

**ARTICLE V**  
**GENERAL PROVISIONS APPLICABLE TO ALL DISTRICTS**

**SECTION 500      APPLICABILITY OF REGULATIONS**

No building shall hereafter be erected and no existing building shall be moved, structurally altered, rebuilt, added to or enlarged, nor shall any land be used for any purpose other than those included among the uses listed as permitted uses in each zone district of this Zoning Law and meeting the requirements set forth herein. Open space contiguous to any building shall not be encroached upon or reduced in any manner, except in conformity to the area and bulk requirements, off-street parking requirements, and all other regulations required by this Zoning Law for the zone district in which such building or space is located.

In the event of any such unlawful encroachment or reduction, such building or use shall be deemed to be in violation of this Zoning Law, and the Certificate of Compliance shall become null and void.

**SECTION 501      PRESERVATION OF NATURAL FEATURES**

- A. No structure shall be built within fifty (50) feet of the bed of a stream carrying water on an average of six (6) months of the year, except for:
1. Public bridges, public water works and other municipal or public utility facilities.
  2. Such private bridges, fords, drainage conduits, embankments and similar structures as are necessary to permit access to a lot or portion thereof or as are incidental to a lawful use of a lot, provided that such structure will not have a material adverse effect on the stream, nor alter the flow of water therein, nor substantially increase the likelihood of flood or overflow in the area.
- B. No person shall strip, excavate or otherwise remove topsoil for sale or other use other than on the premises from which taken, except in connection with the approved construction or alteration of a building, pond or swimming pool on such premises or lawful excavation operations pursuant to Article XI of this Law.
- C. Whenever natural features such as trees, brooks and drainage channels interfere with the proposed use of property, the retention of the maximum amount of such features consistent with the intended use of the property shall be encouraged.

**SECTION 502      REGULATIONS APPLICABLE TO ALL ZONES**

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- A. Except as specifically provided herein, no lot shall have erected upon it more than one (1) principal building. No yard or other open space provided about any building for the purpose of complying with the provisions of this Zoning Law shall be considered to provide a yard or open space for any other building.
- B. An accessory building attached to a principal building shall comply in all respects with the yard requirements of this Zoning Law for the principal building. Detached accessory buildings shall be located to the rear of the front building line of the principal building, and if located in a side yard area shall conform to side yard requirements of the Schedule. Detached accessory buildings for farm use may be located closer to the street or right-of-way line than the principal building. In no case, however, shall said accessory building be closer to the street or right-of-way line than the minimum front yard setback for the principal building.
- C. Every principal building shall have access to a public street improved to meet Town requirements. A gravel surface shall be considered sufficient to meet minimum standards. Access may be either direct or by private road or drive approved by the Town. Said road or driveway shall have a right-of-way width of not less than thirty (30) feet and an improved surface of at least twenty (20) feet in width. All structures shall be so located on lots so as to provide safe and convenient access for servicing, fire protection and required off-street parking.
- D. At the intersection of two (2) or more streets, no hedge, fence or wall (other than a single post or tree) which is higher than three (3) feet above curb level, nor any obstruction to vision, excluding agricultural crops, shall be permitted in the triangular area formed by the intersection street lines and a line joining each fifty (50) feet distant from said intersection along said street lines.
- E. Where a building lot has frontage on a street which is proposed for right-of-way widening, the required front yard setback area shall be measured from such proposed right-of-way line.
- F. No business establishment shall place or display goods for purposes of sale or permit any coin-operated vending machine of any type to be placed in any location which would infringe upon the required yard area specified in this Zoning Law. However, a temporary roadside stand meeting the requirements of Article IX is not prohibited and any such temporary roadside stand is exempted from the yard and setback requirements for the Use District in which it is located.
- G. No manure, odor or dust-producing substances shall be permitted to be stored within one hundred (100) feet of any lot line.

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- H. For the purpose of regulating the locations of accessory buildings on corner lots, and on lots extending through between two parallel streets, all portions of a corner lot or a through lot which fronts on a public street shall be subject to the front yard requirements of the zone district in which said corner lot or through lot is located.
- I. No front yard in a medium density district shall be used for the open storage of propane tanks, boats, unregistered vehicles, travel trailers or any other equipment, except for vehicular parking on driveways. Such vehicles and/or equipment may be stored on the side of the building but not nearer than ten (10) feet from the rear or side lot line.
- J. When a new lot is formed so as to include within its boundaries any part of a former lot on which there is an existing building or use, the subdivision must be carried out in such a manner as will not infringe upon any of the provisions of this Zoning Law either with respect to any existing structures or use and any proposed structures or use or setbacks.
- K. Nothing in this Zoning Law shall restrict the construction, use or maintenance of public buildings, structures or facilities, parks or other publicly owned properties or the installation and maintenance of such public utilities as may be required to service any district. All facilities shall be subject to the yard requirements of this Zoning Law and to site plan review.
- L. Fences erected in the Town shall adhere to the following standards:
  - 1. No fence in a Medium Density District shall be erected, altered or reconstructed to a height exceeding three (3) feet above ground level when located within twenty-five (25) feet of the street right-of-way line.
  - 2. Fences in Medium Density District may be erected, altered or reconstructed to a height of up to six (6) feet above ground level provided that such fence is located more than twenty-five (25) feet from the street line.
  - 3. Fencing used to enclose a tennis court may be permitted up to ten (10) feet in height provided that such fencing is not less than twenty-five (25) feet from either the side or rear property line.
  - 4. These restrictions shall not be applied so as to restrict the erection of a wall for the purpose of retaining earth, except if within highway right-of-way when permission of highway superintendent is required.

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5. No fence in a business or industrial district shall exceed eight (8) feet in height, except that they shall not exceed three (3) feet in height in front yards.
  6. Fences for kennels and for the purpose of enclosing farmland and horses and cattle shall not exceed fourteen (14) feet in height.
  7. No fence shall be erected to encroach on any property line or upon a public right-of-way.
  8. No fence shall be erected in a special flood hazard area, except for farm fences in a Low Density District when it can be demonstrated that such fence would not restrict the flow of flood waters nor would it have any impact on any buildings.
- M. If the use of any lot or building involves the disposal of sewage or wastewater and public sewers are not available, an adequate sanitary disposal system for the same shall be installed in accordance with regulations and standards promulgated by the Department of Health and at all times maintained on such lot or in lawful connection therewith. The minimum lot area otherwise required shall be increased where necessary to the extent required to provide such disposal system. Certification of approval for the installation of on-site sewage disposal systems shall be obtained from the Department of Health and submitted to the Zoning Enforcement Officer prior to the start of construction.
- N. No lot shall be used for the commercial storage or disposal of solid or liquid waste without the prior approval of the Town Board. Duly approved individual sewage disposal systems shall be excluded from this provision. Town Board approval shall be given only upon a finding that the proposed use shall not have a detrimental effect upon surrounding properties and evidence of any required permits necessary from the Department of Health and/or the New York State Department of Environmental Conservation. The Town Board may require the submission of any documents necessary to make the foregoing finding. Consistent with the provisions of paragraph G above, this provision shall not prohibit the storage of animal waste upon any farm. It shall not be customary farm operation to dump or mound manure within twenty-five (25) feet from a road or right of way.
- O. Discharges from individual sewage disposal systems shall be in accordance with approved plans and the procedures and standards of the County Health Department and the New York State Department of Environmental Conservation.

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- P. All construction plans shall include consideration of storm water drainage needs. Whenever possible, site grading shall direct water away from buildings and structures to the natural drainage way.
- Q. Any structure which has been vacant and which has had utility service disconnected for two (2) years shall not be used for any purpose without obtaining a new Certificate of Occupancy.
- R. Any structure completely destroyed by fire shall require new zoning and building permits before any reconstruction is started. A new Certificate of Occupancy shall also be required.
- S. Any structure partially destroyed by fire shall be rebuilt in accordance with this Zoning Law and the following additional provisions:
1. No permits shall be required to restore/replace any portion of a structure to its same condition prior to its being damaged.
  2. Any change in a structure damaged by fire including but not limited to size of building, bearing walls, entrance ways, chimneys, building materials, shall require new zoning and building permits and said construction shall meet or exceed the Uniform Code requirements and the provisions of this Zoning Law.
- T. Nothing in this Zoning Law shall prohibit the movement or rearrangement of topsoil or earth material on site by an owner of property within the Town. Any such movement or rearrangement shall, however, be undertaken in a manner which does not create drainage problems for adjacent property owners.
- U. At any time a parcel of property is split between two (2) or more districts, the district with the most restrictive or having the higher standards shall govern the entire parcel.
- V. The use of any adulterated industrial byproduct material (such as steel slag) as structural fill for a road base is strictly prohibited. This requirement does not suggest that prior practices are not allowed.
- W. For the control of wastewater and stormwater discharges, in accordance with the Clean Water Act under New York State Law, all projects disturbing a specific area of ground, as prescribed by state law, are required to obtain a permit through the State Pollutant Discharge Elimination System (SPDES) program. State regulations

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should be referenced for specific requirements.

- X. The United States Environmental Protection Agency and New York State Department of Environmental Conservation have regulations that preserve, protect and conserve freshwater wetlands and their benefits. Any project shall meet all Federal and State rules and regulations concerning wetlands.