

Local Law Filing

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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 Chaumont
~~Town~~
Village

Local Law No. 1 of the year 2009

A local law Amending the Village of Chaumont Land Development Code
(Insert Title)

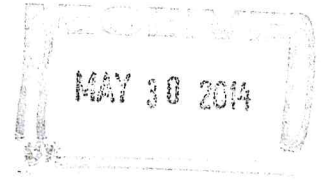
Be it enacted by the Village Board of Trustees of the
(Name of Legislative Body)

~~County~~
~~City~~ of Chaumont, New York
~~Town~~
Village as follows:

* See attached

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

COPY



Department of Planning
175 Arsenal Street
Watertown, NY 13601

COPY

Donald R. Canfield
Director of Planning

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May 28, 2014

Ms. Valerie Rust, Mayor
Village of Chaumont
Board of Trustees
PO Box 297
Chaumont, NY 13622

Re: Village of Chaumont, Zoning Amendment, JCDP File # V Ch 1 - 14

Dear Ms. Rust,

On May 27, 2014, the Jefferson County Planning Board reviewed the above referenced project, referred pursuant to General Municipal Law, Section 239m.

The Board adopted a motion of Approval, based on the positive impacts that sound planning practices and periodic local review of land use controls will have on the future development of the Village and the adjacent Town. However, this recommendation is conditioned on enacting the procedural and administrative changes that are necessary for the Development Code to be consistent with NYS Village Law, NYS Agriculture and Markets Law, and NYS Social Services Law.

During its review, the Board noted land use laws are most effective when there are periodic updates to enable new uses and pertinent land use issues to be addressed in a timely manner. Updates also help municipalities implement their Comprehensive Plan's vision for the community.

The proposed modifications to the Village's Land Development Code are the first major updates since the last edits in 2007. Generally, the proposed zoning districts reinforce the current pattern of land uses within the Village. Additionally, establishing zoning districts and more comprehensive regulations will reduce the potential for new development impacts on adjacent Town areas.

That said, the County Planning Board has the following local advisory comments:

The amendments being proposed were first considered by the Village Planning Board several years ago. The update process was delayed and a technical editing review of the administrative and enforcement procedures, in particular for the subdivision and site plan review functions, was not completed. Such a review is necessary before adoption to ensure compatibility with NYS Village Law. For instance, the current draft includes site plan review procedures in the subdivision section, and subdivision procedures in the site plan review section. Also, errors need to be corrected with regard to review and hearing timeframes and other procedural steps.

For clarity and ease of use, the local board should remove the subdivision section from the body of the Land Development Code and either create a separate local subdivision law or place all subdivision related regulations at the end of said Code. Additionally, the local board should ensure that all procedural and timeline regulations in that section comply with NYS enabling statutes.

Section 115 of the proposed Code prohibits any uses not listed in the schedule, while Section 330 states that any "proposed uses that are not defined and/or not listed in the schedule...shall...be classified as a similarly defined use". These are directly conflicting clauses, and the local board should clarify its intent regarding unlisted uses. Additionally, Section 330 alludes to interpreting the Code as a function of the Planning Board. Typically, this is a Zoning Board of Appeals function, according to NYS Village Law, Section 7-712-b.

The local board should also acknowledge the limitations on localities attempting to regulate Family, Group, and Child Day Care homes. Social Services Law Section 390 prohibits zoning restrictions on such uses when they are part of a residence, and limits review procedures and requirements that can be applied by municipalities.

In the R-A1 District, agricultural uses are prohibited, but there is land within the proposed district currently in a NYS Certified Agricultural District. The local board should ensure that all agricultural land uses in Certified Agricultural Districts are permitted, otherwise a limitation on agricultural uses could conflict with NYS Agriculture and Markets Law Section 305-a.

While the Village proposes to regulate noise levels for restaurants, bars, and nightclubs, there are no administrative procedure for how noise levels will be measured. The local board should incorporate appropriate procedures regarding how noise limits will be monitored and administered.

The staff expects to provide a separate technical memorandum to assist with refinement of the draft amendments, but the Village Attorney should verify the legal compatibility of the law after necessary procedural modifications are drafted by the Village.

General Municipal Law, Section 239m requires the local board to notify the County of its action on this matter within thirty (30) days after taking a final action.

Thank you.

Sincerely,

E. Hartley Bonisteel

Article II Definitions - Lot Line Adjustment: shall be amended to read as follows:

Any transfer of property from one adjoining lot to another for the purposes of enlargement of the existing lot. A lot line adjustment shall not constitute a subdivision, provided that it is clear that the land being transferred is not intended to create a new lot, but is intended to be merged with the lot to which it is being transferred, and further provided that such transfer does not create any non-conformities with the Chaumont Land Development Code.

Article IV shall be amended to read as follows:

Section 415 – Lot Line Adjustments

The Planning Board of the Village of Chaumont shall review any proposed lot line adjustment to determine if it fits the definition as set forth in Article II. The Planning Board shall specifically review whether or not it is the intention that the property being transferred is to be merged with the lot to which it is being transferred and shall not constitute a separate lot. The Planning Board may require that the applicant for the lot line adjustment show that the proposed deed transferring the property indicates that the property will be merged to the lot to which it is being transferred. The Planning Board shall determine that the lot from which the land is being transferred will not be rendered non-conforming under Article III, Section 305 of the Chaumont Land Development Code in any manner by the transfer. If the above conditions are met and the lot line transfer is not a subdivision, then no further review is required unless to do so would increase any existing non-conformity.

Article VII – Section 740 – Temporary Storage Trailers/PODS shall be amended with the additional language as follows:

4. They will be subordinate to the principal use of the property and service the principal building.
5. They will be subordinate in area, extent and purpose to the principal building or principal use.
6. They will be under the same ownership (or lease) as the principal use or uses on the property; exception will be during any approved building permit, site plan or subdivision construction.
7. They are prohibited against using them for human or animal habitation and/or including bathroom facilities.
8. They shall only be located within allowable setbacks and shall be located between the rear lot line and the principal structure.
9. They will be placed or located on the same parcel as the principal building.

Article II – Definitions shall be amended to read as follows:

Front Lot Line: The property line separating a plot or parcel of property from a public or private street or highway. If a lot adjoins two or more streets or highways, it shall be deemed to have a front lot line respectively on each.

Article III – Section 305 – Dimensional Regulations shall be amended to read as follows:

Land uses within the Village are required to meet the following minimum dimensional regulations.

*Accessory or Structure

Area Description	Single Family Dwellings/* Accessory Use Structures	Multi-Family Dwellings/* Accessory Use Structures	Commercial Uses/* Accessory Use Structures
Lot Size	15,000 square feet	40,000 square feet	20,000 square feet
Lot Frontage	100 feet	200 feet	125 feet
Yard Front	25/*15	25/*15	25/*15
Yard Side	15/*10	15/*10	15/*10
Yard Rear	25/*10	25/*10	25/*10

Article VII – Supplemental Regulations – Section 715 – Multi-Family Dwellings shall be amended to read as follows:

In addition to the standards contained in Article VI Multi-Family Dwellings shall:

1. All multi-family dwelling applications shall be classified as Type I actions as pertains to SEQR and such applications shall be processed by the Village Planning Board.
2. Each structure is to be situated on its own tax parcel.
3. The longest property line cannot exceed 125% of the shortest property line.
4. Where the multi-family dwelling is a four-plex, an additional 40,000 square feet of land must be set aside and maintained by the property owner for recreation and green space, with location and layout subject to approval by the Village Planning Board.
5. Building structures shall be a maximum of two (2) stories or less.
6. Multi-family structures shall not be more than four (4) units per structure, (i.e. four-plex).

7. All units must meet dimensional regulations as set forth under Article III, Section 305.
8. Gross density cannot exceed four (4) dwelling units per acre.