerlines of the walls separating the buildings. In particular, the "floor area" of a building or buildings shall include:

- Basement Space.
- Elevator shafts and stairwells at each floor.

- Floor space for mechanical equipment, with structural headroom of seven (7) foot, six (6) inch or more.
- Penthouses.
- Attic Space (whether or not a floor has actually been laid) providing structural headroom of seven (7) foot, six (6) inch or for at least fifty percent (50%) of the area.
- Interior balconies and mezzanines.
- Enclosed porches.
- Accessory uses, not including space for accessory off-street parking. However, the “floor area” of a building shall not include:
- Cellar space, except that cellar space used for retailing shall be included for the purposes of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.
- Elevator and stair bulkheads, accessory water tanks, and cooling towers.
- Floor space used for mechanical equipment, with structural headroom of less than seven (7) foot, six (6) inch.
- Attic space, (whether or not a floor has actually been laid), providing structural headroom of less than seven (7) foot, six (6) inch for fifty percent (50%) of the area.
- Uncovered steps; exterior fire escapes.
- Terraces, breezeways, open porches, and outside balconies and open spaces.
- Accessory off-street parking spaces.
- Accessory off-street loading berths.

FUNERAL HOME: A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

GARAGE, PRIVATE: An accessory building of not more than nine hundred (900) square feet, and of only one (1) story, which is designed for the parking and storage of motor vehicles and property owned and used by the occupants of the lot upon which it is erected. No business, occupation, or service shall be permitted in a “private garage.”

GARAGE, SERVICE/REPAIR: A building or premises used for the repair or service of motor vehicles, which may include lubricating, welding, polishing, washing, painting, dry cleaning, or otherwise cleaning or servicing such motor vehicles. A junkyard or auto salvage yard is not to be construed as a Service/Repair Garage.

GASOLINE STATION: An area of land, including structures thereon, or any building or part of thereof, that is used primarily for the sale and direct delivery to the motor vehicle of gasoline or any other motor vehicle fuel or oil and other lubricating substances, which may include as accessory uses sale of motor vehicle accessories, but shall not include facilities for washing or otherwise servicing motor vehicles.

GOVERNMENT SERVICE BUILDING: A structure which is owned and operated by local, state, or federal governments.

GREENHOUSE, PRIVATE: A building whose roof and sides are made largely of glass or

corrugated plastic (polycarbonate) and which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for personal enjoyment.

HOME GARDEN: A plot of land used for the growth of plants, flowers, shrubs or produce for family use or enjoyment.

HOME OCCUPATION: A professional service or business use which is clearly incidental and secondary to the use of the dwelling unit for residential purposes, conducted by the resident entirely within the enclosed walls of the dwelling unit or accessory building and which complies with the conditions and criteria of Article 5-D of this Law.

HOSPITAL: An institution for the care and treatment of sick and injured, equipped with technical facilities, medical, nursing and other professional and technical personnel necessary for diagnosis and treatment of persons suffering from sickness or injury, with on-site capacity to provide bed care.

HOTEL: A building or any part thereof, which contains living and sleeping accommodations for fifteen (15) or more and has a common exterior entrance or entrances and which may contain one (1) or more dining rooms.

INDUSTRIAL USE: Facilities that manufacture, design, assemble or process a product for wholesale in areas where such uses are currently operating and where existing infrastructure can serve such uses.

INN: A building containing a single dwelling unit in which between four (4) and fifteen (15) sleeping rooms are provided by the owner/occupant for compensation, for the accommodation of transient guests with or without meals.

JUNK YARD: An area of land with or without buildings used for or occupied by the storage, keeping, abandonment or the salvage of junk material, including processing such as sorting, baling, packing, disassembly, exchange and/or purchase and sale of materials, and including scrap metals or other scrap, used or salvaged building materials, or the dismantling, demolition, or abandoned automobiles or other vehicles, machinery or parts thereof.

LAUNDROMAT: A commercial establishment equipped with washing machines, and dryers, that are coin-operated and/or self-service.

LIBRARY: A building open to the general public whose principal use is a repository for literary and artistic materials, such as books, records, videotapes, records, etc.

LIGHT INDUSTRIAL USE: Facilities that manufacture, design, assemble or process a product for wholesale or retail sale and do not employ over twenty-five (25) people or operate for more than sixteen (16) hours per day. These industries do not produce high volumes of polluting waste and are compatible with other uses within the district.

LOT: A parcel of land with a single deed occupied or capable of being occupied by a building

or buildings and for the accessory buildings and/or uses, including such open spaces as are required for this Law, and having frontage on an existing or proposed road.

LOT, AREA: The total area within the lot boundary lines excluding any area included in a public street right-of-way.

LOT, CORNER: A lot situated at the junction of and adjacent to two or more intersecting streets when the interior angle or intersection does not exceed one-hundred-thirty-five degrees (135°).

LOT COVERAGE: That percentage of the plot or lot area covered by the combined area of all buildings, accessory buildings, structures, and paved areas on that lot. The area of porches, vestibules, bay windows, fireplace, and chimneys shall be added to the areas of the principal building and the areas of accessory structures for determining the percent of lot coverage.

LOT, DEPTH OF: A mean horizontal distance between the front and rear lot lines, measure in the general direction of its side lot lines.

LOT, FRONTAGE: A lot line which is coincident with the right - of - way line of a public road or which is measured 30 feet from the center line of a private road.

LOT LINES: The lines bounding a lot as defined herein.

LOT, THROUGH: A lot, which faces on two (2) streets at opposite ends of the lot, which is not a corner lot, also referred to as a double-frontage lot.

LOT, WIDTH OF: The mean width measured at right angles to its depth at the mid-point of the front line of the building.

MAJOR STREET: A thoroughfare or commercial street which serves or is designed to serve heavy traffic flows and which is used primarily as a route for traffic between communities and/or other heavy traffic-generating areas.

MAJOR SUBDIVISION:

1. Any subdivision not classified as a minor subdivision, including, but not limited to, subdivisions of a parcel into a total of four or more lots, or any size subdivision requiring any new street or extension of municipal facilities.
2. Any subdivision of a parcel of land within three years of the final approval of a previous subdivision or all or portion of the same parcel. Application for a further subdivision of any portion of a minor subdivision within a period of three years from the approval date of the original subdivision shall constitute application for a major subdivision, regardless of ownership of any portion of the minor subdivision.

MASTER OR COMPREHENSIVE PLAN: A plan, prepared pursuant to 7-722 of the Village Law, which indicates the general locations recommended for various functional classes of public works, places, and structures and for general physical development of the Village and

includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.

MEDICAL CLINIC: A facility where medical or dental care is furnished to persons on an out-patient basis by one (1) or more physicians who have common offices in a building which may also offer laboratory and diagnostic facilities to patients on an out-patient basis.

MINOR STREET: A rural street intended to serve primarily as an access to abutting properties.

MINOR SUBDIVISION: Any subdivision containing a total of three lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Comprehensive Plan, Official Map, or Zoning Ordinance, or these regulations.

MODULAR HOME: A housing unit constructed off-site consisting of more than one (1) segment and designed to be permanently anchored to a foundation, to become a fixed part of the real estate, does not have a permanent chassis, and which meets all the standards of the New York State Building Code.

MOTEL: A building or group of buildings not over two (2) stories in height containing individual living and sleeping accommodations for hire, each of which is provided with a separate exterior entrance and a parking space, and is offered for rental and use principally by motor vehicle travelers. The term "motel" includes, but is not limited to, every type of similar establishment known variously as an auto court, motor hotel, motor court, motor inn, motor lodge, tourist cabins, roadside hotel.

MUSEUM: An institution for the acquisition, preservation, study, and exhibition of works of artistic, historical, cultural, or scientific value.

NON-CONFORMING USE: Any use of a building, or a structure or tract of land which does not conform to the use regulations for the district in which such use is located, either at the effective date of this Zoning Law or as a result of subsequent amendment thereto, subject to the requirements of Article 6 of this Law.

NURSING HOME: A building containing accommodations for person/people including meals and where skilled nursing services are furnished.

OFFICIAL MAP: The map prepared pursuant to 7-724 of the Village Law, showing streets, highways, parks, and drainage, both existing and proposed.

OPEN SPACE: An unoccupied space open to the sky on the same lot with the building or structure.

PARK, PUBLIC: A tract of land, designated and used by the public, owned and maintained by the Village for active and passive recreation.

PARKING LOT: Any space used for the storage of more than three (3) vehicles on a continuing basis such space either being for hire or accessory to an existing building or use of land.

PARKING SPACE: The area required for parking one automobile, which in this Law is held to be in an area not less than nine (9) feet wide and not less than twenty-two (22) feet long not including driveways.

PERSONAL SERVICE ESTABLISHMENT: A commercial operation, office, store, or other place of business catering to the personal needs of a customer, such as normally conducted by a photographer, printing or graphic arts, barber, beautician, tailor, dressmaker, florist or similar occupation.

PERSONAL WIRELESS SERVICES: Cellular telephone, personal communications services, other mobile radio services, and other FCC-licensed wireless common carriers.

PERSONAL WIRELESS SERVICE FACILITY: Structures and facilities for the provision of personal wireless services, including, but not limited to any freestanding tower greater than thirty-five (35) feet in height, and any accessory structures thereto.

PLANNING BOARD: The Planning Board of the Village of Granville.

REALTY SUBDIVISION: Any parcel of land which is divided into five or more parcels, any parcel five acres or less, and subdivided within a three year period. All realty subdivisions will be reviewed by the Health Department.

1. Any tract of land which is divided into five (5) or more parcels along an existing or proposed street(s), highway(s), easement(s), or right(s)-of-way for sale or for rent as residential lot or residential building plots, and in the county of Washington also as business, commercial, or industrial lots or building plots, regardless of whether the lots or plots to be sold or offered for sale, or leased for any period of time, are described by metes and bounds or by reference to a map or survey of the property or by any other method of description and regardless of whether the lots or plots are contiguous. A tract of land shall constitute a subdivision upon the sale, rental or offer for sale or lease of the fifth residential lot or residential building plot therefrom within any consecutive three (3) year period, and at this time the provisions of section eleven hundred sixteen of the Public Health Law shall apply to all such parcels thereof, including the first four (4) parcels, regardless of whether said parcels have been sold, rented, or offered for sale or lease singly or collectively.
2. The word "tract" shall mean any body of land, including contiguous parcels of land, under one ownership or under common control of any group of persons acting in concert as part of a common scheme or plan.
3. "Residential lot" or "residential building plot" shall mean any parcel of land of five acres or less, any point on the boundary line of another such lot in the same tract ,unless any such It may not legally be used for residential purposes. Without limiting the generality of the foregoing, the term "residential" shall include temporary, seasonal, and permanent residential use.

PRELIMINARY PLAT: A drawing or drawings clearly marked "preliminary plat" showing the salient features of a proposed subdivision submitted to the Planning Board for approval prior to submission of the plat in the final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

PREMISES: A lot together with all the buildings and uses thereon.

PROFESSIONAL OFFICE: A non-retail service oriented office or agency principally occupied by a licensed professional such as a physician, dentist, lawyer, engineer, architect, accountant, insurance broker, travel agent, real estate agent, computer programmer, consultant, or similar occupation.

REPAIR SHOP, PERSONAL SERVICE: A store or other place of business at which is conducted the repair of personal customer items, such as shoes, clothing, jewelry, etc.

RESTAURANT, FAST FOOD: An establishment where food and/or beverages are sold in a form ready for consumption and where, by design or packaging techniques, all or a significant portion of the consumption can or does take place outside the confines of the building.

RESTAURANT, STANDARD: Any establishment, however designed, whose primary use is preparation and sale of food for consumption to patrons seated within an enclosed building or on the premises. However, a snack bar or refreshment stand at a public or quasi-public community swimming pool, playground, play-field or park operated by the agency, or group, or an approved vendor, operating the recreational facilities and for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

RETAIL BUSINESS: A commercial establishment or activity designed for and primarily characterized by the direct on-premises sale of goods and services to the ultimate consumer, generally involving stock-in-trade such as normally associated with department stores, food markets and similar establishments. This term shall not include restaurants, service repair garages, or hospitals.

RIGHT-OF-WAY: The property under public ownership or easement normally used for movement of vehicles, and or persons, including, but not restricted to, any pavement area.

SCHOOL: An education institution, either public or private, housing a curriculum, a physical plant consisting of adequate facilities and a qualified staff to carry out the institution's objectives.

SEQR - State Environmental Quality Review as amended by the state.

SETBACK: The minimum horizontal distance between the line of a building or structure and the side property line for side setback or rear property line for rear setback. Front setback shall be measured from the minimum horizontal distance between the line of a building or structure and the front right-of-way line.

SHED: Any enclosed building, two hundred (200) square feet or less, and not intended for habitation.

SHOPPING CENTER: A group of three (3) or more retail stores in a single structure, depending mostly on customers coming by automobile and having parking facilities which are integrated with the Site Plan and the design of the stores.

SKETCH PLAN: A sketch of a proposed subdivision showing the information specified in Article 11-2 of these regulations 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 these regulations.

SIGN: Any structure, or part thereof, or any device attached to a structure or painted or represented on a structure which shall display or include any lettering, wording, model, drawing, picture, banner, flag, insignia, pennant, device, marking or representation designed or used as, or which is in the nature of an announcement, direction, or advertisement, subject to the requirements of Article 5-J of this Law. The word "sign" does not include the flag, pennant or insignia of any nation, of any governmental agency, or of any political, educational, charitable, philanthropic, civic, professional, religious, or similar organization, campaign, drive, movement, or event, which is temporary in nature. The following words and phrases shall have the meanings respectively ascribed to them herein particularly as they relate to sign regulations.

SIGN, AREA: The area of a sign shall be measured as follows:

- When such sign is on a plate or framed or outline all of the area of such plate or the area enclosed by such frame or outlined shall be included.
- When such sign consists only of letters, designs, or figures engraved, painted, projected, or in any manner affixed on a wall, or a fascia panel integrated into the building design, the total area of such sign shall be deemed the area of the smallest triangle, rectangle, or circle within which all of the matter of which such sign consists may be inscribed.

SIGN, BILLBOARD: An advertising sign, structure or symbol erected and maintained by an entity who may or may not be engaged in the sale or rental for profit of space to a clientele or manufacturing service or commercial enterprises upon which space there is displayed by means of painting, posting or other method a business, commodity or service not necessarily made, produced, assembled, stored or sold from the lot or premises upon which the advertisement is displayed.

SIGN, FLASHING: An illuminated sign on which the artificial lighting is not maintained stationary or constant in intensity and color at all times while in use.

SIGN, FREESTANDING: A sign not attached to or part of any building or structure, separate there from and permanently affixed by any other means in or upon the ground. Included are pole signs, pylon signs and masonry wall-type signs. Billboards are not included in this definition.

SIGN, ICONIC: A sign which is a traditionally accepted pictorial symbol conveying the nature

of the business, normally constructed in heavy relief or is three-dimensional.

SIGN, ILLUMINATED DIRECTLY: A sign which incorporates any artificial lighting as an inherent part or feature or which depends for its illumination on transparent or translucent material or electricity or radio-activated material or substance.

SIGN, ILLUMINATED INDIRECTLY: A sign illuminated with an artificial light which is separated from or is not an intrinsic part of the sign itself.

SIGN, MOBILE: A sign not permanently affixed to a structure or to the ground and designed or intended to be moved from one location to another (See TEMPORARY SIGN).

SIGN; MARQUEE, CANOPY, OR BALCONY: A sign which is part of, attached to, or hung from a marquee, canopy, or other covered structure projecting from and supported or partially supported by a building.

SIGN; OFF-PREMISES: A sign which is not on the establishment's property.

SIGN, PROJECTING: A sign which is affixed to an exterior wall of the structure extending perpendicular or at an angle of more than 30° from the wall and with the sign surface plane (upon which the typography is displayed) perpendicular to or at an angle of more than 30° to the wall plane.

SIGN, ROOF: A sign erected, constructed and maintained wholly upon or above the roofline of any building, with the principal support on the roof or eaves structure.

SIGN, TEMPORARY: A sign which is designed to advertise or announce a particular event or series of events, to solicit political support, or to announce the availability for sale of a particular item or items which will be available for a duration of not more than thirty (30) days.

SIGN, WALL: A sign which is affixed to or painted on an exterior wall of a structure and the surface on which the typography is displayed is in the same plane as the wall plane.

SITE PLAN: A rendering, drawing, sketch, or map prepared to specifications and containing necessary elements, as set forth in this Local Law, which shows the arrangement, layout and design of the proposed use(s) of a single parcel of land.

STORY: That portion of a building comprised between floor and the floor or roof next above it. A basement shall be considered a story. A cellar shall not be considered a story.

STORY, HALF: That portion of a building situated above a full story and having at least two (2) opposite exterior walls meeting a sloping roof at a level not higher above the floor than a distance equal to one-half (1/2) the floor-to-the-ceiling height of the story below. An attic with a finished floor shall be considered a half story.

STREET: An existing public or private way, which affords principal means of access to abutting properties and is suitably improved; or a proposed way shown on the official map and recorded

in the office of the Village Clerk.

STREET PAVEMENT: The wearing or exposed surface of the roadway used by vehicular traffic.

STREET, PUBLIC: A road or street that serves three or more principal uses that is built to Village specifications and is dedicated to the Village for maintenance.

STREET WIDTH: The width of the right-of-way measured at right angles to the center line of the street.

STRUCTURE: A combination of materials other than a building to form a construction that is safe and stable and includes among other things, stadiums, platforms, radio towers, sheds, storage bins, and display stands.

SUBDIVIDER: Any person, firm, corporation, partnership, or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

SUBDIVISION: Division of any parcel into two or more lots, plots, sites, or other division of land for purposes whether immediate or future of transfer of ownership, lease, or building development and shall include resubdivision.

SUBDIVISION PLAT or FINAL PLAT: A drawing, in final form, showing all information or detail required by law and by these regulations 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 or Register.

SURVEYOR: A person licensed as a land surveyor by the State of New York.

SWIMMING POOL: An artificial pool of water having a depth at any point of more than eighteen (18) inches and a surface area greater than one-hundred (100) square feet, designed or intended for the purpose of bathing or swimming and including all accessory equipment, subject to the requirements of Article 5-B-9 of this Law.

TEMPORARY ENCLOSURE: Any moveable, tent-like structure intended to provide or actually providing protection from the elements for stored materials, vehicles, or other items. This would include temporary garages or canopies of tent-like construction, as well as tarpaulins of plastic, canvas or similar type materials supported by wooden or metal frameworks. Tents set up for special occasions, screen houses and other such seasonal, recreational enclosures are specifically exempted from this definition unless used for storage as listed above.

THEATER: A building, room, or an outdoor structure for the presentation of plays, motion pictures, or other dramatic performances, not to include, adult oriented business or entertainment, as defined above.

TOWER: A structure situated on a non-residential site that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for dispatch communications.

TRUCKING TERMINALS: A building or part of a building or premises for the storage and/or transfer of goods, wares, and merchandise for the owner or others by truck transport.

USE: This term is employed in referring to:

- The purpose, for which any buildings, other structures, or land may be arranged, designed, intended, maintained, or occupied.
- Any occupation, business activity, or operation conducted in a building or other structure, or on land.

USE, PRINCIPAL: The main or primary purpose for which a building, other structure and/or lot is designed, arranged, or intended or for which they may be used, occupied, or maintained under this Law.

VARIANCE, AREA: The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

VARIANCE, USE: The authorization by the Zoning Board of Appeals for the use of land for the purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

VEHICLE SALES AREA: A premise(s), including open areas, other than a street or way, and enclosed show rooms for the display and sale of new or used automobiles, trucks, trailers, motorcycles, and/or recreation vehicles.

VETERINARY HOSPITAL: A building for the treatment of animals, including facilities for hospitalizing animals receiving treatment.

VILLAGE ENGINEER: The duly designated engineer of the Village.

VILLAGE: The Village of Granville.

WAREHOUSE: A building or premises, for storing of goods, wares and merchandise, whether for the owner or for others, prior to shipment to final retail sale operation and whether it is a public or private ownership and use.

WHOLESALE BUSINESS: A business establishment engaged in selling to retailers rather than directly to consumers.

YARD: An unoccupied space open to the sky, on the same lot with the building or structure.

YARD, FRONT: An open area extending the full width of the lot situated between the street right-of-way and the building line projecting to the side lot lines.

YARD, REAR: An open area extending the full width of the rear lot line situated between the rear lot line and the building line projecting to the side lot lines.

YARD, REQUIRED: That portion of the open area of a lot extending open and obstructed from

the ground upward, along a lot line for a setback depth or width as specified by the bulk regulations of the district in which the lot is located. No part of such yard shall be included as part of a yard or other open space similarly required for building on another lot.

YARD, SIDE: An open area extending between the building line and the side line of a lot and extending from the front yard rear line (or from the front lot line, if there is no required front yard) to the rear yard front line (or rear lot line).

ARTICLE 3
DISTRICTS AND BOUNDARIES

A. Establishment of Districts:

For the purposes of this Chapter, the Village of Granville is hereby divided into the following Zoning Districts:

1. Low Density Residential District
2. Village Density Residential District
3. Neighborhood Business District
4. Main Street Business District
5. Commercial Business District
6. Light Industrial District
7. Industrial District

B. Official Zoning Map:

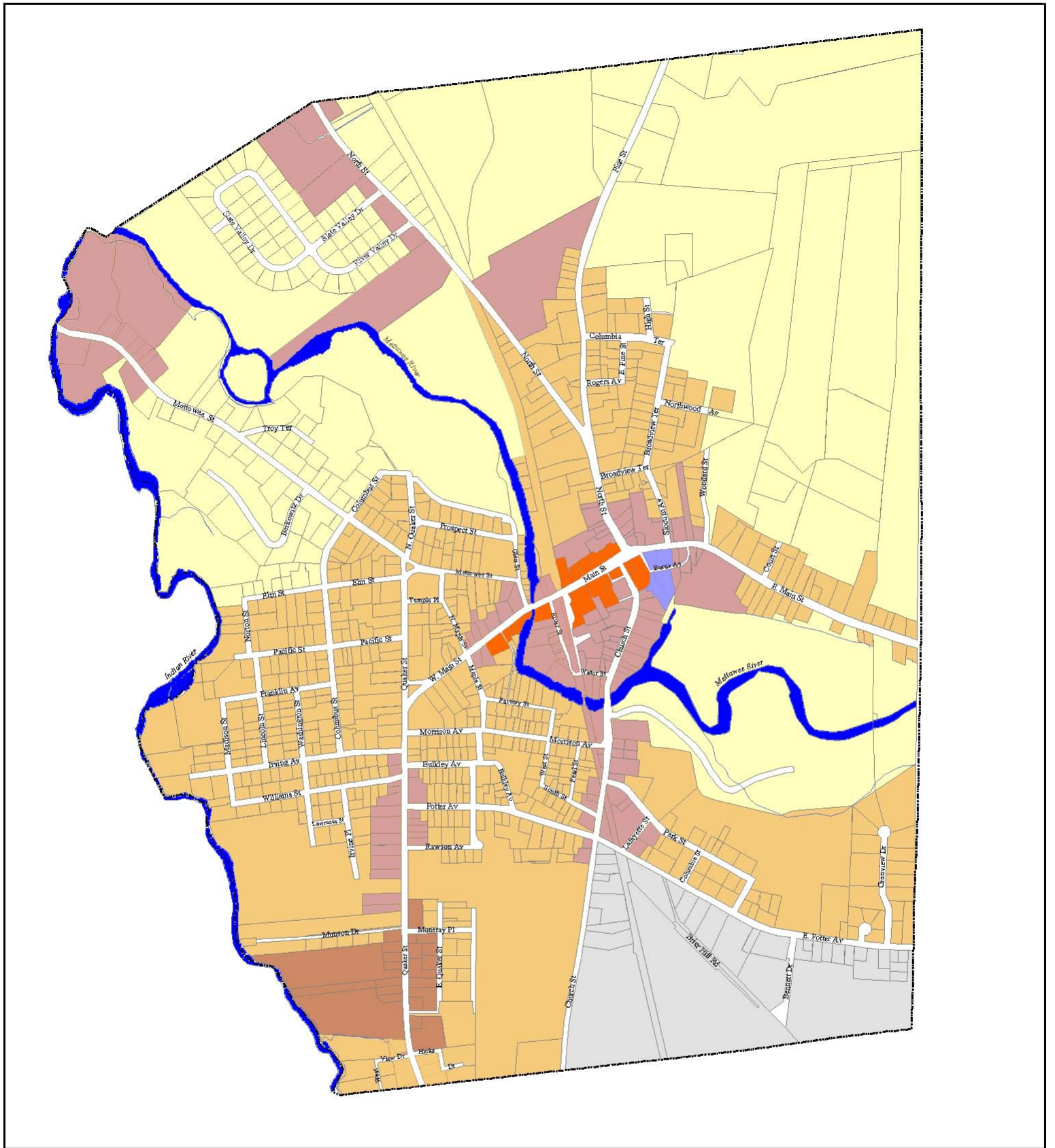
The location and boundaries of the Zoning Districts established herein are shown on the map entitled "Zoning Map of the Village of Granville." Said map, together with everything shown thereon and all amendments thereto, is hereby adopted by reference and accompanies and is declared to be a part of this Law. Said map, indicating the latest amendments, shall be kept up-to-date in the office of the Village Clerk for the use and benefit of the general public.

C. Interpretation of District Boundaries:

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

1. Where district boundaries are indicated as approximately following the Village boundary line, property lines, or lot lines, said boundaries shall be construed as following the lot line or property ownership line.
2. Where district boundaries are so indicated that they are approximately parallel to the Village boundary line, street lines, property lines, lot lines or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances there from as are indicated on the Zoning Map or as shall be determined by the use of the scale show on the Zoning Map.
3. Where district boundaries are indicated as following a river or stream, said boundaries shall be construed to be coincident with the center line of such river or stream, and said boundaries shall be deemed to be automatically moved if the main channels of such streams or rivers are moved by natural or artificial means up to a maximum of fifty (50) feet.

4. In all cases where a district boundary line is located not farther than fifteen (15) feet away from a lot line of record, the regulations applicable to the greater part of the lot shall be deemed to apply to the entire lot.
5. Where any uncertainty exists, the Village of Granville Planning Board, upon written application or on its own motions, shall determine the location of the boundary in question giving due consideration to the location indicated on the zoning map and the purposes set forth in the zoning district regulations.



LEGEND

- Village Boundary
- Tax Parcels
- Hydrology

ZONING DISTRICTS

- Commercial District
- Industrial District
- Low Density Residential District
- Neighborhood Business District
- Village Density Residential District
- Light Industrial District
- Main Street Business District

**Zoning Map
Village of Granville, New York**

May 17, 2006
Revised January 9, 2008

**Village of Granville
Allowable Uses Chart**

	Low Density Residential	Village Density Residential	Neighborhood Business	Main Street Business	Commercial	Light Industrial	Industrial
Single-Family Detached Dwelling	● CEO	● CEO	● CEO				
Two-Family Dwelling or Duplex			▲ PB				
Multi-Family Dwelling			▲ PB	▲ PB			
Townhouse			▲ PB				
Condominium			▲ PB				
One Dwelling Unit/Apartment				● CEO			
Multiple Dwelling Unit/Apartment						▲ PB	
Accessory Structure or Building	● CEO	● CEO					
Swimming Pool	● CEO	● CEO					
Home Garden/Private Greenhouse	● CEO	● CEO					
Accessory Living Quarters	◆ PB	◆ PB					
Home Occupation	◆ PB	◆ PB					
Bed and Breakfast	◆ PB	◆ PB	▲ PB	▲ PB			
Inn	◆ PB	◆ PB	▲ PB	▲ PB			
Public Park	◆ PB	◆ PB	● CEO	● CEO		▲ PB	
Government Service Building	◆ PB	◆ PB	● CEO	● CEO		▲ PB	
Church/Place of Worship	◆ PB	◆ PB	▲ PB	▲ PB		▲ PB	
School, public or private	◆ PB	◆ PB					
Museum	◆ PB	◆ PB	▲ PB	▲ PB		▲ PB	
Library	◆ PB	◆ PB	▲ PB	▲ PB		▲ PB	
Professional Office			▲ PB	▲ PB	▲ PB	▲ PB	
Personal Service Establishment			▲ PB	▲ PB	▲ PB	▲ PB	
Restaurant, Standard			▲ PB	▲ PB	▲ PB	▲ PB	
Restaurant, Fast Food					▲ PB		
Retail Business			▲ PB	▲ PB	▲ PB	▲ PB	
Bank			▲ PB	▲ PB	▲ PB	▲ PB	
Day Care Center			▲ PB				
Laundromat			▲ PB	▲ PB	▲ PB	▲ PB	
Repair Shop, Personal Service			▲ PB	▲ PB	▲ PB	▲ PB	
Theater			▲ PB	▲ PB	▲ PB	▲ PB	
Club, Private			▲ PB	▲ PB	▲ PB	▲ PB	▲ PB
Hotel					▲ PB		
Motel					▲ PB		
Medical Clinic					▲ PB		
Hospital					▲ PB		
Veterinary Hospital					▲ PB		
Assisted Living Facility			▲ PB		▲ PB		
Nursing Home					▲ PB		
Funeral Home			▲ PB		▲ PB	▲ PB	
Conference Center					▲ PB		▲ PB
Shopping Center					▲ PB		
Car Wash					▲ PB		
Garage, Service Repair					▲ PB		▲ PB
Gasoline Station					▲ PB		▲ PB
Vehicle Service Area					▲ PB		▲ PB
Light Industrial Use						▲ PB	
Industrial Use							▲ PB
Personal Wireless Services							▲ PB
Personal Wireless Service Facility							▲ PB
Tower							▲ PB
Trucking Terminals							▲ PB
Warehouse							▲ PB
Wholesale Business							▲ PB
Adult Oriented Business							▲ PB
Adult Entertainment Establishment							▲ PB

Legend	
Permitted By-Right	● CEO - Code Enforcement Officer
Requires Special Use Permit	◆ PB - Planning Board Public Hearing - Mandatory
Requires Site Plan Review	▲ PB - Planning Board Public Hearing - Optional
Not Permitted	(blank) CEO or PB denies application because it is expressly forbidden by zoning. An appeal may be made to the ZBA.

ARTICLE 4
ZONING DISTRICT REGULATIONS

A. Low Density Residential District:

1. Purpose:

To ensure that future residential development is constructed at low densities, complements the natural surroundings and existing neighborhoods, and provides pedestrian friendly amenities and appropriate landscaping.

2. Uses Permitted By-Right:

- a. Single-Family Detached Dwelling.
- b. Accessory Structure or Building, subject to the provisions of Article 5-B of this Law.
- c. Swimming Pool, subject to the provisions of Article 5-B of this Law.
- d. Home garden and/or private greenhouse.

3. Uses Requiring Special Use Permit Approval:

- a. Accessory Living Quarters, subject to the provisions of Article 5-A of this Law.
- b. Home Occupation, subject to the provisions of Article 5-D of this Law.
- c. Bed and Breakfast.
- d. Inn.
- e. Public Park.
- f. Government Service Building.
- g. Church/Place of Worship.
- h. School, public or private.
- i. Museum.
- j. Library.

B. Village Density Residential District:

1. Purpose:

To maintain and protect existing residential neighborhood qualities by ensuring that future residential development is compatible with the style and character of the surrounding residential area.

2. Uses Permitted By-Right:

- a. Single-Family Detached Dwelling.
- b. Accessory Structure or Building subject to the provisions of Article 5-B of this Law.
- c. Swimming Pool subject to the provisions of Article 5-B-9 of this Law.

-
- d. Home garden and/or private greenhouse.
3. Uses Requiring Special Use Permit Approval:
 - a. Accessory Living Quarters subject to the provisions of Article 5-A of this Law.
 - b. Home Occupation subject to the provisions of Article 5-D of this Law.
 - c. Bed and Breakfast.
 - d. Public Park.
 - e. Government Service Building.
 - f. Church/Place of Worship.
 - g. School, public or private.
 - h. Museum.
 - i. Library.
- C. Neighborhood Business District:
1. Purpose:

To encourage mixed land uses in areas that are intended to serve as neighborhood gathering places, allowing for a wide range of housing types, small businesses and public and semi-public facilities that provide for the basic community services, employment, convenience shopping, and recreation for persons residing within the district and in nearby residential areas.
 2. Uses Permitted By-Right:
 - a. Single-Family Detached Dwelling.
 - b. Public Park.
 - c. Government Service Building.
 3. Uses Requiring Site Plan Review Approval:
 - a. Two-Family Dwelling or Duplex.
 - b. Multi-Family Dwelling.
 - c. Townhouse.
 - d. Condominium.
 - e. Church/Place of Worship.
 - f. Museum.
 - g. Library.
 - h. Professional Office.
 - i. Personal Service Establishment.

- j. Restaurant, Standard.
- k. Retail Business not to exceed ten thousand (10,000) square feet gross floor area.
- l. Bank.
- m. Day Care Center.
- n. Assisted Living Facility.
- o. Funeral Home.
- p. Bed and Breakfast.
- q. Inn.
- r. Laundromat.
- s. Repair Shop, Personal Service.
- t. Theater.
- u. Club, Private.

D. Main Street Business District:

1. Purpose:

To encourage mixed uses in areas that are intended to serve as neighborhood gathering places, allowing for housing, small businesses and public and semi-public facilities that provide for the basic community services, employment, convenience shopping, and recreation for persons residing within the district and in nearby residential areas.

2. Uses Permitted By-Right:

- a. One Dwelling Unit/ Apartment, within the same building as any other permitted use within this district provided the residence is not located on the ground floor.
- b. Public Park.
- c. Government Service Building.

3. Uses Requiring Site Plan Review Approval:

- a. More than one Dwelling Unit/ Apartment, within the same building as any other permitted use within this district provided the residences are not located on the ground floor.
- b. Church/Place of Worship.
- c. Museum.
- d. Library.
- e. Professional Office.
- f. Personal Service Establishment.
- g. Restaurant, Standard.

- h. Retail Business not to exceed ten thousand (10,000) square feet gross floor area.
- i. Bank.
- j. Bed and Breakfast.
- k. Inn.
- l. Laundromat.
- m. Repair Shop, Personal Service.
- n. Theater.
- o. Club, Private.

E. Commercial Business District:

1. Purpose:

To provide for a wide variety of commercial development that serves both local and regional needs but will complement the style, design and character of the surrounding residential area.

2. Uses Requiring Site Plan Review Approval:

- a. Professional Office.
- b. Personal Service Establishment.
- c. Retail Business.
- d. Bank.
- e. Restaurant, Standard.
- f. Restaurant, Fast Food.
- g. Laundromat.
- h. Repair Shop, Personal Service.
- i. Theater.
- j. Hotel.
- k. Motel.
- l. Hospital.
- m. Medical Clinic.
- n. Veterinary Hospital.
- o. Assisted Living Facility.
- p. Nursing Home.
- q. Funeral Home.
- r. Conference Center.

- s. Shopping Center.
- t. Car Wash.
- u. Garage, Service Repair.
- v. Gasoline Station.
- w. Vehicle Sales Area.
- x. Club, Private.

F. Light Industrial District:

1. Purpose:

Light industrial blends into and has very little impact on its surroundings, with a minimum of truck traffic, noise, odors, and hours of operation are limited.

2. Uses Requiring Site Plan Review Approval:

- a. Light Industrial Use.
- b. Public Park.
- c. Government Service Building.
- d. More than one Dwelling Unit/ Apartment, within the same building as any other permitted use within this district provided the residences are not located on the ground floor.
- e. Church/Place of Worship.
- f. Museum.
- g. Library.
- h. Professional Office.
- i. Personal Service Establishment.
- j. Restaurant, Standard.
- k. Retail Business not to exceed ten thousand (10,000) square feet gross floor area.
- l. Bank.
- m. Laundromat.
- n. Theater.
- o. Repair Shop, Personal Service.
- p. Funeral Home.
- q. Club, Private.

G. Industrial District:

1. Purpose:

To provide for a wide variety of commercial development and industrial uses.

2. Uses Requiring Site Plan Review Approval:

- a. All uses specified and as regulated in the Commercial Business District, Section E of this Article, subject to all restrictions, regulations, bulk requirements and procedures of said district.
- b. Industrial Use.
- c. Garage, Service Repair.
- d. Gasoline Station.
- e. Vehicle Sales Area.
- f. Club, Private.
- g. Conference Center.
- h. Personal Wireless Services.
- i. Personal Wireless Service Facility.
- j. Tower.
- k. Trucking Terminals.
- l. Warehouse.
- m. Wholesale Business.
- n. Adult Oriented Business (See Supplemental Regulations, Article 5-C).
- o. Adult Entertainment Establishment (See Supplemental Regulations, Article 5-C).

Area and Bulk Schedule

DISTRICTS	LOT REQUIREMENTS			MINIMUM YARD REQUIREMENTS			
	Minimum Lot Area	Minimum Lot Width (Feet)	Maximum Lot Coverage (See Article 2)	Front Yard (Feet)	Rear Yard (Feet)	Minimum of Each Side Yard (Feet)	Total of Both Side Yards (Feet)
Low Density Residential District	30,000 sq. ft.	120	30%	30	30	30	60
Village Density Residential District	7,500 sq. ft.	75	40%	25	25	15	40
Neighborhood Business District	7,500 sq. ft.	80	40%	25	25	25	50
Main Street Business District	5,000 sq. ft.	50	80%	0	0	0	0
Commercial Business District	12,000 sq. ft.	100	50%	25	25	25	50
Light Industrial District	7,500 sq. ft.	80	40%	25	25	25	50
Industrial District	2 acres	150	50%	50	30	30	60

- All dwelling units shall have a total floor area of at least one thousand (1,000) square feet and a minimum horizontal dimension of twenty-four (24) feet, exclusive of open porches, attached garages, or other accessory structures shall meet the minimum set back requirement.
- Maximum building height for all districts is thirty-five (35) feet.
- Within all residential districts, where there are existing dwellings within fifty (50) feet on either side and within the same block, which are set back less from the front lot line than that required above, the minimum required front yard depth may be reduced to the average set back of such dwellings, upon approval of an Area Variance by the Zoning Board of Appeals.

ARTICLE 5
SUPPLEMENTAL REGULATIONS

The following supplemental regulations are applicable to all zoning districts within the Village of Granville.

A. Accessory Living Quarters:

1. Accessory living quarters will be permitted by Special Use Permit only within Single-Family Detached Dwellings.
2. The principal dwelling unit in which the accessory living quarters is located must be owner-occupied.
3. The accessory living quarters unit cannot have a gross floor area which exceeds seven hundred fifty (750) square feet.
4. No more than one (1) accessory living quarters will be permitted on any one parcel.
5. No more than two (2) individuals will be allowed to live in any one (1) accessory living quarters.
6. The accessory living quarters must be entirely self contained, with separate cooking, sanitary and sleeping facilities for the exclusive use of the accessory unit's occupant(s).
7. The accessory living quarters unit's entrance and the principal dwelling shall share a common entrance.
8. One and one half (1 ½) off-street parking spaces must be provided for the accessory living quarters. No additional driveways are permitted. Existing driveways may be widened or lengthened to accommodate the additional parking space.
9. The accessory living quarters shall conform with the Area and Bulk Schedule requirements of the Single-Family Residential Districts.

B. Accessory Structures or Buildings:

1. Permitted Accessory Structures or Buildings in Residential Zoning Districts:
 - a. Private garages not attached to the dwelling. However, only one garage (attached or detached) is permitted per residential lot, and it shall be limited to a maximum nine hundred (900) square feet.
 - b. Carports.
 - c. Swimming pools subject to the requirements of Section B-9 of this Article.
 - d. Private Greenhouse.
 - e. Decks and patios.
 - f. Tennis courts, basketball courts, volleyball courts, shuffleboard courts, horseshoe pits, and similar outdoor recreation facilities for use by the residents and their guests, but not for commercial gain.

- g. Storage sheds for the storage of lawn maintenance equipment, tools, bicycles, toys, swimming pool equipment and supplies, etc., not to exceed one-hundred-and-fifty (150) square feet. Temporary enclosures are prohibited.
 - h. Receive-only antennae.
 - i. Doghouses and similar shelters for household pets.
 - j. Heat pumps, air conditioning units, and similar climate-control and utility devices typically located outside of the house, excluding exterior wood-burning furnaces or outdoor waste incinerators.
 2. Permitted Accessory Structures or Buildings in Non-Residential Zoning Districts:
 - a. Private Garages.
 - b. Decks and patios.
 - c. Tennis courts, basketball courts, volleyball courts, shuffleboard courts, horseshoe pits, ball fields, and similar outdoor recreation facilities.
 - d. Storage sheds for the storage of lawn maintenance equipment, tools, bicycles, toys, swimming pool equipment and supplies, etc., not to exceed two hundred (200) square feet. Temporary enclosures are prohibited.
 - e. Utility structures and heating and air conditioning units, excluding exterior wood-burning furnaces or outdoor waste incinerators.
 - f. Dumpsters.
 3. Location:

No permitted accessory structure or building shall be located in any front yard.
 4. Height:

No accessory structure or building shall exceed twenty (20) feet in height in a residential zoning district.
 5. Setbacks for Garages (Attached and Detached):

Garages (both attached and detached) must be located at least ten (10) feet from side and rear property lines.
 6. Setbacks for all other Residential Accessory Structures or Buildings:

All residential accessory structures or buildings must be located at least ten (10) feet from side and rear property lines.
 7. Setbacks for Non-Residential Accessory Structures or Buildings:

All non-residential accessory structures or buildings must be located at least ten (10) feet from side or rear property lines.
 8. Screening for Dumpsters in Non-Residential Zoning Districts:

All dumpsters shall be screened from public streets, rights-of-way, and areas where

pedestrians frequently travel. Said screening shall consist of a solid row of evergreens, or solid fencing sufficient to hide the dumpster from public view.

9. Swimming Pools:

- a. The area of a swimming pool, including any raised deck, or platform and all accessory structures associated with the pool is to be included when calculating lot coverage.
- b. At the time that an individual acquires a building permit application for a swimming pool, he/she will be given a copy of the applicable state regulations pertaining to the construction and maintenance of swimming pools.
- c. Compliance shall be consistent with either the Village of Granville's Local Law No. 1 of the Year 1975 and as amended, or the New York State Uniform Fire Prevention and Building Code for regulations regarding swimming pools, spas, and hot tubs. If a conflict arises, the more stringent shall apply.

C. Adult Oriented Business or Adult Entertainment Establishment:

1. No person shall operate an Adult Oriented Business or Adult Entertainment

Establishment without obtaining a Special Use Permit, complying with all the required yard restrictions and the following additional requirements:

- a. The Adult Oriented Business or Adult Entertainment Establishment must be located a distance greater than fifteen hundred (1,500) feet from a public or private school (grades pre-school through 12), church, or other house of worship, public park or playground, public swimming area, or day care center.
- b. The Adult Oriented Business or Adult Entertainment Establishment must be located a distance greater than five hundred (500) feet from any private residence.
- c. No Adult Oriented Business or Adult Entertainment Establishment shall be located within one-thousand (1000) feet from the nearest property line of an Adult Oriented Business or Adult Entertainment Establishment.

D. Home Occupations:

1. A home occupation may be established and maintained in a one-family or two-family dwelling subject to approval of a Special Use Permit by the Planning Board, provided that:

- a. No more than one (1) employee in addition to the residents of the home may be employed by the home occupation.
- b. Pursuant to the New York State Uniform Fire Prevention and Building Code, a home occupation can occupy no larger area than fifteen percent (15%) of the floor space of the principal dwelling used for human habitation.
- c. The use shall be carried on wholly within the walls of the dwelling.
- d. There are no outside operations, storage or display of materials or products.

- e. No alteration of the residential appearance of the premises occurs, such as, but not limited to, creation of a separate entrance to the dwelling or utilization of an existing entrance exclusively for the home occupation, and there is no other visible evidence of the conduct of the home occupation other than one sign, subject to the requirements of Section J of this Article.
- f. No more than one (1) vehicle is utilized in the home occupation, and one (1) off-street parking space will be provided for the vehicle that is used for conducting the business.
- g. The use shall not result in or cause vehicular traffic that will create a nuisance to abutting properties or be detrimental to the residential character of the neighborhood.
- h. Visitors, customers, or deliveries do not exceed those normally and reasonably occurring for a residence, including not more than two (2) visitors attributable to the home occupation per hour and eight (8) visitors per day and not more than two (2) deliveries of products or materials per week. Business hours limited from 7am until 9pm.
- i. No mechanical equipment is utilized, except that which is necessarily, customarily or ordinarily used for household or leisure purposes, except equipment used by a licensed health professional.
- j. No electrical equipment is utilized which produces visual or audible interference in any radio or television receiver or any communications equipment off the premises or which causes fluctuation in line voltage off the premises.
- k. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials are used or stored on the site.
- l. No equipment or process is used which creates noise, vibration, glare, fumes, or odors perceptible to the normal senses off the lot.
- m. No article is sold or offered for sale or rent except as is incidental to the home occupation.
- n. An approval for a home occupation is nontransferable.
- o. Any change of home occupation requires a new Special Use Permit Application.
- p. Any change of home ownership requires a new Special Use Permit Application.
- q. Such uses shall be subject to any other conditions the Planning Board deems necessary to meet the intent of these requirements.

E. Manufactured Housing:

Refer to Local Law No.: 1 of 1999, Village of Granville, NY, Mobile Home, Mobile Home Park and Trailer Park Law and as amended.

F. Gasoline Stations, Service Repair Garages, and/or Vehicle Sales Areas:

1. General:

- a. A gasoline station lot and/or fuel storage tank shall not be located within five hundred (500) feet of any municipal water wells or other municipal water supply source. Gasoline service stations and businesses which store and/or dispense petroleum products must comply with all other applicable Federal, State, and Local Laws and regulations and documentation must be provided to the Code Enforcement Officer to show compliance.
- b. No gasoline or oil pump, no oiling or greasing mechanism and no other storage or service appliance installed in conjunction with any gasoline station or public garage shall be within twenty-five (25) feet from any curb line and fifty (50) feet from any property line.

2. Access:

- a. There will be no more than one (1) driveway on each street abutting the property. Areas not meant for access are to be curbed or landscaped so as to direct traffic to the formal access driveways.
- b. Driveways are not to exceed thirty (30) feet in width at the street's pavement edge.
- c. On corner lots, no driveways will be permitted within fifty (50) feet of the intersection.

3. Paving, Curbing, and Grading:

- a. The entire area used for parking, storage, loading and access must be paved.
- b. Grading for the paved areas of the property will be done in such a way as to prevent minor fuel spills from entering non-paved areas, and to keep the spilled fuel from migrating off the site.

3. Vehicle Storage:

- a. All automobile repair and servicing activities, and all automobile servicing equipment and parts associated with repairs and servicing, must be located within a building.
- b. All vehicles stored outside on the property must have a current valid registration except for new or used cars for sale not yet purchased and registered.

G. Fences:

1. Height Limitations in Rear, Front, and Side Yards:

The height of a fence shall be measured from the existing grade to the top of the fence. Fences and walls shall be permitted, provided that, in any residential district, no fence or wall shall exceed four (4) feet in height in any front yard or along a public right-of-way or six (6) feet in height in any rear or side yard.

2. Location Restrictions:

All fences or walls must be erected no less than three (3) feet from the front yard line, and may be placed up to, but not on the property line. No fence shall be erected so as to encroach upon a public right-of-way or interfere with vehicular or pedestrian traffic or

interfere with visibility on corner lots and/or other structures or vehicles, whether stationary or transitory, on private or public property.

3. Materials, Composition, and Maintenance:

- a. Any fence, wall or similar structure, as well as shrubbery, which unduly cuts off light or air, which may cause a nuisance, a fire hazard or a dangerous condition or an obstruction to people and equipment in regard to traffic or for combating fires or which may affect public safety, is hereby expressly prohibited.
- b. No fence shall be erected in a front yard in a residential district or along a public right-of-way unless the fence is uniformly less than fifty percent (50%) solid and does not obstruct visibility. It is the intent of this section to allow the construction of a fence that does not obstruct vision and is otherwise aesthetically pleasing.
- c. All fences must be properly installed and properly maintained at all times.

4. Types of Fences Restricted:

The following fences and fencing materials are specifically prohibited:

- a. Barbed wire.
- b. Razor wire
- c. Pointed fences that are a hazard to public safety or welfare.
- d. Cloth fences.
- e. Electrically charged fences except for invisible fences, which are buried underground and designed to emit a radio transmission for the purpose of keeping pets that are wearing a special radio receiver collar within a confined area. Invisible fences must be ten (10) feet from sidewalks, and small signs indicating that there is an invisible fence are required.
- f. Poultry fences.
- g. Turkey wire.
- h. Expandable fences and collapsible fences, except during construction of a building.

5. Chain Link Fences:

All chain link fences erected shall be erected with the closed loop at the top of the fence.

6. Entrances and Gates:

All entrances or gates shall open into the property.

7. Finished Side; Posts:

Any wood, stockade, chain link, or other type of fence shall have the smooth side or finished side facing to the outside of the property owner installing the fence. Fence posts will be placed on the inside of the fence.

8. Security Fences for Commercial Properties:

Notwithstanding the provisions of this section, the Planning Board may issue an approval for the construction of a security fence for commercial properties, upon due application to the Planning Board.

H. Parking:

1. Off-Street Parking:

In all districts except Main Street Business district, at the time any new building or structure is erected, any existing building or structure enlarged, or new changed use of land or structure established, off-street parking shall be provided in accordance with the minimum standards set forth below in Table 1: Off-Street Parking Requirements. These parking spaces shall be satisfactorily maintained by the owner of the property for each building, which, after the date this Local Law becomes effective, is erected, enlarged, or altered for any use for any of the following purposes. All parking spaces provided pursuant to this Section shall be on the same lot of the building unless otherwise approved by the Planning Board.

The Planning Board shall have the discrepancy to increase or decrease the number of parking spaces for any use if it finds that a different ratio is appropriate for the specific use(s) being applied for on the basis of recent studies or other evidence that Planning Board deems locally applicable.

2. Required Spaces:

Refer to the following chart.

Off-street parking spaces shall be provided as follows:

Type of Use	Minimum Number of Parking Spaces
Residential and Related Uses	
Accessory Living Quarters	1 ½ spaces for each dwelling unit
Single-family dwellings	2 spaces for each dwelling unit
Two-family and multi-family dwellings	2 spaces for each dwelling unit
Churches/places of worship	1 space for every 4 seats
Places of public assembly, private clubs, fraternal organizations and recreation facilities	1 space for every 4 seats in the largest hall or meeting area, or for every 4 members, whichever is greater
Cultural facilities and libraries	1 space for every 200 square feet of gross floor area
Hospitals and nursing homes	1 space for every 12 beds
Assisted living facilities or convalescent homes	1 space for every 4 beds
Bed and Breakfast/Inn	1 space for every rented unit
Home Occupations	1 space for any nonresident employee in addition to those spaces required for the primary residential use
Day care centers and nursery schools	1 space per staff member plus 1 space per classroom
Business and Related Uses	
Banks, retail businesses, personal service establishments and general business offices	3 spaces for each teller or workstation or 1 space for each 200 square feet of gross floor area
Medical clinics and professional offices	4 spaces per doctor, dentist, or other professional plus 1 for each additional employee
Restaurants and bars	1 space for every 3 seats or 100 square feet of gross floor area, whichever greater
Restaurant (fast-food)	1 space for every 100 square feet of gross floor plus 1 space for every 2 employees on the peak shift
Theaters and similar places of public assembly	1 space for every 4 seats or 100 square feet of gross floor area, whichever is greater
Hotels and motels	1 space per guest room plus 1 space for every 3 employees
Commercial, Light Industrial & Industrial Uses	
Wholesale business and warehouses	1 space for every 1,000 square feet of gross floor area or 4 employees, whichever is greater
Conference Center	1 space for every 1.5 seats in all meeting rooms with fixed seats; otherwise 1 space per 200 square feet of gross floor area
Unspecified Uses	1 space for each 100 square feet of floor area, unless the Planning Board determines that a different ratio is appropriate for the use

3. Design Standards:

All parking spaces shall measure at least nine (9) feet wide and twenty-two (22) feet long. However, up to twenty-five percent (25%) of the required parking spaces for any use may be designated for "compact" cars and shall measure at least seven and one-half (7 ½) feet wide and sixteen (16) feet long. The Planning Board shall determine the design of all off-street parking upon consideration of the project’s location, type, and size during the Site Plan Review process.

4. Loading Standards:

Space for off-street loading shall be in addition to space for off-street parking. The Planning Board during the Site Plan Review process shall determine the need, number, and location of off-street loading berths for specific uses.

Each required loading berth shall be at least twelve (12) feet wide, sixty-five (65) feet long and fourteen (14) feet high. The Planning Board may accept alternative design standards if the applicant can demonstrate that the alternative design is appropriate to the need for good site design.

5. Location:

- a. In any residential district, no open or enclosed parking area shall encroach on any required front yard. Parking areas may extend into a required side or rear yard to within three (3) feet of a side or rear lot line.
- b. In any non-residential district, open parking areas shall not extend within ten (10) feet of a street right-of-way line or within three (3) feet of a side or rear lot line.
- c. Entrance or exit drives from parking areas shall not exceed thirty (30) feet in width and shall not be permitted within fifty (50) feet of the intersection at two (2) public rights-of-way.

6. Screening and Landscaping of Parking Areas:

- a. Parking areas for five (5) or more cars which are adjacent to or across the street from properties in a residential district shall be screened from the view of such properties by a combination of walls, fences or hedges.
- b. All areas in a parking lot not required for parking space or access drives shall be suitably landscaped and maintained. A landscaping plan for parking areas shall be submitted for those uses requiring Site Plan Review by the Planning Board.
- c. Off-street parking areas shall not be used for storage, servicing or dismantling of automobiles or other vehicles and no part of any parking lot shall be used for the abandonment of any articles or goods.

7. For compliance with regulations regarding accessible parking requirements refer to the Americans with Disabilities Act and the Americans with Disabilities Act Accessibility Guidelines.

I. Landscaping, Screening, Greenspace, and Buffers:

1. Purposes:

- a. To provide visual screening of parking areas and along property boundaries so as to preserve the existing visual qualities of adjacent properties, and to generally improve aesthetics.
- b. To reduce surface runoff and minimize soil erosion through the filtering and soil retention capabilities of landscaped areas and green space.
- c. To provide natural screens that reduce glare, noise and air pollution.
- d. To moderate the microclimate associated with large development schemes by using vegetation that provides shading, heat absorption, carbon dioxide absorption, and oxygen production.

- e. To enhance the overall visual quality of new development by providing a variety of plant materials, in addition to green space, that is consistent with native vegetation.

2. General Requirements

- a. All buildings and construction projects (with the exception of single-family dwellings, individual buildings used for two-family dwelling purposes, and residential accessory structures) are subject to the provisions contained herein.
- b. All landscaping will attempt to preserve and retain, insofar as possible, the natural contours, soil, tree, and plant life existing on the site.
- c. All landscaping, screening, and green space will be maintained in good order and in a manner, which promotes the safety, health, and welfare of the community.
- d. Landscaping meant to screen will be effective immediately upon planting and will retain its usefulness as a screen year-round. Consequently, trees and shrubs meant to serve as a screen will be evergreen, and will be of such a height, width, and density as to immediately act as an effective screen.

3. Specific Requirements:

- a. All residential or multi-family projects will retain at least twenty-five percent (25%) of the property as green space except for properties in the Main Street District.
- b. Any property being developed for non-residential purposes or multi-family development will maintain a minimum of twenty (20) feet of green space between the street right-of-way and the parking lot. Landscaping and/or curbing are required in order to prevent vehicle incursion. Furthermore, no vehicles will be parked in this twenty (20) foot green area.
- c. All dumpsters shall be screened from public streets, rights-of-way, and areas where pedestrians frequently travel. Said screening shall consist of a solid row of evergreens, or solid fencing sufficient to hide the dumpster from public view.
- d. The Planning Board, during their Site Plan Review process, shall consider the types of vegetation to be planted, the size of the trees and plantings, and the location.

4. Visibility at Intersections; Enforcement Authority:

The Code Enforcement Officer shall have the authority to direct, in writing, the removal, trimming or modification of any shrubs, bushes, plants, trees, flowers or other vegetation, fence, wall hedge, or other structure on private or public property wherever the same shall interfere with adequate visibility of operators of motor vehicles at street intersections or curbs. Any person who shall refuse or neglect to comply within fifteen (15) days with the written direction of the Code Enforcement Officer shall be guilty of a violation of this chapter and shall be subject to its penalties.

J. Signs:

All signs hereafter constructed, erected, painted, or otherwise established, moved, altered, or changed within the limits of the Village of Granville shall comply with the following

regulations:

1. Definitions:

Words and phrases used in this chapter relating to sign regulations shall have the meanings respectively defined in Article 2.

2. Required Permits and Procedures:

- a. Signs shall not hereafter be erected, structurally altered, enlarged, or relocated within the Village except as specifically exempted below, unless a permit has been obtained from the Planning Board. Such permit shall only be issued following submission, review, and approval of an application in accordance with the requirements set forth below.
- b. A permit shall not be issued for any type of new sign if any other sign exists on the premises, which has been determined to be non-conforming in accord with the requirements set forth below.
- c. A permit shall not be required for the repainting or refurbishing of an existing sign.

3. Application and Review:

- a. Application for a sign permit shall be made on a form designed for that purpose and provided by the Code Enforcement Officer and shall include:
 - 1) A scale drawing of the sign which shows content and proposed location of the sign.
 - 2) A drawing, with appropriate notes, describing the construction of the sign and, where appropriate, the method of attachment to the building.
 - 3) A description or sample of the predominant material of which the proposed sign will be made.
 - 4) A description of the proposed method, if any, of sign illumination.
- b. The Planning Board shall review all sign applications and approve, disapprove, or approve with modifications the permit within thirty (30) days of receipt of the application.

4. Exemptions to Sign Permit Requirements:

The following signs do not require a permit:

- a. Memorial plaques, cornerstones, historical tablets, and the like.
- b. Signs not visible from beyond the lot upon which they are situated.
- c. Not more than one (1) business or professional nameplates of a permitted use affixed to a building which does not, in total, exceed an area of two (2) square feet.
- d. Identification signs posted in conjunction with doorbells or mailboxes, not exceeding a total of thirty (30) square inches in surface area.
- e. Not more than one address sign, with a surface area of two (2) square feet or less, per

street frontage which indicates the numerical address (in numbers or script) of the premises on which is situated and the name of the occupant.

- f. One temporary sign per street frontage advertising the sale, lease, or rental of the premises upon which it is located which shall not exceed four (4) square feet and, if freestanding, not be located nearer than ten (10) feet to a street or property line. Should such sign be in place for longer than ninety (90) days, it shall no longer be exempt from the requirement for a sign permit or any other applicable requirement of these regulations.
- g. Cautionary, directional, regulatory, warning, or informational signs of a noncommercial nature which are in the public interest such as, but not limited to, "no trespassing," "exit," "entrance," "parking," "one-way," "no entrance," etc. Such signs shall not exceed two (2) square feet each.
- h. Temporary interior signs affixed to or within three (3) feet of the inside of a display window announcing special sales or events shall be permitted in any business district provided such signs shall not cover more than sixty percent (60%) of the window area to which they are affixed.

5. General Regulations and Restrictions:

The following general regulations and restrictions shall apply in all districts:

- a. All signs must be of professional quality.
- b. Advertising signs, including the type commonly known as "billboards" and off-premises signs, are not permitted in any district.
- c. Standard methods of constant illumination shall be permitted on any sign provided that the illumination shall be concentrated upon the area of the sign so as to prevent direct glare upon the street or adjacent property.
- d. Except for clocks and customary time and temperature devices, no sign shall contain intermittent, moving, or flashing illumination.
- e. Signs with visible moving, revolving, or rotating parts will be reviewed.
- f. No sign shall be erected in such a manner as to obstruct free and clear vision for drivers; interfere with, mislead or confuse traffic; or be located where, by reason of its position, shape or color such sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device by making use of the words STOP, LOOK, DANGER, or any other word, phrase, symbol or character, or red, green, or amber illumination or reflection.

6. Temporary Signs:

The erection, installation, or maintenance of the following temporary signs, as defined herein, is subject to the following conditions:

- a. Mobile signs, whether or not on wheels, are prohibited in any district.
- b. A temporary sign, not exceeding six (6) square feet in area, which is erected by a

legitimate business, municipal, or political, is permitted for a period not to exceed thirty (30) days. For charitable, non-profit, and not-for-profit organizations, temporary signs not exceeding twenty (20) square feet in area may be permitted for a period of up to 120 days.

- c. A single temporary sign, not exceeding sixteen (16) square feet in area, which announces anticipated occupancy of a site or building or identifies the contractors, architects, engineers, etc., on a building under construction is permitted.
- d. Banner signs of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges are prohibited in any district. National Flags, State, or Municipal Flags, or the Official Flag of any institution or business and signs as noted in section b above, shall not be considered to be banners.

7. Regulation of Signs in Residential Districts:

In addition to those signs listed in Subsection 4 above, which are exempt from these regulations, the following signs are permitted in residential districts:

- a. A dwelling unit in which a home occupation is permitted, may display one (1) sign noting such occupation. Such sign shall be attached to the building within which such use is located and shall not have an area of greater than two (2) square feet.

8. Regulation of Signs in Non-Residential Districts.

a. Projecting Signs:

- 1) Each establishment in a business district shall be permitted one projecting sign for each frontage on a public right-of-way. No more than one (1) such sign may be located on each frontage.
- 2) The distance between the faces of projecting signs shall not exceed six (6) inches; however, internally illuminated signs may have a dimension between faces of twelve (12) inches.
- 3) Projecting signs shall not exceed an area of ten (10) square feet per face and the outer edge of such sign shall not extend more than seventy-two (72) inches from the face of the building to which it is applied.
- 4) The bottom edge of projecting sign shall be no less than nine (9) feet or no more than fifteen (15) feet above the ground and shall not extend into any access drive which is intended for use by service or emergency vehicles.
- 5) No part of projecting sign shall extend within two (2) feet of the curblines of any public street or right-of-way.

b. Freestanding Signs:

- 1) Where a building is set back at least fifteen (15) feet from the street, (1) one freestanding sign shall be permitted on each frontage of a property on a public street. However, not more than one (1) such sign shall be located within two hundred (200) feet of the same intersection. No part of any freestanding sign or its

support shall be located within six (6) feet of any building or extend beyond any street line.

- 2) The area of freestanding signs shall not exceed thirty-six (36) square feet per sign face.
- 3) No part of any freestanding sign shall be higher than fifteen (15) feet above grade.

c. Marquee, Canopy, and Balcony Signs:

Signs may be hung from, or attached to the underside of, or affixed to the edge of a marquee, canopy, or balcony, either parallel or perpendicular to the face of the building to which attached. Such sign shall not exceed an area of eight (8) square feet and shall not extend above the front or side edge of the marquee, canopy, or balcony in any direction. The bottom edge of such sign shall be at least eight (8) feet above the ground and shall not extend within two (2) feet of the curblines of any street or right-of-way.

d. Iconic Signs:

Iconic signs such as barber poles, eyeglasses, mortar and pestle, etc., which are traditional in nature shall be permitted as long as they comply with the pertinent regulations pertaining to size and location herein.

e. Roof Signs:

Roof signs shall only be permitted upon approval of a Special Use Permit by the Planning Board based on a finding that no other suitable location for signage exists on the building or property. If permitted such sign shall not exceed thirty (30) square feet in area nor extend more than five feet above the lowest point of the roof.

9. Historic and/or Unique Signs:

- a. Historic and/or unique signs may be officially recognized by the Village Board as landmarks should the Board deem to preserve, restore, and retain such signs. With Village Board approval, such signs may be exempt from removal provided they are approved as safe and secure by the Code Enforcement Officer.

10. Unsafe, Abandoned, and Unlawful Signs:

- a. Upon a finding by the Code Enforcement Officer that any sign regulated herein is unsafe or insecure, or is a menace to the public, or has been erected in violation of the provisions of this chapter, or advertises, identifies, or pertains to an activity no longer in existence, except as provided hereinafter, the Code Enforcement Officer shall give written notice to the permittee thereof. This provision shall not apply to seasonal activities during the regular period in which they are closed.
- b. If the permittee fails to remove or alter the sign so as to comply with the standards herein set forth with thirty (30) days after such notice, such sign may be removed or altered to comply by the Code Enforcement Officer at the expense of the permittee or owner of the property on which it is located. The Code Enforcement Officer shall refuse to issue a new permit to any permittee or owner who refuses to pay costs so

assessed. The Code Enforcement Officer may cause any sign, which is an immediate peril to persons or property to be removed summarily and without notice.

- c. Any sign for a business which has ceased to exist on the same premises as the sign for a period of six (6) months or more shall be considered abandoned. All abandoned signs and abandoned sign structures shall be removed by the property owner within six (6) months after the abandonment or discontinuance of use.

ARTICLE 6
NON-CONFORMING USES AND STRUCTURES

A. Purpose:

The purpose of this article is to provide for the regulation of non-conforming (grandfathered) buildings, structures, and uses, and to specify those circumstances and conditions under which non-conforming buildings, structures, and uses are permitted to continue.

B. Repeal of Previous Zoning Ordinance and Map:

The zoning ordinance known as the Zoning Ordinance of the Village of Granville, New York, adopted March 20, 1928, and all amendments thereto, is hereby repealed, with the provision that violations of such Zoning Ordinance of 1928, and all amendments thereto, shall remain violations to the extent that the matters in violation do not conform to the provisions of this Zoning Law.

C. Continuation of a Lawful Non-Conforming Use:

Any lawfully existing use of land or a building or structure or part thereof, established at the time this article or any amendment hereto becomes effective, that no longer conforms with the provisions of the zoning district in which it is located, shall be considered a legal non-conforming use and may be continued, subject to all other provisions of this article, even though such building, structure, or uses of land do not conform with the provisions of the zoning district in which it is located. A lawfully existing use is considered legal when such use was established in conformance with former codes or as amended by variances.

D. Maintenance of a Non-Conforming Use:

A non-conforming use must be maintained in such a condition that it will not constitute a danger to the safety, health, or general welfare of the public. Failure to comply with this requirement shall cause a lawful non-conforming building or use to be terminated when maintenance has not been completed within six (6) months of notification of the owner by the Code Enforcement Officer.

E. Changes:

Once changed to a conforming use, no building, structure, or land shall be permitted to revert to a non-conforming use.

F. Restoration of a Non-Conforming Use After Damage:

Any non-conforming building or structure, or any building or structure containing a non-conforming use, which is damaged or destroyed by fire, flood, wind, earthquake, act of nature, or act of man, must be repaired or rebuilt within one (1) year of the damage or destruction. However, in rebuilding or repairing the structure, the building's footprint may not be increased. Failure to repair or reconstruct the building or structure within one (1)

year shall cause a lawful non-conforming use to terminate. The Village Board is empowered to extend this period upon receipt of a written request from the owner at least thirty (30) days in advance of the expiration of the yearlong period.

G. Prior Construction Approval:

Any non-conforming building or structure for which a building permit has been issued prior to the effective date of this Law, may be completed and used in accordance with the plans and approved specifications within (1) one year of the date of the permit, providing:

1. Substantial construction is underway under a valid building permit on the effective date of this ordinance. "Substantial construction" shall be interpreted as the expenditure of a sum on excavation, site preparation, and/or construction exceeding twenty-five percent (25%) of the estimated cost of such structure as stated on the building permit. The mere issuance of a building permit or planning/zoning approval shall not be sufficient to establish a vested right, and consequently, entitle the owner to continue with the establishment of a non-conforming use or building.

H. Abandonment or Discontinuance:

1. Whenever a non-conforming use or the use of a non-conforming building, structure, or property has been discontinued for a period of eighteen (18) consecutive months, such use is terminated, and any subsequent use of the building, structure, or property must comply with the requirements of the zoning district in which it is located.
2. There may be occasions when the landowner and Code Enforcement Officer do not agree on the date in which a non-conforming use was discontinued, damaged, or destroyed. In these instances, the burden is on the landowner to demonstrate when said discontinuance, damage, or destruction occurred. Proof should be in the form of a utility bill, telephone bill, business receipt, police report, canceled rent payment check, or any other written documentation that clearly identifies a date in which the non-conforming use was still operating, or the date of discontinuance, damage, or destruction is in dispute. The landowner must also provide a notarized affidavit swearing to the date or dates in which the non-conforming building or use was still operating, or to the date which the non-conforming building or use ceased operation.

I. Displacement:

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

J. Alterations:

Any non-conforming building, structure, or use of land shall not be altered or enlarged except in accordance with the following provisions:

1. Such alterations shall be permitted only upon the same lot as in existence at the date the use became non-conforming.
2. In buildings that are entirely non-conforming relative to use or dimensional

requirements, repairs, and alterations may be made to the building, provided that such repairs or alterations do not increase the building footprint of the building.

3. Any non-conforming use, building, or structure may be enlarged up to, but not more than, twenty-five percent (25%) of its floor area, as it existed at the time of passage of this Zoning Law. Such enlargement must conform to all other regulations of the district in which it is located and may be used only for the existing non-conforming use. Such enlargement, with the exception of single-family residential units, is subject to site plan review.

ARTICLE 7

SITE PLAN REVIEW

A. Intent:

The intent of the Site Plan Review process is to ensure the orderly and safe arrangement, layout, and design of a proposed project.

B. Authorization:

In accordance with Village Law 7-725-a, the Village of Granville Planning Board is hereby authorized to review and approve, approve with modifications, or disapprove plans for new land use activities within the Village hereinafter designated pursuant to and in accordance with the standards and procedures set forth in this Local Law.

C. Applicability:

The following land use activities shall, prior to the issuance of a Building Permit or Certificate of Occupancy, receive Site Plan Approval from the Planning Board:

1. All uses listed as requiring Site Plan Review in Article 4.
2. All uses specified as requiring Site Plan Review in Article 5.
3. All uses granted a variance by the Zoning Board of Appeals and required by the Zoning Board of Appeals to undergo Site Plan Review pursuant to Article 9.

D. Review Elements:

In reviewing site plans, the Planning Board shall give consideration to the health, safety, and welfare of the public in general, and the residents or users of the proposed development and of the immediate neighborhood in particular. More specifically, the Planning Board shall ensure:

1. The adequacy and arrangement of access and circulation including, but not limited to, road widths, grade, alignment, sight distance, location, surfaces, traffic control, walkway, and pedestrian convenience.
2. The buildings', lights', and signs' compatibility in terms of location, arrangement, size, and design.
3. The adequacy of storm water and drainage facilities in preventing flooding, erosion, and improper obstruction of drainage ways.
4. The adequacy of water supply and sewage disposal facilities.
5. The type of vegetation to be planted, the size of the trees and plantings, and the location.
6. The retention of existing trees, wooded areas, watercourses, and other natural features to the maximum extent possible.
7. The protection of adjacent or neighboring properties against noise, glare, dust, air

pollution, unsightliness, or other environmental hazards or objectionable features.

8. The adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
9. The adequacy of exterior storage and parking and loading areas and their screening at all seasons of the year from the view of adjacent residential lots and streets.
10. The overall impact on the neighborhood, including compatibility of design and effect of the neighborhood.
11. Conformity with the Village Comprehensive Plan and the Zoning Law which the village uses as a guide for appropriate development.

E. Site Plan Review and Approval Process:

1. In accordance with Village Law 7-725a in the event that a public hearing is to be conducted, such hearing shall be conducted within sixty-two (62) days from receipt of a complete application. In determining whether a public hearing is necessary, the Planning Board shall be guided by the expected level of public interest in the project. The Planning Board shall make a decision in sixty-two (62) days after such hearing or sixty-two (62) days after the day the complete application is received, if no such hearing has been held. Public notice of the hearing shall be printed in a newspaper of general circulation in the village and notification by mail shall be sent to all abutting property owners at least ten (10) days prior to the public hearing date. The time period in which the Planning Board must render a decision on the site plan may be extended by mutual consent of the applicant and the Village Planning Board.
2. Approval. Upon approval, or approval with conditions, a written statement of approval of the Planning Board shall be filed in the office of the village clerk within five (5) business days after a decision is rendered. A copy of the written statement of approval shall be mailed to the applicant. The written statement shall contain a list of modifications or conditions if required. At this time a building permit may be issued if the project conforms to all other applicable requirements.
3. Disapproval. Upon disapproval of the site plan, the decision of the Planning Board shall be filed in the office of the village clerk within five (5) business days after a decision is rendered and a copy mailed to the applicant along with a letter stating the reasons for disapproval.
4. A site plan approval by the Village Planning Board shall be valid for a period of one (1) year from the date of such approval. The applicant may request an extension time to initiate the required site improvements, provided that the applicant can show reasonable cause for the inability to initiate such improvements within the one (1) year period. If the application extension is not approved, the Village Planning Board shall give reasons why this extension was not granted.

F. Site Plan Application:

The Applicant shall provide seven (7) copies of a preliminary site plan application in writing to the Planning Board. Scale of the site plan shall be one (1) inch equals fifty (50) feet, or in

the case of large lots, as appropriate for the lot size and approved by the Planning Board. The preliminary application shall be accompanied by a fee as determined by the Village Board and posted in the Village Hall.

The application shall be accompanied by the information listed below as determined necessary by the Planning Board. The Planning Board may require any or all of the following items, as it determined appropriate for the nature and scale of the proposed project. A pre-submission conference may be used to determine the application requirements. A licensed professional engineer, architect, or land surveyor shall prepare the preliminary site plan, unless waived by the Planning Board:

1. Title of drawing, date, north arrow, scale, name and address of Applicant, and person responsible for the preparation of such drawing.
2. Boundaries of the property plotted to scale.
3. Existing watercourses, wetlands, FEMA flood plains, landscaping and vegetative cover.
4. Grading and drainage plan showing existing and proposed contours with intervals of five (5) feet or less.
5. Location, use, and height of all existing and proposed buildings.
6. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, alignment, grade, pavement-surfaces, channelization structures, visibility, and traffic controls shall be considered.
7. Design and construction materials of all parking and truck loading areas.
8. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience shall be considered.
9. Location of outdoor storage, if applicable.
10. Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences.
11. Description of the method of sewage disposal and location, design and construction materials of such facilities, as well as the location of water supply hook-ups if from a municipal system or from wells.
12. Location of fire and other emergency zones, including the location of fire hydrants.
13. Location, size, design, and construction materials of all proposed signage.
14. Provide a photometric plan for the proposed location, direction, power, and hours of operation of proposed outdoor lighting. Horizontal illumination levels, foot-candles, shall be designed and located as to prevent objectionable light, brightness, and glare to the surrounding properties.
15. Designation of the amount of building area proposed for each use.
16. Landscaping plan and planting schedule.

17. Location and proposed development of all buffers areas, including indication of existing vegetative cover.
18. Other elements integral to the proposed development, as considered necessary by the Planning Board, including identification of any required County, State or Federal permits.
19. Completed Environmental Assessment Short Form or Part I of the Long Form, if necessary.

G. General Requirements:

1. Consultants:

The Planning Board shall consult with those officials or consultants it believes necessary to provide a sound review of the proposal. The Board may charge a fee to the project Applicant for the cost of such review provided that the fee charged reflects the actual cost of the assistance to the Planning Board.

2. Referral to the County Planning Board:

Prior to taking action on the preliminary site plan application, if applicable the Planning Board shall refer a copy of the application to the Washington County Planning Board for its review in accordance with Section 239-m of the General Municipal Law. No action shall be taken by the Planning Board on such application until an advisory recommendation has been received from the County Planning Board or thirty (30) calendar days have been lapsed since the County Planning Board received such full statements. Applicable uses include any site plan within five hundred (500) feet of:

- a. The boundary of any City, Village, or Village.
- b. The boundary of any existing or proposed County or State park or any other recreation area.
- c. The right-of-way of any existing or proposed County or State parkway, thruway, expressway, road, or highway.
- d. The existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines.
- e. The existing or proposed boundary of any County or State owned land on which a public building or institution is situated.
- f. The boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the Agriculture and Markets Law, except this subparagraph shall not apply to the granting of area variances.

3. Compliance with the State Environmental Quality Review Act:

The Planning Board shall comply with the requirements of the State Environmental Quality Review Act (SEQRA) in reviewing the site plan application. If the time schedule for SEQRA is different, the schedule should be modified for SEQRA for projects that are subject to an Environmental Impact Statement.

4. Performance Guarantee:

No Certificate of Occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guarantee has been posted for improvements not yet completed. Such performance guarantee shall be posted in accordance with the procedures specified in Village Law. The amount and sufficiency of such performance guarantee shall be determined by the Planning Board after consultation with the Village Attorney, the Code Enforcement Officer, other local officials, or its designated consultants.

ARTICLE 8

SPECIAL USE PERMITS

A. Intent:

The intent of this Article is to set forth the procedure and standards which shall apply to certain land uses and activities which due to their characteristics, or the special characteristics of the area in which they are to be located, require special consideration so that they may be properly located and planned with respect to the objectives of Zoning, their effect on the surrounding properties and community character. The purpose of Special Use Permit review is to ensure compatibility with the surrounding neighborhood and to ensure the long-term benefit of the use to the Village.

B. Authorization:

In accordance with Village Law 7-725-b, the Village of Granville Planning Board is hereby authorized to grant Special Use Permits in accordance with the standards and procedures set forth in this Local Law. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed Special Use Permit. These conditions must be met in connection with the issuance of any other permit such as a Building Permit or a Certificate of Occupancy.

C. Applicability:

The following land use activities shall, prior to the issuance of a Building Permit, or Certificate of Occupancy, receive approval of a Special Use Permit:

1. All uses listed as requiring a Special Use Permit in Article 4.
2. All uses specified as requiring a Special Use Permit in Article 5.

D. Procedure:

The Planning Board shall review and act on all Special Use Permit Applications in accordance with the procedure set forth in Article 7, except that the public hearing shall be mandatory.

E. Application:

All applications made to the Planning Board shall be in writing, on forms prescribed by the Planning Board and shall contain those items specified in Article 7.F, as determined necessary by the Planning Board. In addition, the application shall be accompanied by the following:

1. Sufficient information to permit the Planning Board to review compliance with the general standards discussed Article 7.D of this Local Law and with the applicable standards in section E herein.
2. Payment of the applicable fees as determined by the Village Board and posted in the

Village Hall.

3. Completed Environmental Assessment Short Form or Part I of the Long Form, if necessary.

F. Conditions:

The Planning Board, as a condition of granting any special use permit, may specify its term of validity. There are two (2) types of permits which may be granted by the planning board, described as follows:

1. Permanent – permits a specific use to continue indefinitely until the specific use ceases for any reason for a period of six (6) consecutive months.
2. Temporary – permits a specific use to continue until a specific date, at which time the special use permit shall automatically terminate and the use shall be permanently discontinued. This type shall not be extendable.

G. General Special Use Permit Standards:

In authorizing any special use, the Planning Board shall take into consideration the public health, safety, general welfare, comfort and convenience of the public in general and that of the immediate neighborhood in particular. The Planning Board shall also take into account the specific conditions set forth in this section for certain uses, applicable Supplementary Regulations stated in Article 5 of this Local Law, and the following general objectives:

1. Adjacent Land Uses:

The proposed use should not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. The proposed use shall not have a negative effect on adjacent land uses.

2. Location and Size of Use:

The nature, scale, and intensity of the operations involved, the size of the site in relation to the use, and the location of the site with respect to existing and future streets providing access, shall be in harmony with the orderly development of the district.

3. Vehicular Access and Circulation:

Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, alignment, grade, pavement-surfaces, channelization structures, visibility, and traffic controls shall be considered.

4. Pedestrian Circulation:

Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience shall be considered.

5. Parking:

Location, arrangement, appearance, and sufficiency of off-street parking and loading

shall be considered.

6. Layout:

The location, arrangement, size, design, and general site compatibility of buildings, lighting, and signage shall be considered.

7. Drainage Facilities/Erosion Control:

Adequacy of stormwater management plans and drainage facilities shall be considered.

8. Water and Sewer:

Adequacy of water supply and sewage disposal facilities and their compliance with Washington County Department of Health requirements shall be required.

9. Vegetation:

The type and arrangement of vegetation to be planted, the size of the trees and plantings, the location, and other landscaping components shall be considered. Existing vegetation shall be retained to the extent possible.

10. Emergency Access:

Adequate provision for fire, police, and other types of emergency vehicles shall be made.

11. Flooding:

Special attention shall be given to the adequacy of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding, and/or erosion.

12. Aesthetics:

The impacts of visual intrusion and noise on adjacent areas and areas within viewing distance shall be considered.

ARTICLE 9
ADMINISTRATION AND ENFORCEMENT

A. Planning Board:

1. Organization:

Pursuant to applicable provisions of the Village Law 7-718, the Village Board is hereby authorized to create a Planning Board consisting of five (5) members. No member of the Planning Board shall be a member of the Village Board of Trustees. The chairperson and the vice chairperson of such Planning Board shall be appointed by the Mayor subject to the approval of the Board of Trustees. In the absence of the chairperson the vice chairperson will assume charge of the Public Meeting and/or Public Hearing(s). Members of the Planning Board will receive no compensation for their services. The Village Board of Trustees may require members to complete training and continuing education courses.

a. Terms of Office:

The terms of members of the Planning Board first appointed shall be so fixed that the term of one (1) member shall expire at the end of the Village official year in which such member was initially appointed. The terms of the remaining members first appointed shall be so fixed that one term shall expire at the end of each official year thereafter. In other words, one (1) member shall serve one (1) year, one (1) member shall serve two (2) years, and one (1) member shall serve three (3) years, one (1) member shall serve four (4) years, and one (1) member shall serve five (5) years. At the expiration of the term of each member first appointed, his or her successor shall be appointed for a term of five (5) years. A vacancy occurring for reason other than by expiration of a term shall be filled by the Village Board of Trustees by appointment for the unexpired term only.

b. Removal of members:

After a public hearing, any member of the Planning Board may be removed for non-compliance with minimum requirements relating to meeting attendance and training as established by the Village Board of Trustees by Local Law.

2. Powers and Duties:

a. In addition to those other powers and duties assigned to it by law, the Planning Board is hereby empowered to perform the following functions:

- 1) Review Special Use Permits Applications for those uses specifically listed as requiring such a Special Use Permit in accord with the provisions of Article 8.
- 2) Review site development plans for those uses requiring Site Plan Review in accord with Article 7.
- 3) Review and submit advisory opinions concerning applications for variances and amendments to the zoning regulations, as required by Section B-1 of this Article

and Article 10.

b. Reports on Referred Matters:

- 1) The Village Board of Trustees may by resolution provide for the reference of any matter or class of matters, to the Planning Board before final action is taken thereon by the Village Board or other office or officer of said Village having final authority over said matter. The Village Board of Trustees may further stipulate that final action thereon shall not be taken until the Planning Board has submitted its report thereon, or has had a reasonable time, to be fixed by the Village Board in said resolution, to submit the report.
- 2) The Planning Board may recommend to the Village Board of Trustees regulations relating to any subject matter over which the Planning Board has jurisdiction under this Zoning Law or any other statute, or under any Local Law of the Village. Adoption of any such recommendations by the Village Board of Trustees shall be by Local Law.
- 3) The Planning Board has oversight over the preparation, upkeep, and administration of the Village of Granville Comprehensive Plan. In addition, the Planning Board shall have the full power and authority to make investigations, maps, reports, and recommendations in connection therewith relating to the planning and development of the Village as it seems desirable, providing the total expenditures of said board shall not exceed the appropriation provided therefore.

c. Planning Board Bylaws, Rules, and Regulations:

The Planning Board shall have the power to make, adopt, and promulgate such written rules of procedure, bylaws, and forms, as it may deem necessary for the proper execution of its duties and to secure the intent of this Law. Such rules, bylaws and forms shall not be in conflict with, nor have the effect of waiving any provision of this Law, or any other Law of the Village of Granville.

d. Consultant Review Fees:

The Planning Board may require an applicant for any review, permit or approval to deposit in escrow an amount established by the Planning Board to pay for the fees and/or costs of any engineer, consultant or attorney designated by the Planning Board to review such application, permit or approval. The fees and/or costs charged by such engineer, consultant, or attorney in connection with such review will be charged against the sum deposited in escrow. Any amount remaining shall be returned to the applicant within thirty (30) days of final action on the application.

3. Procedure:

a. Meetings Minutes and Records:

- 1) All meetings of the Planning Board shall be held at the call of the chairperson and at such other times, as such board may determine. Such chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.

- 2) Meetings of such Planning Board shall be open to the public to the extent provided in article seven of the public officer law. Such board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
- b. Voting Requirements:
- Every motion or resolution of the Planning Board shall require for its adoption the affirmative vote of a majority of all the members of the Planning Board.
- c. Public Hearing:
- The Planning Board shall hold a public hearing for every special use permit application in accordance with Article 8. In addition, the Planning Board may hold a public hearing upon review of certain site plan applications that it determines are in the public interest, in accordance with Article 7. Notice of the public hearing shall be published in the official newspaper of the Village at least ten (10) days prior to the date of such hearing.
- d. Findings and Conclusions:
- 1) Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Planning Board shall be filed in the office of the Village Clerk within five (5) business days.
 - 2) Within sixty-two (62) days after the public hearing, the Planning Board shall render its decision as to whether to issue the Special Permit and shall make a written report setting forth its findings and conclusions and the basis for its decision. The decision of the Board shall be filed within five (5) business days with the Village Clerk and a copy thereof mailed to the applicant.
- e. Referrals to the Washington County Planning Board:
- Any application for a Special Use Permit or Site Plan approval involving real property located within five-hundred (500) feet of any of the following shall be referred to the Washington County Planning Board prior to final action in accord with 239-1 and 239-m of the General Municipal Law:
- 1) The boundary of any Village or Village.
 - 2) The boundary of any existing or proposed County of State park or other recreation area.
 - 3) The right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway.
 - 4) The right-of-way of any existing or proposed stream or drainage channel owned by the County or for which the County has established channel lines.
 - 5) The boundary of any existing or proposed County or State owned land on which a public building or institution is situated.

6) The boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the Agricultural and Markets Law, except this provision does not apply to the granting of area variances.

f. Time Allotted for County Review:

The Washington County Planning Board is obligated to respond in writing to the zoning referral within thirty (30) days of receipt of said referral. If the County fails to respond within the thirty (30) day time frame, the Planning Board is free to render a decision on the application.

g. Voting Requirements upon Receipt of County Report:

Should the Washington County Planning Board recommend modification to or denial of the application, the Planning Board may only approve such application by a majority plus one vote of the entire board membership.

B. Zoning Board of Appeals:

1. Organization:

Pursuant to applicable provisions of the Village Law 7-712, there shall be a Zoning Board of Appeals (ZBA) consisting of five (5) members appointed by the Village Board of Trustees. No member of the ZBA shall be a member of the Village Board of Trustees. The ZBA shall select a chairperson and a vice chairperson from its own membership. In the absence of a chairperson, the vice chairperson will assume charge of the Public Meeting and/or Public Hearing(s). Members of the ZBA receive no compensation for their services. The Village Board of Trustees may require ZBA members to complete training and continuing education courses.

a. Terms of Office:

The terms of members of the Planning Board first appointed shall be so fixed that the term of one (1) member shall expire at the end of the Village official year in which such member was initially appointed. The terms of the remaining members first appointed shall be so fixed that one term shall expire at the end of each official year thereafter. In other words, one (1) member shall serve one (1) year, one (1) member shall serve two (2) years, and one (1) member shall serve three (3) years, one (1) member shall serve four (4) years, and one (1) member shall serve five (5) years. At the expiration of the term of each member first appointed, his or her successor shall be appointed for a term of five (5) years. A vacancy occurring for reason other than by expiration of a term shall be filled by the Village Board of Trustees by appointment for the unexpired term only.

b. Alternate Members:

The Village Board of Trustees may appoint two alternate members to the ZBA. These individuals would serve when other members are absent or unable to participate on an application or matter before the ZBA because of a conflict of interest. All provisions of this section relating to ZBA member training and continuing education,

attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, and service on other boards, shall also apply to alternate members.

c. Removal of Members:

After a public hearing, any member of the ZBA may be removed for non-compliance with minimum requirements relating to meeting attendance and training as established by the Village Board of Trustees by Local Law.

2. Powers and Duties:

- a. Unless otherwise provided by Local Law, the jurisdiction of the Zoning Board of Appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by the Code Enforcement Officer pursuant to this article. Such appeal may be taken by any person aggrieved, or by an officer, department, board or bureau of the Village.
- b. The Zoning Board of Appeals shall have the power to make, adopt, and promulgate such written rules of procedure, bylaws and forms as it may deem necessary for the proper execution of its duties and to secure the intent of this Law. Such rules, bylaws and forms shall not be in conflict with, nor have the effect of waiving any provision of, this Law or any other Law of the Village of Granville.
- c. The ZBA is governed by, and shall act in strict accordance with, the procedures specified by Village Law 7-712, this Law, and its own duly adopted rules, bylaws, and forms. Upon proper request made in the form and manner prescribed by the ZBA and accompanied by a fee in accord with a schedule adopted by the Village Board, the ZBA shall perform the following functions:
 - 1) Hear and decide any question properly brought before it involving the interpretation of any provision of this Law.
 - 2) Hear and decide appeals from any decision, determination, act, or failure to act of the Code Enforcement Officer, and all matters properly referred to it by the enforcement officer.
- d. In exercising the above-mentioned powers, and duties, the Zoning Board of Appeals may, in conformity with Village Law, reverse, affirm or modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as ought to be made in the case referred to it. To that end, the ZBA shall have all the powers of the Code Enforcement Officer from whom the appeal is made. The concurring vote of a majority of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of the Code Enforcement Officer or to decide in favor of the applicant any matter upon which such board is required to pass.
- e. Interpretation:

The Zoning Board of Appeals shall upon proper request interpret any decision or interpretation of the Code Enforcement Officer regarding the regulations and

requirements of this Zoning Law. Following the denial of a Building Permit application or Certificate of Occupancy in which an individual or corporation disputes the Code Enforcement Officer's reading or interpretation of any provisions of this Law, the individual or corporation can appeal said decision or interpretation in writing to the ZBA. The ZBA is required to hold a public hearing prior to acting on any appeal involving an interpretation.

f. Use Variances:

- 1) The Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.
- 2) A use variance is a mechanism that allows for the establishment of a land use that is not permitted within a particular zoning district. For example, if an individual would like to open a restaurant in a single-family residential zoning district that prohibits restaurants, the use variance would provide a means of "relief" if warranted.
- 3) While the establishment of a prohibited land use within a particular zoning district could have a significant adverse impact on the neighborhood, there may be instances where a property owner is subjected to "unnecessary hardship" as a result of zoning restrictions placed on his/her property. Following denial of a Building Permit by the Code Enforcement Officer, an individual or corporation may appeal to the ZBA and seek administrative relief via a use variance.
- 4) In order to prove "unnecessary hardship," the applicant shall demonstrate to the ZBA that for each and every permitted use under the zoning regulations for the particular district where the property is located:
 - a) The applicant cannot realize a reasonable return, provided that lack of return is demonstrated by competent financial evidence.
 - b) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.
 - c) That the requested use variance, if granted, will not alter the essential character of the neighborhood.
 - d) That the alleged hardship has not been self-created.
- 5) The ZBA in the granting of use variances shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

g. Area Variances:

- 1) The Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.
- 2) An area variance is a mechanism that allows a landowner to build on their property in a way that is otherwise prohibited by this Zoning Law. Typically, an

area variance is sought by an individual or corporation wishing to waive one or more dimensional standards such as minimum front, rear and side yard setbacks, maximum site coverage, minimum lot width, minimum or maximum parking spaces, etc.

- 3) Due to the peculiarities of a particular parcel, i.e. rock outcrops, odd-shaped parcel, excessively steep slopes, etc.; there may be instances when it simply is not possible or practical to build on a parcel without violating certain dimensional zoning regulations. Following denial of a building permit by the Code Enforcement Officer, an individual or corporation may appeal to the ZBA and seek administrative relief via an area variance.
- 4) When considering an area variance, the ZBA is charged with the task of balancing the benefit of the variance to the petitioner against its impacts on the area. The ZBA will consider all five of the following factors and state the findings of each:
 - a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
 - b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
 - c) Whether the requested area variance is substantial.
 - d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
 - e) Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.
- 5) The ZBA, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

h. Imposition of Conditions:

The ZBA shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Zoning Law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

3. Procedure:

a. Meetings Minutes and Records:

- 1) All meetings of the ZBA shall be held at the call of the chairperson and at such other times as such board may determine. Such chairperson, or in his or her

absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.

- 2) Meetings of such ZBA shall be open to the public to the extent provided in Article 7 of the NYS Public Officers Law. Such board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
- 3) Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the ZBA shall be filed in the office of the Village Clerk within five (5) business days and shall be a public record.

b. Public Hearing:

The ZBA is hereby required to hold a public hearing prior to acting on any appeal or application for a variance or interpretation.

c. Notice:

- 1) Notice of each public hearing shall be published in a newspaper of general circulation in the Village of Granville at least ten (10) days prior to such hearing. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the board prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney.
- 2) At least five (5) days before such hearing, a written notice of the public hearing is to be forwarded to the appropriate official any National or State Park Commission having jurisdiction over any park or parkway within five hundred (500) feet of the property affected by an appeal and to the County Planning Board as required by General Municipal Law §239m.

d. Voting Requirements:

Every motion or resolution of the ZBA shall require for its adoption the affirmative vote of a majority of all the members of the board as fully constituted regardless of vacancies or absences. Where an action is the subject of a referral to the County planning agency or regional planning council the voting provisions of §239-m of the General Municipal Law shall apply.

e. Appeals Procedure:

Any person allegedly aggrieved by a decision, determination, act, or refusal to act, of the Code Enforcement Officer may file an appeal with the ZBA. Such request shall clearly State the decision, determination, act, or failure to act, of the Code Enforcement Officer from which the appeal is taken. An appeal shall be taken within sixty (60) days after the filing of any order, requirement, decision, interpretation or determination of the Code Enforcement Officer.

f. Stay Upon Appeal:

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Code Enforcement Officer certifies to the ZBA, after the notice of appeal shall have been filed with the Village Clerk, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the ZBA or by a court of record on application, on notice to the Village Clerk from whom the appeal is taken and on due cause shown.

g. Findings and Conclusions:

Within sixty-two (62) days after such public hearing, and after considering the application, the ZBA shall either grant or deny the request or appeal and make a written report on the findings and conclusions concerning the subject matter of such hearing, including the reasons for the grant or denial of the relief sought. The time within which the ZBA must render a decision may be extended by mutual consent of the applicant and the board. Such decision shall be filed in the office of the Village Clerk within five (5) days after the day such decision is rendered, and a copy thereof mailed to the applicant.

h. Filing of Administrative Decision:

Each order, requirement, decision, interpretation or determination of the Code Enforcement Officer shall be filed with the Village Clerk within five (5) business days from the day it is rendered, and shall be a public record.

i. Compliance with State Environmental Quality Review Act:

The ZBA shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617 of the New York Codes, Rules and Regulations.

j. Rehearing:

A motion for the ZBA to hold a rehearing to review any order, decision or determination of the board not previously reheard may be made by any member of the board. A unanimous vote of all members of the board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the board finds that the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.

k. Default Denial of Appeal:

In exercising its appellate jurisdiction only, if an affirmative vote of a majority of all members of the ZBA is not attained on a motion or resolution to grant a variance or reverse any order, requirement, decision, or determination of the Code Enforcement

Officer within sixty-two (62) days, the appeal is denied. The board may amend the failed motion or resolution and vote on the amended motion or resolution within the time allowed without being subject to the rehearing process as set forth in Section j above.

1. Referrals:

1) Village Planning Board:

At least thirty (30) days before the date of a public hearing held in connection with any application for a variance submitted to the ZBA, the ZBA shall transmit to the Planning Board a copy of said application, and shall request that the Planning Board submit to the ZBA its advisory opinion on said application prior to the date of said hearing. The failure of the Planning Board to submit such report shall be interpreted as a favorable opinion for the granting of the variance applied for.

2) Washington County Planning Board:

Any application for a variance involving real property located within five-hundred (500) feet of any of the following shall be referred to the Washington County Planning Board prior to final action in accord with 239-l and 239-m of the General Municipal Law:

- a) The boundary of any Village or Village.
- b) The boundary of any existing or proposed County of state park or other recreation area.
- c) The right-of-way of any existing or proposed County or State parkway, thruway, expressway, road, or highway.
- d) The right-of-way of any existing or proposed stream or drainage channel owned by the County or for which the County has established channel lines.
- e) The boundary of any existing or proposed County or State owned land on which a public building or institution is situated.
- f) The boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the Agricultural and Markets Law, except this provision does not apply to the granting of area variances.

3) Time Allotted for County Review:

The Washington County Planning Board is obligated to respond in writing to the zoning referral within thirty (30) days of receipt of said referral. If the County fails to respond within the thirty (30) day time frame, the ZBA is free to render a decision on the application.

4) Voting Requirements upon Receipt of County Report:

Should the Washington County Planning Board recommend modification to or denial of the application, the ZBA may only approve such application by a majority plus one vote of the entire board membership.

5) Relief from decision:

Any person or persons jointly or severally aggrieved by any decision of the Board may apply to the Supreme Court for relief by a proceeding under Article 78 of the Civil Practice Law and Rules of the State of New York. Such proceeding shall be governed by the provisions of Article 78 of the Civil Practice Law and Rules, except that:

- a) It must be instituted as therein provided within thirty (30) days after filing of a decision in the office of the Village Clerk.
- b) The Court may take evidence or appoint a referee to take such evidence as it may direct and report the same with his findings of fact and conclusion of law if it shall appear that testimony is necessary for the proper disposition of the matter.
- c) The Court, at special term, shall itself dispose of the case on the merits, determining all questions which may be presented by determination.
- d) Costs shall not be allowed against the ZBA unless it shall appear to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

C. Code Enforcement Officer:

1. Powers and Duties:

It shall be the duty of the Code Enforcement Officer to keep written record of all applications for Building Permits together with any conditions or requirements for issuance. The Code Enforcement Officer shall file and safely keep copies of all plans and documents submitted, which shall be available to the Village Board, other commissions, Village staff, and the general public. The Code Enforcement Officer shall issue no Building Permit or Certificate of Occupancy except when provisions of this ordinance, together with applicable conditions, requirements, rules, or laws shall be complied with. The Code Enforcement Officer shall have no authority to vary the regulations of this ordinance.

2. Procedures:

a. Requirements for a Building Permit:

- 1) No building or structure shall be constructed, erected, relocated, altered, repaired, extended, removed, demolished, or structurally changed, nor shall any excavation be made or footing or foundation be constructed, nor shall the use of an existing facility or land be changed until a Building Permit has been issued by the Code Enforcement Officer.
- 2) No Building Permit or Certificate of Occupancy permit shall be issued unless the Code Enforcement Officer is satisfied that the land or parcel in question has no natural characteristics which would endanger the health, safety or welfare of the resident, or others. Such natural characteristics may include fire, flooding, and

excessive slope.

- 3) The Code Enforcement Officer shall in no case, except under written order of the ZBA, grant any Building Permit where the proposed use or change would be in violation of any provisions of this Law.

b. Application for a Building Permit:

Applications for Building Permits shall be made on the standard form provided by Code Enforcement Officer and shall include all materials, drawings, plans, and/or information that may be required by this Law, the New York State Uniform Fire Prevention and Building Code, and other County, and State requirements.

c. Approval by Other Departments and Agencies:

No building permit shall be issued in accordance with this Law unless proof of compliance of pertinent sanitary and health regulations, fire regulations and any other local, State, or Federal regulations have been obtained in writing from the issuing agency. Other such regulations and permits may include the following, in addition to others not referred here:

- 1) Article 15 (Stream Disturbance) or Article 24 (Wetlands Disturbance) permits from the New York State Department of Environmental Conservation.
- 2) Wetlands Disturbance Permit from the U. S. Army Corps of Engineers.
- 3) Curb cut permit from the New York State Department of Transportation, the Washington County Department of Engineering and Public Works, or the Village Department of Public Works.
- 4) SPDES permit from the New York State Department of Environmental Conservation.
- 5) Various other local, State, and Federal permits required of the building permit recipient.

d. Approval by the Village Board, Planning Board, and Zoning Board of Appeals:

Depending on the type of construction being proposed and the zoning district in which it is located, any number of planning and zoning-type approvals may be required prior to the issuance of a Building Permit. These approvals could include a zoning map or text amendment, site plan review, special use permit, area variance, use variance, sign variance, etc. No Building Permit shall be issued until said approval(s) has been granted and all provisions within this ordinance have been complied with.

e. Revocation of Building Permit:

Any Building Permit may be revoked if the Code Enforcement Officer determines any of the following:

- 1) That no construction or change has occurred within six (6) months of issuance.
- 2) That the work performed under the permit is not being executed in accordance

with the provisions of the application, plans, or specifications.

- 3) That there have been any false statements or misrepresentation on the material facts of the building permit application, plans, or specifications on which the permit was based.
 - 4) That the person or corporation to whom the building permit has been issued fails or refuses to comply with a stop order issued by the Code Enforcement Officer.
 - 5) That the person or corporation to whom the building permit was issued is in violation of any Village, County, State, or Federal statute, law or ordinance relating to said construction.
 - 6) That the work being performed is not in accordance with any conditions of approval issued by the Planning Board, Zoning Board of Appeals, or Village Board.
- f. Application for a Certificate of Occupancy:
- 1) Purpose:

The purpose of the Certificate of Occupancy is to give the Code Enforcement Officer the mechanism by which he/she can verify that the provisions of this Law have been met, that the plans, drawings and specifications submitted with the Building Permit have been complied with, and that the requirements of the New York State Uniform Fire Prevention and Building Code have been met.
 - 2) Requirements for Issuance:

No person shall use or permit the use of any building, structure, or premises, or any part of hereafter erected, relocated, altered, repaired, converted, or extended until a Certificate of Occupancy has been issued by the Code Enforcement Officer.
 - 3) Temporary Certificate of Occupancy:

A Temporary Certificate of Occupancy may be issued for a portion of a building, provided the portion of the building to be occupied meets all the requirements of this Law and the New York State Uniform Fire Prevention and Building Code. Temporary Certificates of Occupancy expire sixty (60) days following issuance. The Temporary Certificate of Occupancy may be extended, provided work continues to progress on the remaining portion of the building not occupied.
 - 4) Inspection:

Prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy the, Code Enforcement Officer shall inspect the building or premises to be occupied to ensure compliance with this ordinance and with the New York State Uniform Fire Prevention and Building Code.
 - 5) Revocation of Certificate of Occupancy:

A Certificate of Occupancy shall continue in effect as long as the applicable facility and its use, is in compliance with the provision of this Law. If a violation of this

Law is discovered in relation to the facility, the Code Enforcement Officer shall revoke the Certificate of Occupancy, at which time the tenant will be directed to shut down operations and/or vacate the premises until such violation is remedied.

g. Enforcement:

The Zoning Law of the Village of Granville shall be enforced by the Code Enforcement Officer, who shall be appointed by the Board of Trustees.

h. Inspection and Notice of Violation:

Whenever, in the opinion of the Code Enforcement Officer, after proper examination and inspection, there appears to exist a violation of any provisions of this Law, the Officer shall serve a written notice of violation upon the appropriate person responsible for such alleged violation with a written order for the proper remedying or compliance, within a reasonable period of time, of any condition found to be in violation.

i. Legal Action by the Code Enforcement Officer:

If an unlawful condition or use is found not to have been properly remedied or made to comply with the provisions of this Law by the expiration of the reasonable time period granted by the Code Enforcement Officer, then he/she is empowered to immediately institute any appropriate action, charge, or proceedings in the proper legal court for the prevention, cessation, or discontinuance of any condition, use, occupancy, or act, in, on, of, or around any building, structure, or tract of land and for the prosecution of any owner, occupant, or offender.

j. Legal Action by Taxpayers:

If the enforcement officer fails or refuses to proceed with any action in accordance with this Law, within a ten (10) day period following written request by any taxpayer so to proceed, then any three or more taxpayers of the Village of Granville residing or owning property in the district wherein such condition or use in violation of this Law exists, or in an adjacent district and who are jointly or severally aggrieved by such violation, may institute such appropriate action, charge, or proceeding in like manner as such enforcement officer is authorized.

k. Penalties for Offenses:

- 1) Any person who shall violate any of the provisions of this Local Law or fail to comply there with or with any of the requirements thereof or who shall build or alter any building or structure in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a violation and shall be liable to a fine of not more than two-hundred-fifty-dollars (\$250), or imprisonment for not more than fifteen (15) days or both.
- 2) Each week such violation shall be permitted to exist shall constitute a separate offense.

- 3) The term “person” as used in this section shall include an owner, occupant, mortgagee, tenant, vendee in possession, assignee or rents, executor, trustee, lessee, agent, or any other person, firm, or corporation directly or indirectly in control of a building, property, or part thereof.
- 4) The owner or owners of any building or premises or part thereof where anything in violation of this Law shall be placed or shall exist to their knowledge and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall each be guilty of a separate offense and, upon conviction thereof, shall be fined as herein provided.

1. Appeals:

Any person or corporation allegedly aggrieved as a result of an action by Code Enforcement Officer may appeal to the Zoning Board of Appeals, as provided by Article 9-B, except that denials of site plan applications by the Planning Board shall not be subject to appeal.

D. Administrative Fees:

1. Fees for all building permits, including certificate of occupancy, shall be provided by separate resolution of the Village Board of Trustees.
2. Application fees for all approvals requiring action by the Planning Board (Special Use Permits and Site Plan Review), Zoning Board of Appeals (Appeals and Variances) and Village Board (Amendments) shall be established by the Village Board of Trustees, based upon the estimated administrative cost of processing such applications.
3. Escrow Deposits:

In connection with any application for Special Use Permit, Site Plan Review, Zoning Amendment, or Variance, the reviewing board may require the applicant to pay in advance into an escrow fund established to cover the reasonable costs of reviewing such application. Such costs may include staff cost or consultant fees covering planning, engineering, architectural and environmental analysis, wetland delineation, legal review, and other technical services required for a proper and thorough professional review of the application. No permit shall be issued until all costs have been paid. The Village shall account for the expenditure of all such funds and shall promptly refund any unexpended funds within thirty (30) days of final action on the application.

ARTICLE 10
AMENDMENTS

A. Village Board Power to Amend:

The Village Board of Trustees may, on its own initiative, or upon receipt of an application by a landowner, or upon recommendation from the Planning Board, other commissions/boards, or Village departments, amend, modify, supplement, or repeal the regulations, restrictions, boundaries, and provisions of this Zoning Law.

B. Advisory Report by Planning Board:

Applications to the Village Board to amend the zoning map or zoning text, unless initiated by the Planning Board, shall be referred to the Planning Board. The Planning Board shall report in writing its recommendations thereon to the Village Board, accompanied by a full statement of the reasons for such recommendations, prior to the public hearing. The Planning Board shall take into consideration the goals and recommendations outlined in the Comprehensive Plan, and the purposes set forth in Article 1 of this Zoning Law. If the Planning Board fails to report within a period of forty-five (45) days from the date of receipt of notice or such longer time as may have been agreed upon by it and the Village Board, the Village Board may act without such report. If the Planning Board recommends disapproval of the proposed amendment, or recommends modification thereof, the Village Board shall not act contrary to such disapproval or recommendation except by the adoption of a resolution fully setting forth the reasons for such contrary action.

C. Petition by Owners of Fifty Percent (50%) of Frontage:

Wherever the owners of part thereof shall present a petition duly signed and acknowledged to the Village Board, requesting an amendment, supplement, change or repeal of the regulations prescribed for such district or part thereof, it shall be the duty of the Village Board to act upon said petition within ninety (90) days after filing of the same by the petitioners with the Village Clerk.

D. Protest by Owners:

A favorable vote of at least two thirds of the Village Board is required to approve any zoning map or zoning text amendment, in the event that protest against the proposed amendment is presented to the Village Board, duly signed and acknowledged by:

1. The owners of twenty percent (20%) or more of the area of land included in such proposed amendment; or
2. The owners of twenty percent (20%) or more of the area of land immediately adjacent to that land included in such proposed change, extending one-hundred (100) feet there from; or
3. The owners of twenty percent (20%) or more of the area of land directly opposite thereto, extending one-hundred (100) feet from the street frontage of such opposite land.

E. Public Hearing and Notice:

Prior to a Village Board decision being rendered on a proposed zoning map or zoning text amendment, the Village Board is required to conduct a public hearing.

1. A notice of the proposed amendment and the time and place of the public hearing shall be published in a newspaper of general circulation in the Village, not less than ten (10) days prior to the date of public hearing.
2. Written notice of the public hearing shall be forwarded to the appropriate official if a zoning map amendment application involves property located within five hundred (500) feet of the following:
 - a. The property of a housing authority erecting or owning a housing project authorized under the Public Housing Law. Officials to be notified include the Executive Director of the Housing Authority and the Chief Executive Officer of the municipality providing financial assistance thereto.
 - b. The boundary of a City, Village or Township. Officials to be notified include the City, Village or Township Clerk.
 - c. The boundary of a County. Officials to be notified include the County Clerk or Board of Legislature or other persons performing like duties.
 - d. The boundary of a State Park or parkway. Officials to be notified include the Commissioner having jurisdiction over such State Park or parkway.

F. Mandated County Referral:

1. Should any proposed amendment consist of or include any of the following conditions, the Village Clerk shall, prior to final action refer the proposed amendment to the County Planning Board, in accordance with Section 239-m of the General Municipal Law. Any change in the district classification of or the regulations applying to real property lying within a distance of five-hundred (500) feet from: As there is a public hearing required for a zoning amendment, it should be sent 10 days before the hearing.
 - a. The boundary of any Village or Township.
 - b. The boundary of any existing or proposed County or State park or other recreation area.
 - c. The right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway.
 - d. The right-of-way of any existing or proposed stream or drainage channel owned by the County or for which the County has established channel lines.
 - e. The boundary of any existing or proposed County or State owned land on which a public building or institution is situated.
 - f. The boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the Agricultural and Markets Law, except this provision does not apply to the granting of area variances.

2. If such County Planning Board recommends modification or disapproval of a proposed action, the Village Board of Trustees shall not act contrary to such recommendation except by a vote of a majority plus one of all the members thereof. In the case of an extraordinary vote against the County's recommendation, the Village must within thirty (30) days of the final action, file a report with the County Planning Board outlining the reasoning for the contrary action.

G. Compliance with State Environmental Quality Review Act:

The Village Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617 of the New York Codes, Rules and Regulations.

H. Filing with the Secretary of State:

Every amendment to this Local Law shall be filed with the Secretary of the State of New York in accordance with Village Law 7-706.

ARTICLE 11
SUBDIVISION REGULATIONS

A. Declaration of Policy:

1. Title; authority:

The intent of this Article of the Village Law of the State of New York, the Planning Board of the Village of Granville is authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already in the office of the Clerk of the County and to conditionally approve preliminary plats within the Village of Granville.

2. Policy:

It is declared to be the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient, and economical development of the Village. This means, among other things, that:

- a. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood, or other menace.
- b. Proper provision shall be made for drainage, water supply, sewerage, and other needed improvements.
- c. All proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties.
- d. The proposed streets shall compose a convenient system conforming to the Official Map, shall be properly related to the proposals shown on the Comprehensive Plan, and shall be of such width, grade, and location as to accommodate the prospective traffic to facilitate fire protection and to provide access of fire-fighting equipment to buildings.
- e. Proper provision shall be made for open spaces for parks and playgrounds. In order that land subdivisions may be made in accordance with this policy, these regulations which shall be known as, and which may be cited as, the "Village of Granville Subdivision Regulations."

B. Procedures for Filing Subdivision Applications:

1. Application for Approval Required:

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

2. Sketch Plan:

- a. Submission of Sketch Plan. Any owner of land shall, prior to subdividing or resubdividing land, submit to the Clerk of the Planning Board, at least 10 days prior to the regular meeting of the Planning Board, seven copies of a sketch plan of the proposed subdivision, which shall comply with the requirements of Article 11-C, for the purposes of classification and preliminary discussion.
- b. Discussion of Requirements and Classification. The subdivider, or his duly authorized representative, shall, at the end of the meeting of the Planning Board, discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information. Classification of the sketch plan is to be made at this time by the Planning Board as to whether it is a minor or major subdivision as defined in these regulations. The Planning Board may require, however, when it deems necessary for protection of the public health, safety, and welfare, that in the case of a minor subdivision, the subdivider shall then comply with the procedure outlined in Article 11-B of these regulations. If it is classified as a major subdivision, the subdivider shall then comply with the procedures outlined in Article 11-B.
- c. Study of the Sketch Plan. The Planning Board shall determine whether the sketch plan meets the purposes of these regulations and shall, where it deems necessary, make specific recommendations in writing to be incorporated by the applicant in the next submission to the Planning Board.

3. Approval of Minor Subdivision:

- a. Application and Fee.
 - 1) Within six months after classification of the sketch plan as a minor subdivision by the Planning Board, the subdivider shall submit an application for approval of a subdivision plat. Failure to do so shall require resubmission of the sketch plan to the Planning Board for reclassification. The plat shall conform to the layout shown on the sketch plan plus any recommendations made by the Planning Board. Said application shall also conform to the requirements listed in Article 11-D.
 - 2) All applications for plat approval for minor subdivisions shall be accompanied by a fee of \$100.
- b. Number of Copies. Seven copies of the subdivision plat shall be presented to the Clerk of the Planning Board at the time of submission of the subdivision plat.
- c. Subdivider to Attend Planning Board Meeting. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the subdivision plat.
- d. When Officially Submitted. The time of submission of the subdivision plat shall be the date of the regular meeting of the Planning Board at which the application is deemed complete and duly considered. The application shall be filed with the Clerk of the

Planning Board at least 10 days prior to said meeting and shall be accompanied by all required fees and all data required by Article 11-D, of these regulations.

- e. Public Hearing. A public hearing shall be held by the Planning Board in accordance with Village Law 7-728, following submission of the subdivision plat for approval. Said hearing shall be advertised in a newspaper of general circulation in the Village at least ten days before such hearing, fifteen days prior to public hearing if submission required includes SERQ review.
 - f. Action on Subdivision Plat.
 - 1) The Planning Board shall, in accordance with Village Law 7-728, act to conditionally approve, conditionally approve with modification, disapprove, or grant final approval and authorize the signing of the subdivision plat. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure of the Planning Board to act within such time shall constitute approval of the plat.
 - 2) Upon granting conditional approval with or without modification to the plat, the Planning Board shall empower a duly authorized officer to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution granting conditional approval. Within five days of the resolution granting conditional approval, the plat shall be certified by the Clerk of the Planning Board as conditionally approved, and a copy filed in the Clerk's office, and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved plat. Upon completion of such requirements, the plat shall be signed by the duly designated officer of the Planning Board. Conditional approval of a plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted in the circumstances, for not to exceed two additional periods of 90 days each.
4. Preliminary Plat for Major Subdivision:
- a. Application and Fee. Prior to the filing of an application for the approval of a major subdivision plat, the subdivider shall file an application for the approval of a preliminary plat of the proposed subdivision. Such preliminary plat shall be clearly marked "preliminary plat" and shall be in the form described in Article 11-D, hereof. The preliminary plat shall, in all respects, comply with the requirements set forth in the provision of 7-728 of the Village Law, and Article 11-D of these regulations, except where a waiver may be specifically authorized by the Planning Board. The application for conditional approval of the preliminary plat shall be accompanied by a fee of \$300. A full environmental assessment form (EAF) as required under SEQOR for the anticipated action will be submitted at this time.

- b. Discussion of Requirements and SEQR Classification.
 - 1) The subdivider, or subdivider's duly authorized representative, shall attend the next meeting of the Planning Board to discuss the requirements of this chapter for street improvements, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information. Request for classification and lead agency intent under SEQR may be made at this time.
- c. Number of Copies. Seven copies of the preliminary plat shall be presented to the Clerk of the Planning Board at the time of submission of the preliminary plat.
- d. Subdivider to Attend Planning Board Meeting. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the preliminary plat.
- e. Study of Preliminary Plat.
 - 1) The Planning Board shall study the practicability of the preliminary plat, taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Plan, Official Map, and Zoning Ordinances.
 - 2) The Planning Board, in reviewing a preliminary plat shall attempt to avoid excessive community expenditures by the Village because of necessary community improvements. This applies particularly to improvements not only viewing them as capital expenditures by the municipality but also taking into consideration excessive operating expenditures such as school bus operation, police, and fire protection, etc. The Planning Board shall avoid approval of premature subdivisions in light of orderly community development.
- f. When Officially Submitted. The time of submission of the preliminary plat shall be the date of the regular meeting of the Planning Board on which the application for approval of the preliminary plat, complete and accompanied by the required fee and all data required by Article 11-D of these regulations, has been duly considered.
- g. Approval of the Preliminary Plat.
 - 1) After receipt of such preliminary plat by the Clerk of the Planning Board, the Planning Board shall hold a public hearing in accordance with Village Law 7-728. Said hearing shall be advertised at least once in a newspaper of general circulation in the Village at least ten to fifteen days before such hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. Failure to give notice in exact conformance with these regulations shall not be grounds to invalidate any action taken by the Planning Board, provided that there has been substantial compliance with said requirements. Following such hearing, in

accordance with Village Law 7-728, the Planning Board shall approve; with or without modifications or disapprove such preliminary plat, and the ground of a modification, if any, or the ground for disapproval shall be stated upon the records of the Planning Board. The time in which the Planning Board must take action on such plat, may be extended by mutual consent of the subdivider and the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing modifications, if any, as it deems necessary for the submission of the plat in final form. Within five days of the approval of such preliminary plat it shall be certified by the Clerk of the Planning Board as granted preliminary approval and a copy filed in his/her office, a certified copy mailed to the owner, and a copy forwarded to the Village Board. Failure of the Planning Board to act within such period shall constitute approval of the preliminary plat.

- 2) When granting approval to a preliminary plat, the Planning Board shall state the terms of such approval, if any, with respect to: (1) the modifications to the preliminary plat, (2) the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals, and general welfare, (3) the amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the subdivision plat. Approval of a preliminary plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide of the Planning Board and for recording upon fulfillment of the requirements of these regulations. Prior to approval of the subdivision plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

5. Plat for Major Subdivision:

- a. Application for Approval and Fee. The subdivider shall, within six months after the approval of the preliminary plat, file with the Planning Board an application for approval of the subdivision plat in final form, using the approved application blank available from the Clerk of the Planning Board. All applications for plat approval for a major subdivision shall be accompanied by a fee of \$300. If the final plat is not submitted within six months after the approval of the preliminary plat, the Planning Board may refuse to approve the final plat and require resubmission of the preliminary plat.
- b. Number of Copies. A subdivider intending to submit a proposed subdivision plat for the approval of the Planning Board shall provide the Clerk of the Planning Board with a copy of the application and seven copies, two copies on Mylar or an acceptable equal, of the plat, the original and one true copy of all offers of cession, covenants, and agreements, and two prints of all construction drawings.
- c. When Officially Submitted. The time of submission of the subdivision plat shall be the date of the regular meeting of the Planning Board at which the application is deemed

complete and duly considered. The application shall be filed with the Clerk of the Planning Board at least ten to fifteen days prior to said meeting and shall be accompanied by all required fees and all data required by Article 11-D, of these regulations.

- d. Endorsement of State and County Agencies. Water and sewer facility proposals contained in the subdivision plat shall be properly endorsed and approved by state and county agencies. Applications for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary Village, County, and State agencies. Endorsement and approval by the New York State Department of Health shall be secured by the subdivider before official submission of the subdivision plat.
- e. Public Hearing. Following the submission of a plat in final form for approval, in accordance with Village Law 7-728, a hearing shall be held by the Planning Board. This hearing shall be advertised at least once in a newspaper of general circulation in the Village at least ten to fifteen days before such hearing; provided, however, that when the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under Article 11-B of this article, and modified in accordance with requirements of such approval if such preliminary plat has been approved with modification, the Planning Board may waive the requirement for such public hearing.
- f. Action on Proposed Subdivision Plat.
 - 1) The Planning Board shall by resolution conditionally approve, conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat following its receipt by the Clerk of the Planning Board after the date of such hearing, in accordance with Village Law 7-728. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure to take action on a final plat within the time prescribed therefore shall be deemed approval of the plat.
 - 2) Upon resolution of conditional approval of such final plat the Planning Board shall empower a duly authorized officer to sign the plat upon completion of such requirements as may be stated in the resolution. Within five days of such resolution the plat shall be certified by the Clerk of the Planning Board as conditionally approved and a copy filed in his office and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved final plat. Upon completion of such requirements the plat shall be signed by said duly authorized officer of the Planning Board. Conditional approval of a final plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted in the circumstances, for not to exceed two additional periods of 90 days each.

6. Required Improvements:
- a. Improvements and Performance Bond. Before the Planning Board grants final approval of the subdivision plat, the subdivider shall follow the procedure set forth in either Subsection A(1) or A(2) below:
 - 1) In an amount set by the Planning Board, the subdivider shall either file with the Village Clerk a certified check to cover the full cost of the required improvements or the subdivider shall file with the Village Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of 7-728 of the Village Law and shall be satisfactory to the Village Board and Village Engineer as to form, sufficiency, manner of execution, and surety. A period of one year (or such other period as the Planning Board shall determine appropriate, not to exceed three years) shall be set forth in the bond within which required improvements must be completed.
 - 2) The subdivider shall complete all required improvements to the satisfaction of the Village Engineer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board. For any required improvements not so completed the subdivider shall file with the Village Clerk a bond or certified check covering the costs of such improvements not approved by the Village Engineer. Any such bond shall be satisfactory to the Village Board and Village Engineer as to form, sufficiency, manner of execution, and surety.
 - b. Modification of Design of Improvements. If at any time before or during the construction of the required improvements, it is demonstrated to the satisfaction of the Village Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Village Engineer may, upon approval by a previously delegated member of the Planning Board, authorize modification, provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Planning Board. The Village Engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.
 - c. Inspection of Improvements. 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, and shall notify the Village Board in writing of the time when he proposes to commence construction of such improvements so the Village Board may cause inspection to be made to assure that all Village specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.
 - d. Proper Installation of Improvements. If the Village Engineer shall find, upon inspection of the improvements performed before the expiration date of the

performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Village Board, Building Inspector, and Planning Board. The Village Board then shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Village's rights under the bond. No plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plat.

7. Filing of Approved Subdivision Plat:

- a. Final Approval and Filing. Upon completion of the requirements in Article 11-B above and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the duly designated officer of the Planning Board and may be filed by the applicant in the office of the County Clerk. Any subdivision plat not so filed or recorded in accordance with Village Law 7-728 following the date upon which such plat is approved or considered approved by reason of the failure of the Planning Board to act shall become null and void.
- b. Plat Void if Revised After Approval. No changes, erasures, modifications, or revisions shall be made in any subdivision plat after approval has been given by the Planning Board and endorsed in writing on the plat, unless said plat is first resubmitted to the Planning Board and such Planning Board approves any modifications. In the event that any such subdivision plat is recorded without complying with this requirement, the same shall be considered null and void, and the Planning Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

8. Public Streets and Recreation Areas:

- a. Public Acceptance of Streets. The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the Village of any street, easement, or other open space shown on such subdivision plat.
- b. Ownership and Maintenance of Recreation Areas. When a park, playground, or other recreation area shall have been shown on a plat, the approval of said plat shall not constitute an acceptance by the Village of such area. The Planning Board shall require the plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Village Board covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

C. General Requirements and Design Standards:

1. Minimum Requirements:

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. Said standards shall be considered to be minimum requirements and shall be waived by the Planning Board only under circumstances set forth herein.

2. General:

- a. Character of land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.
- b. Conformity to Official Map and Comprehensive Plan. Subdivisions shall conform to the Official Map of the Village and shall be in harmony with the Comprehensive Plan.
- c. Specifications for Required Improvements. All required improvements shall be constructed or installed to conform to the Village specifications, which may be obtained from the Village Engineer.

3. Street Layout:

- a. Width, Location, and Construction. Streets shall be of sufficient width, suitably located, and adequately constructed to conform with the Comprehensive Plan, and to accommodate the prospective traffic and afford access for fire-fighting, snow removal, and other road maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.
- b. Arrangement. The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic, and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water, and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.
- c. Minor Streets. Minor streets shall be so laid out that their use by through traffic will be discouraged.
- d. Special Treatment Along Major Arterial Streets. When a subdivision abuts or contains an existing or proposed major arterial street, the Planning Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- e. Provision for Future Resubdivision. Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Planning Board may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in these regulations.
- f. Dead-end Streets. The creation of dead-end or loop residential streets will be encouraged wherever the Planning Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end streets,

where needed or desirable, the Planning Board may require the reservation of a twenty-foot-wide easement to provide for the continuation of pedestrian traffic and utilities to the next street. Subdivisions containing 20 lots or more shall have at least two street connections with existing public streets, or streets shown on the Official Map, or streets on an approved subdivision plat for which a bond has been filed.

- g. Block Size. Blocks generally shall not be less than 400 feet nor more than 1,200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a twenty-foot-wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a four-foot sidewalk be included.
- h. Intersections with Collector or Major Arterial Roads. Minor or secondary street openings into such roads shall, in general, be at least 500 feet apart.
- i. Street Jogs. Street jogs with center-line offsets of less than 125 feet shall be avoided.
- j. Angle of Intersection. In general, all streets shall join each other so that for a distance of at least 100 feet the street is approximately at right angles to the street it joins.
- k. Relation to Topography. The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible at the original topography.
- l. Other Required Streets. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

4. Street Design:

- a. Streets shall be in conformance with the Village Standard for Street Design as approved by the Village Board and amended at the time of the application.
- b. Improvements.
 - 1) Streets shall be graded and improved with pavements, curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, street trees, and fire hydrants in such a manner as to meet the minimum requirements of the Village Board and the standards established as part of the Comprehensive Plan of the Village.
 - 2) Waivers may be requested and the Planning Board may waive sections or reduce the standards established as part of the Comprehensive Plan, subject to appropriate conditions, where such improvements, in the judgment of the Planning Board, may be omitted or altered without jeopardy to the public health,

- safety and general welfare. Pedestrian easements shall be improved as required by the Village Engineer. Such grading and improvements shall be approved as design and specifications by the Village Engineer.
- 3) Fire Hydrants. Installation of fire hydrants shall be in conformity with all requirements of standard thread and nut as specified by the New York Fire Insurance Rating Organization and the Division of Fire Safety of the State of New York.
 - 4) Street Lighting Facilities. Lighting facilities shall be in conformance with the lighting system of the Village. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized Village electrical inspector.
- c. Utilities in Streets. The Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and the street line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved. Utilities shall be installed in conformance with Public Service Law, Electric Utilities, Part 100, Section 100.1, in new construction of underground facilities in residential subdivisions, as amended at the time of the application.
 - d. Utility Easements. Where topography is such as to make impractical the inclusion of utilities within the street rights-of-way, perpetual unobstructed easements at least 20 feet in width shall be otherwise provided with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.
 - e. Dead-end Streets (cul-de-sacs). Dead-end streets should conform with the Village Standards for Street Design. At the end of temporary dead-end streets a temporary turnaround with a pavement radius of 75 feet shall be provided, with specifications according to the Village Highway Standards.
 - f. Watercourses.
 - 1) Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Village Engineer.
 - 2) Where a subdivision is traversed by a watercourse, drainage-way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way as required by the Village Engineer, and in no case less than 20 feet in width.
 - g. Curve Radii. In general, street lines within a block, deflecting from each other at any one point by more than 10°, shall be connected with a curve, the radius of which for the center line of street shall not be less than 400 feet on major commercial streets, 200 feet on collector thoroughfare streets and 100 feet on minor rural streets.

- h. Service Streets or Loading Space in Commercial Developments. Paved rear service streets of not less than 20 feet in width, or in lieu thereof, adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.
 - i. Free Flow of Vehicular Traffic Abutting Commercial Developments. In front of areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated, the street width shall be increased by such amount on each side as may be deemed necessary by the Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district.
5. Street Names and Numbers:
- a. Type of Name. All streets shown on a preliminary plat shall be approved by the Planning Board. In general, streets shall have names and not numbers or letters.
 - b. Names to be Substantially Different. Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names, except streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name. Generally, no street should change direction by more than 90° without a change in street name.
 - c. Street Names and Numbering. Naming and numbering of streets shall be done in coordination with county requirements as amended at the time of the application.
6. Lots:
- a. Buildable Lots.
 - 1) The lot arrangement shall be such that in constructing a building in compliance with state and local laws; there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear.
 - 2) A lot intended for use for single-family residential purposes must contain a buildable area of a minimum of 7,500 square feet (refer to the Bulk and Area Schedule on page 33). The buildable area shall exclude areas of excessive slope and on which state or federal environmental regulations shall preclude development. For non-residential lots, the minimum buildable area would be determined by the Planning Board after consideration of all relevant facts.
 - b. Side Lines. All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless a variation from this rule will give a better street or lot plan.
 - c. Corner Lots. In general, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable building site.

- d. Driveway Access. Driveway access and grades shall conform to specifications of the Village driveway ordinance. Driveway grades between the street and the setback line shall not exceed 10%.
 - e. Access.
 - 1) The subdividing of land shall be such as to provide, by means of a public street, each lot with satisfactory deeded access in fee to an existing public street. When not indicated on the Comprehensive Plan or Official Map, the determination of sufficient access shall be made by the Planning Board.
 - 2) Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with these regulations. All private streets shall conform to all applicable Village, County, and State standards and regulations.
 - f. Monuments and Lot Corner Markers. Permanent monuments, meeting specifications approved by the Village Engineer as to size, type, and installation, shall be set at such block corners, angle points, points of curves in streets, and other points as the Village Engineer may require, and their location shall be shown on the subdivision plat.
 - g. Dedication of Streets. Proposed streets shall be referred to the Village Board for consideration as soon as practicable in the review process. Whenever possible, such referral shall be made immediately following approval of the preliminary plat application. All streets proposed for dedication to the Village Board shall be marked or designated by a licensed surveyor or engineer.
7. Drainage Improvements:
- a. Removal of Spring and Surface Water. Upon recommendation by the Village Engineer, the subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to, or as a result of, the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.
 - b. Drainage Structure to Accommodate Potential Development Upstream. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Village Engineer shall approve the design and size of facility based on anticipated runoff from a "ten-year" storm under conditions of total potential future development in the watershed.
 - c. Responsibility from Drainage Downstream. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Village Engineer. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a five-year storm, the Planning Board shall notify the Village Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.

- d. Land Subject to Flooding. Land subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions.
8. Parks, Open Spaces, and Natural Features:
- a. Recreation Areas Shown on Village Comprehensive Plan. Where a proposed park, playground or open space shown on the Village Plan is located in whole or in part in a subdivision, the Planning Board shall require that such area or areas be shown on the plat in accordance with the requirements specified in Subsection B below. Such area or areas may be dedicated to the Village or county by the subdivider if the Village Board approves such dedication.
- b. Parks and Playgrounds Not Shown on Village Plan.
- 1) The Planning Board shall require that the plat show sites of a character, extent, and location suitable for the development of a park, playground, or other recreation purpose. The Planning Board may require that the developer satisfactorily grade any such recreation areas shown on the plat.
- c. Information to be Submitted. In the event that an area to be used for a park or playground is required to be so shown the subdivider shall submit, prior to final approval, to the Planning Board, seven prints, two on Mylar, at a scale of one inch to equal fifty feet, such area and the following features thereof:
- 1) The boundaries of said area, giving lengths and bearings of all straight lines, radii, lengths, central angles, and tangent distances of all curves.
- 2) Existing features such as brooks, ponds, clusters of trees, rock outcrops, and structures.
- 3) Existing and, if applicable, proposed changes in grade and contours of the area and of areas immediately adjacent.
- d. Waiver of Plat Designation of Area for Parks and Playgrounds.
- 1) In cases where the Planning Board finds that, due to the size, topography or location of the subdivision, land for park, playground, or other recreation purpose cannot be properly located therein, or if in the opinion of the Board it is not desirable, the Board may waive the requirement that the plat show land for such purposes. The Board shall then require as a condition to approval of the plat a payment to the Village of \$100 per gross acre, or more if the going rate is greater, of land which otherwise would have been acceptable as a recreation site. The amount of land which otherwise would have been acceptable as a recreation site shall be determined in accordance with the standards set forth in Article 11-C.

- 2) Such amount shall be paid to the Village Board at the time of final plat approval, and no plat shall be signed by the authorized officer of the Planning Board until such payment is made. All such payments shall be held by the Village Board in a special Village Recreation Site Acquisition and Improvement Fund to be used for the acquisition of land that (a) is suitable for a permanent park, playground or other recreational purposes, and (b) is so located that it will serve primarily the general neighborhood in which the land covered by the plat lies, and (c) shall be used only for park, playground, or other recreational land acquisition, or improvements. Such money may also be used for the physical improvement of existing parks or recreation areas serving the general neighborhood in which the land shown on the plat is situated, provided the Planning Board finds there is a need for such improvements.
 - e. Reserve Strips Prohibited. Reserve strips of land, which might be used to control access from the proposed subdivision to any neighboring property, or to any land within the subdivision itself, shall be prohibited.
 - f. Reservation of Natural Features. The Planning Board shall, wherever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and falls, beaches, historic spots, vistas, and similar irreplaceable assets.
9. Homeowners' Association:
- If a homeowners' or condominium association is proposed, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for the preliminary approval. The provisions shall include, but are not necessarily limited to, the following:
- a. The homeowners' association must be established before the homes are sold.
 - b. Membership must be mandatory for each homebuyer and any successive buyer.
 - c. The open space restrictions must be permanent, not just for a period of years.
 - d. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
 - e. Homeowners must pay their pro-rata share of the cost, and the assessment levied by the association shall become a lien on the property, and the master deed establishing the homeowners' association shall provide that unpaid assessments will become a lien.
 - f. The association must be able to adjust the assessment to meet changed needs.
 - g. Evidence that the association has met New York State Department of State requirements.

D. Documents to be Submitted:

1. Sketch Plan:

- a. The sketch plan initially submitted to the Planning Board shall be based on Tax Map information or some other similarly accurate base map at scale, no less than 50 feet to the inch, to enable the entire tract to be shown on one sheet. Seven copies of the sketch plan shall be submitted, showing the following information:
 - 1) The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
 - 2) All existing structures, wooded areas, streams, and other significant physical features, within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 10 feet.
 - 3) The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.
 - (a) Agricultural Data Statement: Village Law 7-739 requires applicants for subdivision approval, special use permits, use variances, and site plan reviews (with projects on property located within an agricultural district or within 500 feet of a farm operation located within an agricultural district); to submit an Agricultural Data Statement to the Planning Board.
 - (b) The statement is to contain:
 - [1] The name and address of the applicant.
 - [2] A description of the proposed project and its location.
 - [3] The name and address of any owner of an active farm operation (i.e., land used in agricultural production, farm buildings, equipment and farm residential buildings) within an agricultural district which is located within 500 feet of property containing the proposed project.
 - [4] A tax map, or other map, showing the site of the proposed project relative to the location of farm operation identified in the agricultural data statement.
 - (c) Notification of the owner will take place at the time of notification of the public hearing. The owner is required to notify the lessee or renter.
 - (d) Failure to give notice in exact conformance with these regulations shall not be grounds to invalidate any action taken by the Planning Board provided that there has been substantial compliance with said requirements.
 - 4) The Tax Map sheet, block and lot numbers, if available.
 - 5) All the utilities available, and all streets which are either proposed, mapped, or built.
 - 6) The proposed pattern of lots, including lot width and depth, street layout, recreation areas, systems of drainage, sewerage, and water supply, Article 11-D, within the subdivided area.

- 7) All existing restrictions on the use of land, including easements, covenants, or zoning lines.
- 8) Realty Subdivision checklist.

2. Minor Subdivision Plat:

- a. In the case of minor subdivision only, the subdivision plat application shall include the following information:
 - 1) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
 - 2) A diagram of the boundary lines of the tract, giving complete descriptive data by bearings and distances.
 - 3) All on-site sanitation and water supply facilities shall be designed to meet the minimum specification of the State Department of Health, and a note to this effect shall be stated on the plat.
 - 4) Proposed subdivision name, name of the Village and county in which it is located.
 - 5) The date, true north point, map scale, name and address of record owner and Subdivider.
 - 6) The two plats to be filed with the County Clerk and Village Clerk shall be printed on Mylar, at least 24 inches by 36 inches in size.
 - 7) Required plat notes:
 - (a) Plat note required for perc tests:
 - Percolation test done on the property of:
 - Property perc is as follows for Washington County septic systems.
 - Run 1 = _____ minutes
 - Run 2 = _____ minutes
 - Run 3 = _____ minutes
 - Name of person performing perc test
 - Title-
 - (b) Plat note required for all NEW utilities (major only): "All new utilities servicing this (these) lot (s) will be installed in compliance with the Public Service Law, Electric Utilities, Part 100."
 - (c) Plat note required for sanitation and water: "All on-site sanitation and water facilities must meet New York Department of Health specifications."
 - (c) If any land is in or adjacent to an Agricultural District, the following plat note is required: "The land plotted herewith lies within (adjacent to) Washington County Agricultural District, wherein the use of highest priority is commercial agriculture by NYS law. Residents may be subject to the noises, odors, dusts and vapors, lights and potentially harmful farm chemicals associated with commercial agricultural operations and farm management practices at any time of day or night."

- (e) Plat note required: a box of four inches by five inches is to be reserved for Planning Board purposes.
- (f) Plat note required: to be put within the four-inch-by-five-inch box: "Approval of Subdivision number of the Planning Board of the Village of Granville, New York, is herewith granted on the ____ day of 20_ and is subject to all requirements and conditions of said motion. Any change, erasure, modification or revision of the plat as approved, shall void this approval. Signed this day of 20_, by __, _____ Chairman or Clerk.
- (g) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to be a licensed land surveyor. The survey shall be cross-referenced and reconciled with all know surveys in the immediate vicinity. The corners of the tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Village Engineer, and shall be referenced and shown on the plat.

3. Major Subdivision Preliminary Plat and Accompanying Data:

The following documents shall be submitted for approval of a major subdivision preliminary plat:

- a. Seven copies of the preliminary plat prepared at a scale of 50 feet to the inch, showing:
 - 1) Proposed subdivision name, name of Village and county in which it is located, date, true north point, scale, name and address of record owner, subdivider and engineer or surveyor, including license number and seal.
 - 2) The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.
 - 3) Zoning district, including exact boundary lines of district, if more than one district, and any proposed changes in the zoning district lines and/or the Zoning Ordinance text applicable to the area to be subdivided.
 - 4) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
 - 5) Location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, wooded areas, single trees with a diameter of 10 inches or more as measured three feet above the base of the trunk, and other significant existing features for the proposed subdivision and adjacent property.
 - 6) Location of existing sewers, water mains, culverts, and drains on the property, with pipe sizes, grades, and direction of flow.
 - 7) Contours with intervals of five feet or less as required by the Planning Board, including elevations on existing roads. Approximate grading plan if natural contours are to be changed more than two feet.

- 8) The width and location of any streets or public ways or places shown on the Official Map or the Comprehensive Plan, within the area to be subdivided, and the width, location, grades, and street profiles of all streets or public ways proposed by the developer.
- 9) The approximate location and size of all proposed water lines, valves hydrants and sewer lines, and fire alarm boxes; connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law; profiles of all proposed water and sewer lines.
- 10) Storm drainage plan indicating the approximate location and size of proposed lines and their profiles and connection to existing lines or alternate means of disposal.
- 11) Plans and cross-sections showing the proposed location and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and sub-base, the location of manholes, basins, and underground conduits.
- 12) Preliminary designs of any bridges or culverts which may be required.
- 13) The proposed lot lines with approximate dimensions and area of each lot.
- 14) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than 20 feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision or the official map.
- 15) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to be a licensed land surveyor. The survey shall be cross-referenced and reconciled with all known surveys in the immediate vicinity. The corners of the tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Village Engineer, and shall be referenced and shown on the plat.
- 16) SEQR
 - b. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of 50 feet to the inch, showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract shall be submitted. The part of the subdivider's entire holding submitted shall be considered in the light of the entire holdings.
 - c. A copy of such covenants or deed restrictions as are intended to cover all or part of the street.

4. Major Subdivision Plat and Accompanying Data:

The following documents shall be submitted for plat approval of a major subdivision plat:

- a. The two plats to be filed with the County Clerk and Village Clerk, shall be printed on Mylar; at least 24 inches by 36 inches, including a margin for binding of two inches, outside of the border, along the left side and a margin of one inch outside of the border along the remaining sides. The plat shall be drawn at a scale of no more than 50 feet to the inch and oriented with the north point at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible.
- b. The plat shall show:
 - 1) Proposed subdivision name or identifying title and the name of the Village and county in which the subdivision is located, the name and address of record owner and subdivider, name, license number and seal of the licensed land surveyor.
 - 2) Street lines, pedestrian ways, lots, reservations, easements, and areas to be dedicated to public use.
 - 3) Sufficient data acceptable to the Village Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the state system of plane coordinates, and in any event should be tied to reference points previously established by a public authority.
 - 4) 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 and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale, and true north point.
 - 5) The plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the subdivision plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore.
 - 6) All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Village Attorney as to their legal sufficiency.
 - 7) Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing Village practice.
 - 8) Permanent reference monuments shall be shown, and shall be constructed in accordance with specification of the Village Engineer. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the

State Department of Public Works. They shall be placed as required by the Village Engineer and their location noted and referenced upon the plat.

- 9) All lot corner markers shall be permanently located satisfactorily to the Village Engineer at least 3/4 inches (if metal) in diameter and at least 24 inches in length, and located in the ground to existing grade.
- 10) Monuments of a type approved by the Village Engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve, and such intermediate points as shall be required by the Village Engineer.
- 11) Construction drawings, including plans, profiles, and typical cross-sections as required, showing the proposed location, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and sub-base, manholes, catch-basins, and other facilities.
- 12) All other requirements as deemed reasonable by the Village Engineer.

E. Waiver of Improvements Authorized Under Certain Conditions;

Where the Planning Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety, and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or the Zoning Ordinance.

F. Enforcement, Remedies, and Fees:

1. Penalties for Offenses; Enforcing Officer:

- 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. The penalties set forth for a violation of this chapter are those prescribed by Village Law 7-714. A violation of this chapter shall be punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

- b. There shall be a person designated as the Code Enforcement Officer for the Village of Granville who shall have the authority to enforce the provisions of this chapter and to issue appearance tickets for such violations.
- c. The applicant must file the Final Plat with the Washington County Clerk along with the completed and signed Realty Subdivision Checklist within ninety (90) days of final approval. Failure to do so may result in nullification of the Final Approval.

2. Fees:

a. Minor Subdivision Fees.

- 1) Application fee: \$100.
- 2) Lot fee: \$125/lot.
- 3) Recreation fee: \$100/lot.
- 4) Boundary line adjustment application fee: \$75.

b. Major Subdivision Fees.

- 1) Application fee: \$300.
- 2) Lot fee: \$125/lot.
- 3) Recreation fee: \$100/lot.
- 4) Final application fee: \$300.

c. All buildable lots are subject to a recreation fee.

d. Certified Mailing and Notification Fees: Costs for certified mailing and other costs incurred for notification shall be due and payable by the applicant, to the Clerk of the Planning Board, at the time of the establishment of the public hearing.

e. Inspection fees: \$250, Article 11-B.

G. Additional Provisions:

1. Consultants; Additional Costs:

- a. The Planning Board shall have the power to engage the services of professional engineers, architects, landscape architects, surveyors, attorneys, and other consultants to the extent reasonably necessary to assist in accurately and properly reviewing applications for major and minor subdivisions.
- b. The Planning Board shall have the power to establish additional costs and charges for applications in the following manner:
 - 1) Upon submission of a proper sketch plan, the Planning Board shall have the authority to obtain estimates of the costs of any professional or technical reviews or studies, of any type of application through all preliminary stages. Said estimates shall be made available to the applicant at no cost.
 - 2) When the Planning Board has received a statement in writing from the applicant that he has reviewed the estimate of costs for the preliminary stage and authorizes the Planning Board to proceed with preliminary review, the Planning Board shall have the authority to collect from the applicant a deposit sufficient to cover the

estimated costs. Said deposit shall be held in an interest-bearing account for the benefit of the applicant until used to pay for such costs. Any part of said deposit not used to pay for such costs shall be returned to the applicant at the conclusion of the preliminary stage.

- 3) Upon completion of the preliminary stage, the Planning Board shall have the authority to obtain estimates of costs of any professional or technical reviews or studies, of any type whatsoever, which shall be reasonably necessary to review the application through to final approval. Said estimate shall be made available to the applicant at no cost.
 - 4) When the Planning Board has received a statement in writing from the applicant that he has reviewed the estimate of costs for final approval and authorizes the Planning Board to proceed to final approval, the Planning Board shall have the authority to collect from the applicant a deposit sufficient to cover the estimated costs. Said deposit shall be held in an interest-bearing account for the benefit of the applicant until used to pay for such costs. Any part of said deposit not used to pay for such costs shall be returned to the applicant at the conclusion of the final approval stage.
- c. In no event shall the additional costs and charges for applications as referred to in Subsection B above exceed the amount of those fees, based upon percentages of total project value, chargeable under 617.3 of the State Environmental Quality Review Act.

2. Boundary Line Adjustments:

- a. Procedures. Any owners of land shall, prior to finalizing any boundary line adjustment, comply with the regulations applicable to the approval of a minor subdivision, Article 11-B, except that the need for a public hearing maybe waived by the Planning Board in its sole discretion.
- b. Fees. All applications for approval of a boundary line adjustment shall be accompanied by a fee of \$75.

