

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

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

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

County

City of MARGARETVILLE

Town

Village

Local Law No. 6 of the year 20⁰⁵

A local law (Insert Title) To Amend Article 7 Entitled "Site Plan Review" of the Village of Margaretville Local Law No. 1 of 1989 Zoning.

Be it enacted by the Board of Trustees of the (Name of Legislative Body)

County

City of MARGARETVILLE

Town

Village

as follows:

Section 1: Article 7.02 is hereby repealed.

Section 2: The following provisions shall be added to Article 7

7.02 Projects Requiring Site Plan Review.

No permit for the construction, exterior alteration, occupancy, or change in use of any building shall be given and no existing use shall be established or expanded in floor area except in conformity with a site plan approved by the Planning Board. Site Plan Review shall also be required for the resumption of any use discontinued for more than one year, or for the expansion of any existing use.

"Expansion" shall include a floor space increase of two-hundred (200) square feet or more within any ten (10) year period, or the introduction of new materials or processes not previously associated with the existing use. Those proposals requiring Site Plan Review are listed on Schedule A.

"Change of use", as defined by the Village Zoning Law shall not require site plan review unless the proposed use will result in an increase in intensity on the site.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 3: Article 7.04-3 is hereby repealed.

Section 4: The following provisions shall be added to Article 7

7.04-3 The Code Enforcement Officer shall certify on each site plan application or amendment whether or not the application is complete in accordance with Section 7.06 (Submission Requirements) and whether the plan meets the requirements of all Zoning Law provisions other than those of this Article regarding site plan review. If the Code Enforcement Officer determines that any provisions of Section 7.06 do not apply to an application, he/she may waive any such requirements and supply the Planning Board with a written explanation of each omission. The Code Enforcement Officer shall act to certify the application or return it to the applicant for completion or revision within ten (10) days of submission by the applicant.

Section 5: Article 7.04-4 is hereby repealed.

Section 6: The following provision shall be added to Article 7

7.04-4 Following certification of a complete application, the Code Enforcement Officer shall, within the next thirty (30) days, review and evaluate the application in accordance with the required standards of Section 7.07 (Standards for Review). Upon completion of review, the Code Enforcement Officer shall meet with the applicant and discuss the application and conditions that could assist the applicant in meeting the standards of Section 7.07. Within ten (10) days thereafter, the Code Enforcement Officer shall make a recommendation on the application to the Planning Board no later than ten (10) days prior to their next meeting.

An Environmental Assessment Form (either a short or long form, depending upon the nature of the proposal) shall be submitted to the Code Enforcement Officer prior to the submission of the Code Enforcement Officer's recommendation to the Village Planning Board to insure compliance with the New York State Environmental Quality Review Act (6 NYCCR 617).

hereinafter referred to as SEQRA, to identify the potential environmental, social, and economic impacts of the project.

Section 7: Article 7.04-5 is hereby repealed.

Section 8: The following provision shall be added to Article 7.

7.04-5 Public Hearing.

The Planning Board shall set a date for a Public Hearing on the application. Said hearing shall be held within sixty-two (62) days of submission to the Planning Board of a complete application by the Code Enforcement Officer. Notice of said hearing shall be published in the official Village newspaper at least ten (10) days prior to the hearing. In addition to the published notice of hearing, the applicant shall give written notice by certified mail, to all property owners of the land immediately adjacent to, extending one-hundred (100) feet there from, and directly opposite thereto, extending one-hundred (100) feet from the street frontage of the land in said application.

Section 9: Article 7.05-2 is hereby repealed.

Section 10: The following provision shall be added to Article 7.

7.05-2 Any Site Plan Approval issued under this Article shall lapse within one year if a substantial use thereof has not commenced, such time may be extended by the Village Planning Board in its sole discretion for an additional period(s) not to exceed one (1) year in total upon written application by the applicant stating the reason(s) for the delay.

Section 11: Article 7.06-1 is hereby repealed.

Section 12: The following provision shall be added to Article 7

7.06-1 The site plan shall include the following data, details, and supporting plans. The number of pages submitted will depend on the proposal's size and complexity. All of the requirements must be met in each plan, unless specifically waived by the Code Enforcement Officer during the original application certification. Notations explaining the reasons for any omissions shall accompany the application materials. If upon review by the Planning Board, it is determined that a submission requirement previously waived is integral to the review, the

Planning Board may require additional information from the applicant.

Section 13: The following provisions shall be added to Schedule A.

1. Add Hotel/Motel (To be set by the Planning Board) under "Special Permit Uses" in the Business District.
2. Change "Maximum Building Height" of "Adult Uses" in both Business and Industrial Districts from 70' to 35'

Section 14: This local law shall take effect upon the filing with the Secretary of State of the State of New York.