

Town of Jefferson, Schoharie County, New York Comprehensive Plan - 2007
APPENDIX C - Draft Rural Land Development Law

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§ 1 GENERAL PROVISIONS

A. Enactment.

The Town Board of the Town of Jefferson, Schoharie County, New York, does hereby ordain and enact the Town of Jefferson Rural Land Development Law pursuant to the authority and provisions of Section 10 of the Municipal Home Rule Law and Section 274-a of Town Law.

B. Short title.

This local law shall be known as the "Town of Jefferson Rural Land Development Law." The Town of Jefferson is hereinafter referred to as the "Town."

C. Intent and purpose.

It is the intent of this local law to ensure optimum overall conservation and use of the natural and man-related resources of the Town, by regulating land use activity within the Town of Jefferson through review and approval of land development/site plans. It is not the specific intent of this local law to prohibit any land use activity but to allow all land use activities which will meet the standards set forth in this local law for land development. Through land development/site plan review, it is the intent of this local law to promote the health, safety and general welfare of the Town.

D. Authorization of Planning Board to review land development/site plans.

The Planning Board is hereby authorized to review and approve or disapprove land development/site plans for land uses within the Town of Jefferson in accordance with the standards and procedures set forth in this local law.

E. Applicability of review requirements.

All new land development activities within the Town shall require land development/site plan review and approval before being undertaken, except for the following:

- 1) Construction of individual one or two-family dwelling and ordinary accessory structures, and related land use activities. However, lot development standards contained herein shall apply to all new land developments and subdivisions regulated by the Town of Jefferson Subdivision Law.
- 2) Landscaping or grading not connected with a land use reviewable under the provisions of this law.
- 3) Ordinary repair or maintenance or interior alterations to existing structures or uses.
- 4) Exterior alterations or additions to existing structures which would not increase the square footage of the existing structure by more than 25%.
- 4) Signs under 32 square feet.
- 5) All agriculture, timbering and mining activities, excepting permanently constructed processing facilities.
- 6) Temporary agricultural uses such as farm stands and other temporary uses such as garage sales, porch sales and the like.

Any person uncertain of the applicability of this local law to a given land use activity may apply in writing to the Planning Board for a written jurisdictional determination.

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F. Relationship of this law to other laws and regulations.

This local law in no way affects the provisions or requirements of any other federal, state, or local law or regulations. Where this local law is in conflict with any other such law or regulation, the more restrictive provisions and requirements shall apply. The Town Board hereby supersedes the New York State Town Law pursuant to the Municipal Home Rule Law to establish a \$350 per day fine for violations of this local law and establish a Board of Appeals for granting area variances.

G. Further regulations by Planning Board.

The Planning Board may, after a public hearing, adopt such further rules and regulations as it deems reasonably necessary to carry out the provisions of this law.

H. Severability.

The provisions of this local law are severable. If any article, section, paragraph or provision of this local law shall be invalid, such invalidity shall apply only to the article, section, paragraph or provision(s) adjudged invalid, and the rest of this local law shall remain valid and effective.

I. Effective Date

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

§ 2. DEFINITIONS

A. Word Usage.

Unless otherwise listed below, the numbers, abbreviations, terms and words used herein shall have the meanings of common usage as set forth in the latest edition of Merriam-Webster's Collegiate Dictionary.

B. Definitions.

CROSS ACCESS DRIVE – A service drive providing vehicular access between two or more contiguous sites so that the driver need not reenter the public street system

FAMILY – A person or persons related to each other by blood, marriage or adoption, or any number of persons, irrespective of any such relationship, which nonetheless functions as the equivalent of such a family, living together as a single housekeeping unit.

JOINT ACCESS DRIVEWAY – A common driveway connecting two or more contiguous sites to the public street system.

LAND DEVELOPMENT – Any construction or other activity which changes the use or appearance of land or a structure or the intensity of use of land or a structure. "Land development" shall explicitly include, but not be limited to, the following: new structures, expansions to existing structures, new uses, changes in or expansions of existing uses, roads, driveways, and excavations for the purpose of extracting soil or mineral deposits.

LOT COVERAGE – The proportion of a lot area covered by impervious surface including buildings and off-street parking areas.

LOT FRONTAGE – The minimum lot frontage of any lot shall be measured along the street line as required pursuant to this Law.

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NONCONFORMING STRUCTURE – Any structure which is in existence within the Town on the effective date of this law which is not in conformance with the dimensional regulations herein.

ONE FAMILY DWELLING – A complete self-contained residential unit for permanent habitation by one family only, and containing one or more rooms and facilities for living including cooking, sleeping, and sanitary needs.

PERVIOUS SURFACE – A surface that allows storm water to be absorbed by the land.

STRUCTURE – Any object constructed, installed or placed on land to facilitate land use and development or subdivision of land, such as buildings, sheds, signs, tanks, and any fixtures, additions and alterations thereto.

STRUCTURE, ACCESSORY – Any structure designed to accommodate an accessory use but detached from the principal structure, such as, a free standing garage for vehicles accessory to the principal use, a storage shed, garden house or similar facility.

TRIP-ENDS – Represent the total number of vehicular trips entering and leaving a specific land use or site for a designated period of time.

TWO FAMILY DWELLING – Two complete, but separate, self-contained residential units each intended for permanent habitation by one family only in a single structure having a common wall roof, wall or ceiling and containing separate rooms and facilities for living including cooking, sleeping, and sanitary needs.

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

YARD, FRONT – An open space extending across the entire width of the lot between the building line or front main wall of a building and the front property line, (street or road right-of-way line) and into which space there shall be no extension of building parts other than steps, porches, eaves, cornices and similar fixtures.

YARD, REAR – An open space extending across the entire width of the lot between the rear wall of the principal building and the rear line of the lot, and unoccupied except for accessory buildings and open porches.

YARD, SIDE – An open unobstructed space on the same lot with a principal building between the principal building and the side line of the lot and extending through from the front yard to the rear yard.

Any term used in this local law which is not defined hereinabove shall carry its customary meaning unless the context otherwise dictates.

§ 3. PROCEDURES

A. General procedures.

Prior to undertaking any new land development except for a one- or two-family dwelling and other uses specifically excepted in Section 1.6 of this local law, a land development or land development/site plan approval by the Planning Board is required. Applicants for land development/site plan approval should follow the recommended procedures related to the sketch plan conference as hereinafter set forth. Applicants must comply with all other procedures and requirements of this local law.

B. Sketch plan.

A sketch plan conference shall be held between the Planning Board and the applicant prior to the preparation and submission of a formal land development/site plan. The intent of such a conference is to enable the applicant to inform the Planning Board of his proposal prior to the preparation of a detailed land development/site plan; and for the

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Planning Board to review the basic land development/site design concept, advise the applicant as to potential problems and concerns and to generally determine the information to be required on the land development/site plan. In order to accomplish these objectives, the applicant shall provide the following:

- 1) A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation, and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations;
- 2) An area map showing the parcel under consideration for land development/site plan review, and all properties, subdivisions, streets, rights-of-way, easements and other pertinent features within 500 feet of the boundaries of the parcel; and
- 3) A topographic or contour map of adequate scale and detail to show site topography.

C. Application requirements.

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

- 1) Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
- 2) North arrow, scale and date;
- 3) Boundaries of the property plotted to scale;
- 4) Existing buildings;
- 5) Grading and drainage plan, showing existing and proposed contours, rock outcrops, depth to bed-rock, soil characteristics, and watercourses;
- 6) Location, design, type of construction, proposed use and exterior dimensions of all buildings;
- 7) Location, design and type of construction of all parking and truck loading areas, showing access and egress;
- 8) Provision for pedestrian access;
- 9) Location of outdoor storage, if any;
- 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;
- 12) Description of the method of securing public water and location, design and construction materials of such facilities;

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- 13) Location of fire and other emergency zones, including the location of fire hydrants;
- 14) Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
- 15) Location, size and design and type of construction of all proposed signs;
- 16) Location and proposed development of all buffer areas, including existing vegetative cover;
- 17) Location and design of outdoor lighting facilities;
- 18) Identification of the location and amount of building area proposed for retail sales or similar commercial activity;
- 19) General landscaping plan and planting schedule;
- 20) An estimated project construction schedule;
- 21) Record of application for and status of all necessary permits from other governmental bodies;
- 22) Identification of any permits from other governmental bodies required for the project's execution; and
- 23) Other elements integral to the proposed development as may be considered necessary in the particular case by the Planning Board.

D. Required fee.

An application for land development/site plan review shall be accompanied by a fee that is established by the Town Board and modified by the Town Board by resolution or waived for good cause.

E. Reimbursable costs.

- 1) In addition to any other fees required under the Town Code, the Planning Board and the Board of Appeals are authorized to retain engineering, legal, planning and other expert consulting services and clerical costs for: (a) assistance related to the review and processing of applications coming before said bodies and the Town Building Department and (b) the monitoring and inspection of construction of projects by the Building Inspector for projects approved by said Planning Board and/or Board of Appeals.
- 2) Payment for the services of any expert consultant is to be made from funds deposited by the applicant with the Town Supervisor to be placed in an escrow account established for that purpose. The Building Inspector, as agent for the Planning Board and/or Board of Appeals, shall confer with the applicant and compute the amount of the escrow to be posted with the Town. Said amount shall be reasonably related to the costs attendant to the Town's review and processing of the application and/or the monitoring or inspecting of the construction of the project. The Town shall engage any expert at a reasonable rate that is no greater than that customarily charged by said expert and in no event at a rate greater than that paid by the Town to said expert for similar work. If an applicant objects to the amount to be placed in escrow, the applicant may request the Planning Board or the Board of Appeals, as appropriate, to review the projected amount to be placed in escrow.
- 3) Once the expert consulting fees are fixed it shall be the responsibility of the applicant to submit to the Town Supervisor a certified or bank check in an amount equal to the estimated costs of the

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expert consulting fees for services to be rendered to the Town. The Town retains the right from time to time to re-compute the amount of the escrow deposit, after conferring with the applicant, in the event there will be a shortfall in the escrowed funds to cover the estimated costs of the expert consulting fees for services needed by the Town.

- 4) The Planning Board or Board of Appeals may, in their sole discretion, permit an applicant to pay the expert consulting fees in installments where the total fees are estimated to exceed \$10,000, provided that sufficient funds are always available to pay current obligations related to the project in question. Any applicant that has been permitted to make installment payments shall be required to make full payment or an additional installment within five days of receipt of the written demand of the Town where there are insufficient funds in the escrow account to pay outstanding invoices.

E. The escrow funds so deposited with the Town shall be paid to its expert consultant upon submission of an invoice and approved voucher and subject to audit in accordance with the provisions of Town Law §§ 118 and 119. Any applicant may request to inspect said invoices and vouchers submitted by any expert retained by the Town.

F. Referrals to other agencies and boards

- 1) The Planning Board may refer the land development/site plan for review and comment to local, and County officials or their designated consultants, and to representatives of federal, state, and County agencies, including but not limited to, the New York State Department of Transportation, the State Department of Environmental Conservation, and the County Department of Public Works, whichever has jurisdiction.
- 2) Whenever any land development/site plan involves real property in an area described in Section 239-m of the General Municipal Law, said land development/site plan shall be referred to the Schoharie County Planning Board for their review and approval pursuant to Section 239-m of the General Municipal Law.

G. SEQR compliance

The applicant shall demonstrate compliance for any actions subject to the New York State Environmental Quality Review Act (SEQR) prior to land development/site plan approval. The Planning Board shall, after the land development/site plan has been accepted as complete, classify the application according to SEQR, review the Environmental Assessment Form (EAF) and take one of the following actions:

- 1) If additional information is needed to render a determination of significance, the Planning Board shall specify exactly what the applicant needs to supply, or
- 2) If the information is provided and the project is determined to have only small to moderate impacts with little significance on the environment, then a negative declaration may be given, or
- 3) If an action has been identified as having a large and significant impact, then a positive declaration shall be determined and a full Environmental Impact Statement (EIS) will be provided.

H. Public hearing.

The Planning Board may, at its discretion, hold a public hearing on the application. Said hearing shall be held within sixty-two (62) days of receipt of the accepted land development/site plan application. The Planning Board shall mail notice of the public hearing to the applicant at least ten (10) days before the public hearing and shall give public notice of said hearing in a newspaper of general circulation in the Town at least five (5) days prior to the date of the hearing. The Planning Board may also, at its discretion in conjunction with major projects, provide notice of such hearing to adjacent or nearby landowners by regular mail or the posting of the property on which the action is pro-

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posed. Failure to provide or receive such notice shall not, however, be cause to delay a hearing or action on an application before the Planning Board.

I. Planning Board Decision.

Within 62 days of receipt of the application for land development/site plan approval or, if a public hearing is held, within 62 days of public hearing, the Planning Board shall render a decision. In its decision the Planning Board may approve, approve with modifications or disapprove the land development/site plan. The time period in which the Planning Board must render its decision can be extended by mutual consent of the applicant and the Planning Board.

- 1) Approval. Upon approval of the land development/site plan, and payment by the applicant of all fees and reimbursable costs due the Town, the Planning Board shall endorse its approval on a copy of the land development/site plan and shall immediately file it and a written statement of approval with the Town clerk. A copy of the written statement of approval shall be mailed to the applicant by certified mail, return receipt requested.
- 2) Approval with modifications. The Planning Board may conditionally approve the final land development/site plan. A copy of written statement containing the modifications required by the conditional approval will be mailed to the applicant by certified mail, return receipt requested. After adequate demonstration to the Planning Board that all conditions have been met, and payment by the applicant of all fees and reimbursable costs due the Town, the Planning Board shall endorse its approval on a copy of the land development/site plan and shall immediately file it and a written statement of approval with the Town clerk. A copy of the written statement of approval shall be mailed to the applicant by certified mail, return receipt requested.
- 3) Disapproval. Upon disapproval of the land development/site plan the decision of the Planning Board shall immediately be filed with the Town clerk and a copy thereof mailed to the applicant by certified mail, return receipt requested, along with the Planning Board's reasons for disapproval.

J. Waivers

The Planning Board may waive any procedural requirements for the approval, approval with modifications or disapproval of land development/site plans submitted for approval. Any such waiver, which may be subject to appropriate conditions, may be exercised in the event any such procedural requirements are found not to be requisite in the interest of the public health, safety or general welfare or inappropriate to a particular land development/site plan.

K. Guarantee of Site Improvements

The Planning Board may apply the Town of Jefferson Subdivision Law performance guarantee procedures in the event of any project where the construction of site improvements will be phased.

§ 4 DESIGN STANDARDS

A. General standards and considerations.

The Planning Board's review of the land development/site plan shall include, as appropriate, the following general considerations:

- 1) Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
- 2) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.

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- 3) Location, arrangement, appearance and sufficiency of off-street parking and loading.
- 4) Adequacy of storm water and drainage facilities.
- 5) Adequacy of water supply and sewage disposal facilities.
- 6) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation. The Planning Board shall be authorized to require such buffers where ever required to accomplish these purposes.
- 7) Adequacy of fire lanes and the provision of fire hydrants.
- 8) Adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- 9) Overall impact on the neighborhood including compatibility of design consideration.
- 10) Impacts on agriculture and forestry, which are important industries to the Town of Jefferson that need to be protected.

B. Lot development standards.

- 1) The following development standards shall apply to all new lots hereafter created in the Town for purposes of placing new non-agricultural principal structures or uses.

Table 1 – Lot Development Standards		
Development Standards	Residential (Per Unit)	Non-Residential Uses
Minimum Lot Area:		
Within Jefferson Light District	1 acre	1 acre
On-site Sewer and Water	2 acres	1 acre
Central Sewer & Water	½ acre	½ acre
Central Sewer or Water	¾ acre	¾ acre
Maximum Lot Area	5 acres	5 acres
Maximum Dwellings Per Acre*	0.1	0.1
Minimum Lot Frontage	50 feet	50 feet
Minimum Average Lot Width/Depth	100 feet	100 feet
Maximum Lot Coverage	25%	50%
Minimum Side/Rear Yard	25 feet	50 feet
Front Yard	35 feet	50 feet
Maximum Building Height	35 feet	45 feet
Accessory Structure Setback	10 feet side/rear yards	10 feet side/rear yards

* **Note:** The maximum dwellings per acre standard shall apply to all tracts existing at the date of this Law's adoption and shall be enforced by deed restrictions on new lots limiting future subdivision of such parcels to the maximum densities permitted under currently applicable law.

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- 2) Corner lots.
- a) Obstruction of vision at street intersections. The front/side yards at the street intersection shall be kept free of vegetation and other structures that would obstruct the vision of drivers between the heights of 3 ½ feet to 10 feet above the average grade of each street on the center line thereof. The following site distances shall be maintained:

Table 2 - Sight Distance	
Street Right-of-Way	Distance from Intersection
50 Feet or More	90 Feet
40-49 Feet	80 Feet
30-39 Feet	70 Feet

- b) Rear and side yards. On a corner lot, front yards are required on both street frontages, and one yard other than the front yard shall be deemed to be a rear yard and the other or others, side yards.
- 3) Yard regulations.
 - a) Side yard width may be varied. Where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular, the side yard may be varied. In such case, the average width of the side yard shall not be less than the otherwise required minimum width; provided, however, that such yard shall not be narrower at any point than 1/2 the otherwise required minimum width.
 - b) Front yard exception. When an unimproved lot is situated between two improved lots, each having a principal building within 25 feet of any side lot line of such unimproved lot, the front yard may be reduced to the greatest depth of the front yard of the two adjoining improved lots but shall be not less than 10 feet.
 - 4) Height exceptions. Water towers, chimneys, smokestacks, flagpoles, communication towers, masts and aerials, and heating, ventilation, air-conditioning and other accessory utilities shall be exempted from height restrictions except as specifically regulated herein. Farm buildings and structures on farms, e.g., silos, are also excluded.
 - 5) Accessory structures. Accessory structures may be placed in side or rear yards only and shall not be placed within 10 feet of any property line. No accessory structure shall be placed in the required front yard. Accessory structures shall not cover more than 25% of the required rear yard.
 - 6) Building placement. Buildings shall be oriented parallel to the public right-of-way and respect the building placement on adjoining properties.

C. Erosion control and storm water management.

- 1) Storm water management. No application for land development/site plan approval shall be reviewed until the Town of Jefferson Planning Board has received a Storm water Pollution Prevention

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Plan (SWPPP) prepared in accordance with the specifications of this local law and as required by New York State. All proposed storm water management improvements shall be designed and constructed in accordance with the New York State Stormwater Management Design Manual and New York Standards and Specifications for Erosion and Sediment Control, provided that such practices shall maximize the use of natural storm water management methods (e.g., grass swales) and minimize the use of dry above-ground storm water detention facilities.

- 2) Storm water management system maintenance.
 - a) The storm water management plan for any major residential subdivision or non-residential project shall contain an operation and maintenance plan prepared by the applicant and approved by the Town Engineer. The operation and maintenance plan shall establish responsibilities for the continued operation and maintenance of all common storm water management improvements, which shall include all storm water management improvements designed to serve more than a single lot or dwelling. All such facilities associated with the approved subdivision plan shall be owned and maintained by a home owner's association (HOA) or such other entity as may be approved by the Town Board. The HOA or other approved entity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the requirements of this law. Sediment shall, at a minimum, be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.
 - b) Prior to approval of any subdivision/site plan where common storm water management improvements are required, the property owner, HOA or other approved entity shall sign and record a maintenance agreement covering all common storm water management facilities. Such maintenance agreement shall be subject to the review and approval of the Planning Board and Town Attorney.
 - c) Storm water detention and retention basins or facilities shall be inspected by a registered professional engineer licensed in the State of New York on behalf of the applicant or responsible entity on the following basis:
 - i) Annually for the first five (5) years.
 - ii) Once every three (3) years thereafter.
 - iii) During or immediately after the cessation of a 100-year or greater storm event.

The professional engineer conducting the inspection shall be required to submit a written report to the HOA or other approved entity, with a copy to the Town of Jefferson Building Department, within one (1) month following completion of the inspection. The report will present documentation and include pictures regarding the condition of the facility and recommend necessary repairs, if needed. Any needed repairs shall be implemented by the HOA or other approved entity within three (3) months of the report issuance date.
 - d) No person shall allow, or cause to allow, storm water discharges into the Town's separate storm sewer system which are not composed entirely of storm water, discharges from fire fighting, water from foundation drains, flows from natural sources and flows from other similar uncontaminated sources.
 - e) The Planning Board may require that a major subdivision/site plan include a set of Best Management Practices (BMP's) from which the owner of any individual lot must choose in implementing storm water management measures in conjunction with property development. Such BMP's shall be fully specified in the subdivision plans and imposed by restric-

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tive deed covenant making reference to such plans. No person shall modify, remove, fill, landscape or alter any such on-lot storm water management improvements or drainage easement, unless it is part of an approved maintenance program, without the written approval of the HOA or other approved entity.

- f) All requirements of the State of New York for Storm Water Pollution Prevention Plans (SWPPP's) are incorporated herein by reference and shall apply in addition to the above standards.

§ 5 BOARD OF APPEALS

A. Establishment

Pursuant to the provisions of the Town Law, a Board of Appeals is hereby established in the Town of Jefferson. The Board shall consist of three (3) members to be appointed by the Town Board. The terms of the initial appointees shall be for one (1), two (2) and three (3) years from and after the date of appointment. Their successors, including such additional members as may be appointed by the Town Board, shall be appointed for the term of three (3) years after the expiration of the terms of their predecessors in office. Appointments to full vacancies shall be for the unexpired term of the members whose term or terms become vacant. Such appointment to fill vacancies shall be made in the same manner as the original appointment. The Board of Appeals may continue to legally operate while vacancies are waiting to be filled provided there are enough members to constitute a quorum. The Board shall perform all the duties and have all the powers prescribed by Section 267-b of The Town Law of the State of New York.

B. Types of Variances

Area variances involve relief from dimensional or other requirements under the terms of this Law. Each of the following findings of fact shall be made in writing by resolution by the Board of Appeals prior to granting such variances. The Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined herein. In making its determination, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

- 1) 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;
- 2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- 3) whether the requested area variance is substantial;
- 4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood; and
- 5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- 6) whether the applicant possesses adjoining property.

The Board of Appeals, 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.

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§ 7 NON-CONFORMING USES

This law does not apply to uses or structures which are lawfully in existence as of the date this local law becomes effective. Any use which would otherwise be subject to this law that has been discontinued for a period of one (1) year or more shall be subject to review pursuant to the terms of this law before such use is resumed. Any use or structure shall be considered to be in existence provided the same has been substantially commenced as of the effective date of this local law and fully constructed and completed within one year from the effective date of this local law. A non-conforming structure is any building which does not conform to the dimensional and bulk requirements of this Law with respect to lot area, width, or depth; front, side or rear yards; maximum height; etc. Nonconforming structures may be continued, repaired, structurally altered, moved, reconstructed or enlarged, provided that such action does not increase the degree of or create any new nonconformity with respect to the bulk requirements of this Law.

§ 8 ENFORCEMENT

No permit or certificate of occupancy shall be issued by the Building Inspector, except upon the authorization by and in conformity with an approved land development/site plan where required. The Town Board may alternatively appoint some other enforcement officer to conduct inspections and any other enforcement activities required by this local law. Such officer shall be responsible for the overall inspection of site improvements including coordination with the Planning Board and other officials and agencies, as appropriate. Any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this local law shall, upon conviction, be deemed guilty of a violation, punishable by a fine of not more than \$350.00. Each day an offense is continued shall be deemed a separate violation of this local law. In addition to the penalties provided above, the Building Inspector, or Town Board, may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this local law.