
TOWN OF READING, NEW YORK

LAND USE LAW

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CHAPTER 1**INTRODUCTION & PURPOSE**

1.1 INTRODUCTION

- A)** This version of the Town of Reading’s local Land Use Law is the third iteration of the law to ensure the law best represents the current values of the Town. The law originated through a series of public surveys and meetings, culminating in an intensive public planning "charrette" held in June of 1993, which determined it was necessary to regulate certain aspects of land use to properly manage future development. Subsequently the Town’s first local Land Use Law was adopted in 1996, and later amended in 2009. The following Land Use Law regulations represent the results of the Town’s most recent update process, which began in 2013 and included a series of public meetings and opportunities for input. The Town of Reading has sought to minimize any burden this local Land Use Law might impose to be respectful of the individual rights of its citizens.
- B)** At this time, the Town has considered and rejected the idea of adopting a conventional zoning law to implement a physical plan of development. The Town finds that a zoning law based on use districts creates expectations of development and a static vision of the future that are not appropriate for a rural community. It is the Town’s belief that zoning codes arbitrarily limit flexibility of land use without protecting a municipality’s most important resources and character. The citizens of Reading see their community as dynamic, and as such desire to create a system that effectively manages changes as it occurs.

1.2 PURPOSE AND INTENT

- A)** The purpose of the Town of Reading Land Use Law is to maintain not only the rural appearance and physical character of the Town, but also its rural way of life and social environment. The rural tradition is one in which landowners are free to use their property in any manner that does not harm their neighbors, Town, or region. The people of Reading desire to allow their Town to evolve organically, based upon the changing needs and circumstances they face, rather than upon a predetermined plan of development.
- B)** The people of Reading recognize that many "uses" of land can be made compatible with other "uses" and can be integrated into their surroundings if the size, scale, design, siting, and operation of the uses are appropriate for the area in which they are to be located. The Town wishes to encourage the growth of small-scale businesses that provide employment without adversely impacting environmental and community resources. The Town is more concerned with integrating development into the landscape than with comprehensively designating specific future uses of land.
- C)** The intent of this Land Use Law is to provide a flexible framework for decision-making that enables different land uses to coexist productively within the community. Unlike zoning, which seeks uniformity and separation of land use by districts, this Land Use Law fosters and embraces integration and diversity, while also recognizing the varying character of areas within the Town. The economic vitality that results from the harmonious mixing of different activities and uses is at the core of the quality of life Reading seeks to preserve.

1.3 OBJECTIVES

Throughout the initial drafting of the Town's Land Use Law and subsequent planning efforts to amend and update the document, several common goals or objectives have been identified by the residents of Reading. The following is a summary of the objectives this Land Use Law is intended to achieve:

- A) Further the goals and objectives of the Town's most recently adopted Comprehensive Plan.
- B) Establish a flexible system that regulates development in a manner that works to keep the Town rural while allowing for moderate, sustainable growth.
- C) Improve the appearance of the Town and ensure new development is consistent with Reading's desired rural character and community interests.
- D) Sustain the economic viability of the local agricultural industry.
- E) Preserve and protect open space and existing environmental resources from degradation, such as the water quality of Seneca Lake.
- F) Allow flexibility of uses without causing potential harm to neighbors and their property.
- G) Encourage non-polluting small business and industry growth that provides year-round employment opportunities.
- H) Revitalize the Town's older buildings and hamlets by fostering local business and housing opportunities.
- I) Discourage large-scale development that would negatively impact and change the Town's desired rural character.
- J) Maintain, enhance, and develop Town infrastructure to ensure an adequate level of service to Town residents in the most efficient manner.
- K) Maintain an economically diverse community with affordable housing options.
- L) Balance the property rights of individuals with community interests, maintaining rural traditions of freedom of land use.
- M) Increase citizen involvement in local government, strengthen the sense of community, and improve communication within the Town.

1.4 ENACTMENT OF LOCAL LAND USE LAW

This local Land Use Law is enacted under the powers granted to the Town under Article 2 of the Municipal Home Rule Law (MHRL). This Land Use Law is not intended to be a zoning law as provided for in Sections 261 through 269 of the NYS Town Law, although some of its provisions may govern matters like those covered by zoning. To the extent that any provisions in this Land Use Law may be inconsistent with Sections 261 through 269 of NYS Town Law, it is the intent of the Town to supersede such provisions of NYS Law under the supersession provisions of Article 2 of the MHRL.

1.5 INTERPRETATION AS MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Land Use Law shall be deemed minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Whenever the requirements of this Land Use Law differ from the requirements of any other lawfully adopted laws, regulations, or ordinances, the more restrictive, or that imposing the higher standard shall govern.

1.6 SEVERABILITY

If any provision of this Land Use Law or the application thereof to any person, property, or circumstances is held to be invalid, the remainder of this Land Use Law and the application of each provision to other persons, property, or circumstances shall not be affected thereby.

1.7 CONFLICT WITH OTHER LAWS

- A)** With the exception of the Land Use Law for The Town Of Reading, New York (1995), which this iteration of the Land Use Law shall abrogate, this Land Use Law shall not repeal, abrogate, annul, or in any way impair or interfere with any other provisions of law or rules of regulations previously adopted or issued and still in effect relating to the use of structures or premises by the Town.
- B)** Where this Land Use Law imposes a greater restriction upon the use of structures or premises or requires larger lots or setbacks that are imposed or required by other existing Town laws, rules, or regulations, the provisions of this Land Use Law shall supersede all other local laws.
- C)** Where this Land Use Law conflicts with any laws or regulations of the State of New York, the state law shall supersede local law.

1.8 EFFECTIVE DATE

This Land Use Law shall take effect upon adoption by the Town Board of the Town of Reading, New York.

CHAPTER 2 ADMINISTRATION, ENFORCEMENT & APPEALS

2.1 LAND USE OFFICER

A) Appointment of Enforcing Officer.

The Town of Reading Local Land Use Law shall be administered and enforced by the Town's Land Use Officer, who shall be appointed by the Town Board. For the purposes of this law, the Town Building Inspector shall serve as the Land Use Officer, until such a time when the Town Board appoints an independent position for the enforcement of this local Land Use Law.

B) Duties and Powers.

It shall be the duty of the Land Use Officer to secure the enforcement of this local Land Use Law, subject to the rules, laws, and regulations of the Planning Board and Town Board. Such duties include, but are not limited to:

1. Determine acceptability of applications as outlined in Chapter 7;
2. Issue all permits, or certificates required by this law. No permit or certificates shall be granted for any purpose except in compliance with the provisions of this law;
3. Issue a written notice of violation to any person, firm or corporation violating any provisions of this law;
4. Make all inspections as required by this law, the Town Board, the Planning Board, and NYS Town Law; and
5. Perform all other duties as provided in this law and by NYS Town Law.

C) Official Record.

The Town Clerk shall keep all records of applications, permits or certificates issued, inspections made, reports rendered, and notices or orders issued by the Land Use Officer.

D) Role of Building Inspector.

The Building Inspector shall issue no Building Permit or Certificate of Occupancy unless all provisions of this law have been complied with. If the Town Board appoints an independent Land Use Officer position, the specific responsibilities of the Building Inspector regarding the enforcement and administration of this local Land Use Law are identified where appropriate.

2.2 PLANNING BOARD

A) In accordance with NYS Town Law Section 271, the Town of Reading hereby establishes a Town Planning Board for the purposes of administering this local Land Use Law.

B) Membership.

1. The Planning Board shall consist of five (5) members and (1) alternate appointed by the Town Board. The Town Board may designate one member to serve as chairperson.

2. Removal of members, alternates, and vacancies on the Planning Board shall be addressed as provided for in NYS Town Law Section 271.
- C) Each member of the Planning Board shall complete the training requirement of NYS Town Law Section 271, to enable such members to more effectively carry out their duties.
- D) Powers and Duties.

The Town of Reading Planning Board shall have the authority to fulfill the following:

1. Employ experts, clerks, and a secretary, and provide for such other expenses as may be necessary not exceeding the appropriation made therefor by the Town Board.
 2. Recommend to the Town Board regulations relating to any subject matter over which the Planning Board has jurisdiction under NYS Town Law and this local Land Use Law;
 3. Review and make recommendations on a proposed Town comprehensive plan or amendment thereto;
 4. Review and make recommendations regarding any proposed amendments or updates to the text of this local Land Use Law;
 5. Make investigations, maps, reports and recommendations in connection to the planning and development of the Town as it seems desirable, providing the total expenditures of the Planning Board do not exceed the appropriation provided therefor by the Town Board;
 6. Review and approve, approve with modifications or conditions, or disapprove a site plan application prepared to specifications set forth in this Land Use Law; and
 7. Review and approve, approve with modifications or conditions, or disapprove a special permit application prepared to specifications set forth in this Land Use Law.
- E) Meetings.
1. The Planning Board may seek recommendations from other boards, commissions, departments, or agencies, local, county, state, and regional, as it deems appropriate.
 2. Hearings shall be public, and decisions shall be voted upon at public sessions. The Planning Board may otherwise hold executive sessions in accordance with the NYS Open Meetings Law.
- F) Official Record.

The Town Clerk shall keep record of all decisions issued by the Planning Board with respect to this law, and minutes of public hearings and meetings in which applications are reviewed and discussed.

2.3 REQUIREMENT OF BUILDING PERMIT, LAND USE PERMIT, AND CERTIFICATE OF OCCUPANCY

A) Purpose.

To assure compliance with this Land Use Law, it is necessary for the Town of Reading to be aware of proposed development activities. Most activities of this nature already require a Building Permit under the New York State Uniform Fire Prevent and Building Code ("Building Code"), administered by the Building Inspector.

B) Permit Types.

Under the terms of this law the Land Use Officer and/or Building Inspector may issue the following classes of permits:

1. **Building Permit.** A permit issued by the Building Inspector as required by this local Land Use Law and the NYS Building Code.
2. **Land Use Permit.** If the town has adopted a Land Use Officer, a permit issued by the Land Use Officer as required by this local Land Use Law. Land Use Permits shall be required for business, institutional, or industrial uses not involving buildings or structures, as well as signs as outlined in Section 5.8 of this law, unless such uses are permitted by right as defined in Chapter 3.
3. **Site Plan.** A Building and/or Land Use Permit for a Site Plan as defined in Chapter 3. The Building Inspector and/or Land Use Officer may issue such permit(s) provided approval is granted by the Planning Board following procedures defined in Chapters 7 and 8 of this law.
4. **Special Permit.** A Building and/or Land Use Permit for specially permitted uses as defined in Chapter 3. The Building Inspector and/or Land Use Officer may issue such permit(s) provided approval is granted by the Planning Board following procedures defined in Chapters 7 and 9 of this law.
5. **Permit After Appeal.** A permit issued by the Building Inspector and/or Land Use Officer upon order of the Planning Board. The Planning Board shall render such order only in the case of a favorable decision on an appeal as described in Section 2.5 of this law.
6. **Certificate of Occupancy.** A Certificate of Occupancy certifies compliance of a structure with the terms of its Building Permit, this Land Use Law, and all other applicable local, county, state, and federal laws and regulations. No structure or expansion of an existing structure shall be occupied or used until the Building Inspector issues a Certificate of Occupancy.

- C) Except as provided in Chapter 10, no buildings or structures, including accessory buildings and signs, shall be erected, moved, enlarged, or extended, nor shall any new use of land be initiated, or excavation of land begun unless and until a Building Permit or Land Use Permit has been issued by the Building Officer and/or Land Use Officer in accordance with this law.

2.4 VIOLATIONS

A) Penalties.

A violation of this Land Use Law is an offense punishable by a fine not to exceed three hundred-fifty dollars (\$350.00), or imprisonment for a period not to exceed six (6) months, or both for conviction of a first offense. Conviction of a second offense, committed within five (5) years of the first offense, is punishable by a fine not less than three hundred-fifty dollars (\$350.00) nor more than seven hundred dollars (\$700.00) or imprisonment for a period not to exceed six (6) months, or both. Conviction of a third or subsequent offense committed within a period of five (5) years is punishable by a fine of not less than seven hundred dollars (\$700.00) or more than one thousand dollars (\$1,000.00), or imprisonment for a period not to exceed six (6) months, or both. Each week's continued violation shall constitute a separate violation.

B) Complaints of Violations.

Whenever a suspected violation of this Land Use Law occurs, any person may file a signed written complaint reporting such violation to the Land Use Officer. All such complaints must be in writing (unless the suspected violation threatens life, health, or safety, in which case the Land Use Officer is authorized to act on an oral complaint) and shall be submitted to the Land Use Officer, who shall properly record such complaint and immediately investigate and report thereon to the Town Board.

C) Abatement of Violations.

Whenever a suspected violation of this Land Use Law occurs, the Town Board or, with its approval, the Land Use Officer, may institute an appropriate legal action or proceeding to prevent, restrain, correct, or abate such violation, to prevent the occupancy of the premises, or to prevent any illegal act, conduct business, or use in or about the premises. The Land Use Officer shall also be empowered to issue a "stop work order" upon determining that a violation of this local law has occurred or is in progress.

D) Accountability.

For every violation of the provisions of this Land Use Law, the owner, agent, contractor, lessee, ground lessee, tenant, licensee, or any other person who commits, takes part, or assists in such violation or who maintains any structures or premises in which any such violation exists, shall be punishable according to the provisions of this Land Use Law.

2.5 APPEAL OF ACTION BY LAND USE OFFICER

Any person aggrieved by an order, determination, interpretation, decision, or other action taken by the Land Use Officer may appeal such action to the Land Use Law Board of Appeals. The Land Use Law Board of Appeals shall have the powers of a Board of Appeals as provided in Article 16 and Section 267 et seq., of NYS Town Law. The Board of Appeals shall also follow the Board of Appeals procedure established in Section 267-a of NYS Town Law. In hearing such appeal, the Board of Appeals shall have the powers provided in Section 267-b of NYS Town Law.

A) Establishment

The Town Board shall appoint a Land Use Law Board of Appeals consisting of three members, and shall designate its Chairperson. A member of the Land Use Law Board of Appeals shall not at the same time be a member of the Town Board or Planning Board. The Town Board shall have the power to remove any member of the Land Use Law Board of Appeals for cause and after public hearing.

- B) Member Term**
Terms of members shall be equal in years to the number of members of the board with a limit of three terms.
- C) Training**
Each member of the board of appeals shall complete, at a minimum, four hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet the requirements of this subdivision. Such training shall be approved by the town board.
- D) Staff**
The Land Use Law Board of Appeals may employ such clerical or other staff assistance as may be necessary, and prescribe their duties, provided that it shall not at any time incur expenses beyond the amount of the appropriations made by the Town Board and then available for that purpose.
- E) Meeting, Minutes, Records**
Meetings of such board of appeals shall be ad hoc and open to the public. Such board of appeals 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.
- F) Hearing Appeals**
The jurisdiction of the 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 Zoning Officer or Code Enforcement Officer charged with the enforcement of a Land Use Law. Such appeal may be taken by any person aggrieved, and the appeal must fall within the scope of authority of the board.
- G) Hearing on Appeal**
The board of appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice of such hearing by publication in a paper of general circulation in the town at least five days prior to the date thereof. 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 town prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney.
- H) Time of Decision and Filing**
The board of appeals shall decide upon the appeal within sixty-two days after the conduct of said hearing. The time within which the board of appeals must render its decision may be extended by mutual consent of the applicant and the board. The decision of the board of appeals on the appeal shall be filed in the office of the town clerk within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant.
- I) Powers and Duties**
The Land Use Law Board of Appeals shall have the following powers and duties:
- 1. Appeals.** The Land Use Law Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall issue such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter.

2. **VariANCES.** The Land Use Law Board of Appeals shall have the power to grant area and use variances as defined herein, and may undertake to hear direct referrals from the Town Board and Planning Board as authorized by and under Town Law § 274-a(3), § 274-b(3) and § 277(6), and like provisions of law.

J) Use Variances

1. **Definition.** A use variance is an authorization by the Land Use Law Board of Appeals for the use of land for a purpose which is not otherwise allowed or is prohibited by the applicable Land Use Law regulations.
2. **Criteria for review.** No use variance shall be granted by the Land Use Law Board of Appeals without a showing by the applicant that the Land Use Law regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate the following to the Land Use Law Board of Appeals; that for each and every permitted use under this chapter for the particular district in which the property is located:
 - i. The applicant cannot realize a reasonable return, provided that lack of return is substantial and demonstrated by competent financial evidence;
 - ii. The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;
 - iii. The requested use variance, if granted will not alter the essential character of the neighborhood; and
 - iv. The alleged hardship is not self-created.

K) Area Variances

1. **Definition.** An area variance is an authorization by the Land Use Law Board of Appeals for the use of land in a manner which is not allowed by dimensional or physical requirements of the applicable Land Use Law regulations.
2. **Criteria for review.** In making the determination, the Land Use Law 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 general welfare of the neighborhood or community by such grant. In making such determination, the Board shall consider the following:
 - i. Whether an undesirable change will be produced in the character of the neighborhood or community or a detriment to nearby properties will be created by the granting of the area variance;
 - ii. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
 - iii. Whether the requested area variance is substantial;
 - iv. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - v. Whether the alleged difficulty was self-created, which is relevant to the decision, but shall not necessarily preclude the granting of the variance.

L) Grant of Variances

1. The Land Use Law Board of Appeals, in granting an area or use variance, shall grant the minimum variance that it deems necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and health, safety and general welfare of the community.
2. The Land Use Law Board of Appeals shall, in granting an area or use variance, have the authority to impose such reasonable conditions and restrictions as are related to and incidental to the proposed use of property.

M) Referrals and Guidance

The Land Use Law Board of Appeals may seek guidance from any Town agency, Town attorney, employee, or officer as it may determine or need, as well as from outside governmental agencies as may be necessary or required for the full and proper review of applications before it, including but not limited to the Schuylker County Planning Department per General Municipal Law § 239 *et seq.*

N) Rules of Procedure, Bylaws and Forms

The Town Board may promulgate written rules of procedure, operational bylaws, and such forms as it may deem necessary for the proper and effective operation of the Board of Appeals, and the Board of Appeals may create and from time-to-time amend such rules of procedure, operational bylaws, and forms, which procedures, bylaws, forms, and amendments must be reviewed and approved by the Town Board prior to becoming effective. In all cases, such rules of procedure shall comply with the administrative and quasi-judicial role of the Board of Appeals, including as defined in Town Law. In the event of any conflict between these provisions, or any approved rules of procedure, bylaws, or forms of or for the Board of Appeals, the requirements of NYS law shall supersede each of the same and apply.

2.6 APPEAL OF ACTION BY PLANNING BOARD

Any person aggrieved by a decision of the Planning Board may apply to the Supreme Court for review by a proceeding under Article 78 of the New York Civil Practice Law and Rules.

3.1 APPLICABILITY OF REGULATIONS

- A) The purpose of this Chapter is to identify the development activities and uses in which Planning Board review is warranted due to the potential for harmful impacts on neighbors, the Town, or region.
- B) In addition to the requirements of this Land Use Law, all requirements of the Schuyler County Watershed Protection Agency, New York State Department of Environmental Conservation, the New York State Uniform Fire Prevention and Building Code as administered through the Town's Building Inspector, and other local, state, and federal laws and regulations must also be satisfied.

3.2 BUILDING OR LAND USE PERMIT REQUIRED

- A) Prior to the development, alteration, or construction of any building(s) or structure(s) within the Town of Reading, a Building Permit must be obtained from the Building Inspector. Such a permit must be issued if the proposed use or structure follows all applicable federal, state, county and local laws.
- B) Prior to the operation of any specially permitted use or use requiring site plan review that does not involve the development, alteration, or construction of any building(s) or structure(s), a Land Use Permit must be obtained from the Land Use Officer. Such a permit must be issued if the proposed use follows all applicable federal, state, county and local laws.
- C) Agriculture and forestry uses are exempt from the Land Use Permit requirement.

3.3 PERMITTED USES, SPECIALLY PERMITTED USES & USES REQUIRING SITE PLAN REVIEW

Table 3.3 (Authorized Use Table) indicates the uses permitted by right and uses requiring site plan review or the issuance of a special permit by the Town. The following indicates the purpose and intent of each requirement:

- A) **Permitted (P):** Special permit or site plan review approval is not required by the Town, as it has been determined that such uses are adequately regulated by other existing Town, County, State, and Federal laws and regulations. Such uses are permitted by right, provided they conform to the standards of Chapter 4 (Dimensional Standards).
- B) **Site Plan Review (SPR):** Site plan review is required to establish, develop, and/or expand such use or structure, to ensure that it is sited in such a way that mitigates all potential negative impacts to neighbors, the environment, and others in the Town and region (see Chapter 8). Such uses must conform to the standards of Chapter 4 (Dimensional Standards), unless otherwise noted in this law.
- C) **Specially Permitted (SP):** A special permit is required to establish, develop, expand, and/or operate such use, because of its potential to negatively impact neighbors, the environment, or others in the Town and region. The purpose of review by the Planning Board is to determine the appropriateness of said use as proposed (see Chapter 9). Such uses must also conform to the standards of Chapter 4 (Dimensional Standards), unless otherwise noted in this law.

Table 3.3: Authorized Use Table	Permitted	Site Plan Review	Specially Permitted
1. Agriculture or Forestry Use			
	P	-	-
2. One-Family Dwelling, Two-Family Dwelling, Single Mobile or Manufactured Home, with neither Off-Site Water nor Sewer Services			
Max 1 Dwelling per 2 Acres	P	-	-
Other	-	SPR	-
3. One-Family Dwelling, Two-Family Dwelling, Single Mobile or Manufactured Home, with Off-Site Water and/or Sewer Services, municipal or offsite			
Max 1 Dwelling per ½ Acre	P	-	-
Other	-	SPR	-
4. Multifamily Dwelling			
Pre-Dating December 31, 1995	P	-	-
Max 5 Dwelling Units	-	SPR	-
6 or More Dwelling Units	-	SPR	SP
5. Mobile or Manufactured Home Park			
Max 5 Dwellings	-	SPR	-
6 or More Dwellings	-	SPR	SP
6. Business or Institutional Use, with a structure (Measured by Floor Area)			
Max 2,000 SF	SPR	-	-
2,001 to 6,000 SF	-	SPR	-
More than 6,000 SF	-	SPR	SP
7. Business or Institutional Use, without a structure (Measured by Land Area)			
Max 5,000 SF	SPR	-	-
5,001 to 15,000 SF	-	SPR	-
More than 15,000 SF	-	SPR	SP
8. Industrial Use, with or without a structure (Measured by Land Area)			
Max 6,000 SF	P	-	-
6,000 to 15,000 SF	-	SPR	-
More than 15,000 SF	-	SPR	SP
9. Combination of Uses on a Single Lot or within a Single Structure			
	-	SPR	SP

Notes:

- (1) Enlargements, expansions, or additions to existing structures or uses shall require approval(s) consistent with the size of the entire use or structure upon completion of the proposed alterations.
- (2) Lots must provide sufficient buildable land area for the proposed use to be developed in conformance with this law.
- (3) See Chapter 5 for supplementary provisions of telecommunications towers, junkyards, solid waste management facilities, and resource extraction.

4.1 PURPOSE AND INTENT

- A) The purpose of this Chapter is to provide for separation between adjoining buildings and uses to avoid potential disturbance (e.g. noise, odor, dust) and encroachment and to protect the health, safety, and welfare of the public.
- B) These standards have been established with the intent to balance individual property rights with the protection of an individual’s right to privacy and preservation of land value.

4.2 DIMENSIONAL STANDARDS FOR RESIDENTIAL USES

The table below is a listing of the minimum dimensional standards for all uses in the Town.

Table 4.2: Dimensional Standards for Residential Uses		
Dimensional Standard	Minimum Requirement	Measured By
Lot Size, with on-site well and septic systems	2 Acres OR 87,120 Square Feet	Sum of all land area delineated by lot lines
Lot Size, with access to approved off-site water or sewer systems	½ Acre OR 21,780 Square Feet	Sum of all land area delineated by lot lines
Lot Width	100 Feet	Side lot line to side lot line at the narrowest point of the lot
Road Frontage	20 Feet	Side lot line to side lot line along the street right-of-way
Front Setback	15 Feet	Front Lot Line to structure
Side Setback	15 Feet	Side Lot Line to structure
Rear Setback	25 Feet	Rear Lot Line to structure

4.3 ADDITIONAL DIMENSIONAL STANDARDS FOR NONRESIDENTIAL & MULTIFAMILY USES

The table below is a listing of the dimensional standards for all nonresidential uses and multifamily uses within the Town. Nonresidential uses wishing to exceed the maximum requirements may request approval from the Planning Board through special permit and site plan review (see Chapters 8 and 9).

Table 4.3: Nonresidential Use and Structure Standards		
Dimensional Standard	Requirement	Measured By
Lot Size, with on site well and septic	2 Acres OR 87,120 Square Feet	Sum of all land area delineated by lot lines
Lot Size, with access to off-site sewer and water systems (nonresidential)	1 Acre OR 43,560 Square Feet	Sum of all land area delineated by lot lines
Building Height (nonresidential)	45 Feet (Maximum)	Established grade to highest point of building elevation
Lot Coverage (nonresidential)	60% (Maximum)	Share of lot covered by structures and/or impervious pavement
Maximum Density (Multifamily)	2 Units per Acre	-

4.4 EMERGENCY ACCESS OF LOTS

Notwithstanding any other provisions of this Land Use Law, any lot on which a habitable building is constructed must be accessible by emergency vehicles from a public or private road.

4.5 MODIFICATION OF DIMENSIONAL STANDARDS

- A)** Any applicant for site plan or special permit approval may request a modification of the Section 4.2, Dimensional Standards for All Uses. The Planning Board may approve such a modification if it satisfies all applicable review criteria for site plans and special permits (see Chapters 8 and 9).
- B)** Any application for a Building Permit or Land Use Permit for a use that is allowed by right may file a site plan review application requesting a modification of the Section 4.2, Dimensional Standards for All Uses. The Planning Board may approve such a modification only if it satisfies all applicable review criteria in Chapter 8.

5.1 GENERAL LAND USE PERFORMANCE STANDARDS

The following performance standards shall apply to all land uses other than the practice of agricultural operations as defined by New York State Agriculture and Markets Law.

- A)** No use shall create a nuisance, such as vibration, glare, or odor, excessive noise that is noticeable at or beyond the property line;
- B)** No use shall create a substantial risk of health hazard to persons or property due to fire, explosion, radiation, or similar causes;
- C)** No use shall include the production and storage of hazardous materials in a manner inconsistent with New York State Department of Environmental Conservation regulation.
- D)** No use shall cause emissions into the ambient air, such as smoke, dust, gases, or other material, in a manner that may damage the health of persons, animals, or plants, or that damages property as determined by required New York State Environmental Quality Review (SEQR) procedures; and
- E)** No use with a permanent structure containing toilet facilities, including but not limited to a dwelling, mobile home, travel trailer, boat, business, institutional, industrial, or agricultural structure shall be occupied unless it is compliant with Article II (Sewage Disposal, Wastewater Treatment Systems) of the Schuyler County Watershed Protection Law, and any amendments thereto.
- F)** No use shall be permitted on a lot where, at the request of the Planning Board, the applicant fails to prove the existence of sufficient buildable land area for the proposed use. It shall be the responsibility of the applicant to obtain the information necessary to determine the size and adequacy of the buildable land area of a lot, including, but not limited to geological surveys and assessments.

5.2 TELECOMMUNICATIONS AND OTHER ELECTRONIC SIGNAL TRANSMISSION TOWERS

The development, expansion, addition to, or erection of a cellular telephone tower, radio tower, television tower or other electronic signal transmission tower or antennas shall require the issuance of a special permit by the Planning Board, as well as site plan approval. No tower shall exceed 195 feet above grade.

5.3 JUNKYARDS AND NONRESIDENTIAL OUTDOOR STORAGE AREAS

Junkyards and nonresidential outdoor storage areas shall require special permit and site plan review, in addition to applicable licensing requirements of the Town of Reading's "Ordinance Licensing and Regulating Dealers in Second Hand Junk and Auto Parts Activities and Businesses," where applicable. Junkyard and nonresidential outdoor storage areas shall also comply with the following requirements:

- A)** Junk, junk cars, and stored materials shall be set back at least 50 feet from the right-of-way of a public road.

- B) Junkyards and construction or other heavy equipment outdoor storage areas shall be screened from view from public roads and any adjoining property. Such screening may include, but is not limited to trees, shrubs, natural woodlands, or fencing.
- C) The junkyard or outdoor storage area shall be equipped with an on-site collection system for automotive fluids and other hazardous substances located on an impervious surface.
- D) No portion of a junkyard or outdoor storage area shall be closer than 100 feet to any stream or lake.

5.4 SOLID WASTE MANAGEMENT FACILITIES (SWMF)

Solid Waste Management Facilities (SWMF), as defined in NYCRR Part 360, Subparts 360- 2 through 360-14, shall require the issuance of a special permit in addition to the following:

- A) The SWMF shall be reviewed under 6 NYCRR Part 617 (State Environmental Quality Review);
- B) A Land Use Permit shall be required of any SWMF, regardless of the size of land area occupied for the use;
- C) The special permit shall include the condition that all facilities be open for inspection at any time by the person(s) designated by the Town to monitor the facilities; and
- D) The SWMF shall be screened with opaque fences, mature evergreen buffers, earthen berms, or other barriers or enclosures to fully screen the SWMF from public roads and adjacent properties.

5.5 STEEP SLOPE REGULATIONS

The Town finds that the alteration of steep slope areas poses potential risks of erosion, sedimentation, landslides, and the degradation of scenic views. To reduce these risks, site plan and special permit applications involving steep slopes shall conform to the following regulations.

- A) An approval of a site plan or special permit that involves the disturbance of slopes greater than fifteen percent (15%) shall include the following conditions:
 1. Adequate erosion control and drainage measures will be in place so that erosion and sedimentation does not occur during or after construction.
 2. The cutting of trees, shrubs, and other vegetation will be minimized except in conjunction with property maintenance and logging operations performed pursuant to applicable guidelines of the New York State Department of Environmental Conservation.
 3. Safety hazards will not be created due to excessive road or driveway grades or due to potential subsidence, road washouts, landslides, flooding, or avalanches.
 4. Plans and construction activities shall be reviewed by a professional engineer at expense of the applicant to ensure compliance with this Section.
 5. No Certificate of Occupancy will be granted until all erosion control and drainage measures required pursuant to this Section have been completed to the satisfaction of the Planning Board.

- B) No disturbance, including cutting of vegetation or construction of driveways, shall be permitted on any slope of thirty percent (30%) or greater, except as may be needed for foot trails, utility lines, and safety consideration of any structures below, and except in conjunction with logging operations performed pursuant to applicable guidelines of the New York State Department of Environmental Conservation.
- C) Slope determinations shall be made based upon the topographic information required for site plan or special permit approval, along with such other topographic information as the Planning Board shall reasonably require or the applicant shall offer.
- D) In cases of uncertainty or dispute, an engineer retained by the Town at the expense of the applicant shall determine the location of regulated slopes. For purposes of establishing steep slope area, only contiguous sloped areas owned by the applicant containing at least 5,000 square feet of slopes over 15% or 30% shall be considered.

5.6 PROTECTION OF AGRICULTURE FROM POTENTIALLY INCOMPATIBLE USES

A) Required Residential Development Disclosure.

1. In the case of any proposed residential development that abuts agricultural uses, the Planning Board shall require the applicant to issue a disclosure to potential owners or renters of said dwelling units as follows:

"THIS PROPERTY ADJOINS LAND USED FOR AGRICULTURAL PURPOSES. AGRICULTURAL OPERATORS HAVE THE RIGHT TO APPLY APPROVED CHEMICAL OR ORGANIC FERTILIZERS, PESTICIDES, OR HERBICIDES, AND TO ENGAGE IN FARM PRACTICES WHICH MAY GENERATE DUST, ODOR, SMOKE, NOISE AND VIBRATION."

2. This disclosure shall be required as a note on a subdivision plat or site plan and may also be required to be made accessible through other means reasonably calculated to inform prospective owners or renters, such as by posting or letter of notification.
3. This disclosure provision may also be applied to any business or institutional development within the jurisdiction of the Planning Board that abuts agricultural land, at the discretion of the Planning Board.

B) Agricultural Buffers.

1. Wherever agricultural uses and new uses unrelated to or potentially incompatible with agricultural operations abut, buffers shall be provided by the proponent of the non-agricultural use to reduce exposure to dust, odors, and other potential nuisances related to the agricultural operation.
2. The provision and maintenance of buffers shall be the responsibility of the proponent of the non-agricultural use unless such use was in existence prior to the agricultural use. Such buffers may include, but are not limited to vegetative screening, woodlands, vegetated berms, or natural topographic features.

C) Agricultural District Data Statement.

Several farm operations within the Town of Reading are located within an Agricultural District. These districts are provided for by New York State's Agriculture and Markets Law and are administered and managed by the Schuyler County Planning Department. Any application for a special permit or site plan approval that would occur on a property located within an Agricultural District, or on property within 500 feet of property within an Agricultural District, shall include an agricultural data statement as defined by New York State Agriculture and Markets Law. The Planning Board shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within the Agricultural District.

5.7 RESOURCE EXTRACTION and STORAGE

- A)** Commercial and industrial uses wholly or partially involving resource extraction and or storage shall be subject to the issuance of a special permit by the Planning Board. Where applicable, the applicant shall submit copies of all materials submitted to the New York State Department of Environmental Conservation (DEC) in connection with its resource extraction application.
- B)** In issuing a special permit for resource extraction, the Planning Board shall impose conditions designed to protect the public health, safety, and welfare. Such conditions shall be limited to the following, unless the laws of New York State allow the imposition of additional conditions.
- 1.** Ingress from egress to public thoroughfares controlled by the Town;
 - 2.** Routing of transport vehicles of such resources on roads controlled by the Town;
 - 3.** Requirements and conditions specified in the permit issued by the DEC concerning setback from property boundaries and public thoroughfare rights-of-way, natural or man-made barriers to restrict access, dust control, and hours of operation; and
 - 4.** Enforcement of reclamation requirements contained in any DEC permit.
- C)** In issuing a special permit for resource extraction uses not subject to regulation by DEC, the Planning Board may require additional conditions, as it deems necessary.

5.8 SIGN REGULATIONS

A) Purpose and Intent.

The purpose of these sign regulations for the Town of Reading is to protect the public health, safety and general welfare of the Town. The intent of these regulations is to ensure that the erection and posting of signs achieve the following objectives:

- 1.** Protect property values, create a more attractive economic and business climate, and protect the scenic byways, view sheds, and vistas of the Town;
- 2.** Provide residents, businesses, and property owners effective means of identification while reducing visual clutter through the prevention of excessive and confusing sign displays;
- 3.** Reduce traffic conflicts or hazards by minimizing visual distractions or obstacles in or visible from the public rights-of-way;
- 4.** Minimize the potential adverse effects of signs on nearby public and private property;

5. Avoid personal injury and property damage from unsafe or confusing signs; and
6. Establish a clear and impartial process for those seeking to install signs.

B) Applicability.

1. All signs within the Town of Reading, unless otherwise noted herein, shall require the issuance of a Land Use Permit subject to Planning Board review and approval. The Planning Board may approve, approve with modifications, or deny sign applications. The sign application and review process shall follow the procedures of Chapter 7 (General Application and Review Procedures).
2. The following shall not require the issuance of a Land Use Permit:
 - i. Non-illuminated commercial signs less than 16 square feet in area, provided they are in conformance with Subsection D below.
 - ii. Non-illuminated noncommercial signs less than 24 square feet in area, provided they are in conformance with Subsection D below.
 - iii. Incidental signs and directional signs.
 - iv. Signs not visible from the public right-of-way.
 - v. Signs proposed in conjunction with a project that is subject to site plan or special permit review. The Planning Board may approve, approve with modifications, or disapprove the proposed sign as part of the review process.
 - vi. The repair, maintenance, or replacement in kind of any lawfully existing sign.
3. Sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or geometric combination thereof that will encompass the extreme limits of the writing, representation, emblem, and/or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.
4. In the case of a multi-faced sign only one side of the sign is considered in determining sign area if the message is identical on both sides, and the sides of the sign are back-to-back or diverge at an angle of less than forty-five (45) degrees.
5. Sign height shall be calculated by measuring the vertical distance between the top part of such sign or its structure, whichever is highest, to the elevation of the ground directly beneath the center of the sign.

C) Number of Signs.

1. Any one lot or use may erect up to three signs, provided they conform to the requirements of this law. Any lot or use wishing to exceed this limitation, regardless of sign area, shall require Planning Board review and approval.
2. No lot may erect signage causing the cumulative area of all signs to exceed 300 square feet.

D) Requirements Applicable to All Signs.

1. Signs shall not exceed 150 square feet in area and 25 feet in height.
2. Signs shall not be illuminated to such a brightness as to constitute a hazard to pedestrians or motorists and shall be shielded so as not to cast an illumination of more than two (2) foot-candles on contiguous properties and no more than one-tenth (0.1) foot-candle on residential properties.

3. Signs shall not be of a shape or color that may be confused with any authorized traffic control device. No rotating beam, beacon, or flashing illumination resembling an emergency light shall be used.
4. Signs shall not be erected at or near any intersection of any streets, or alleys, or any railway and any street, in such a manner as to obstruct free and clear vision.
5. Signs shall not project a distance greater than three feet from the facade of a building or into a right-of-way.
6. Signs attached to a building shall not extend beyond the roofline.
7. Signs shall not utilize full motion video technology.
8. Signs utilizing electronic changeable copy are permitted provided the electronic changeable copy component does not exceed 30 square feet or 50% of the sign area, whichever is less.
9. Signs utilizing electronic changeable copy shall display static messages only with no animation no effects simulating animation, and no video. The interval of change of any messages shall occur no more than once every minute. Each transition from one message to a subsequent message shall be accomplished immediately with no fade, dissolve, scroll, travel or other such animation.

E) Billboards.

The erection, development, expansion or alteration of billboards shall be prohibited in the Town of Reading.

F) Maintenance.

Signs shall be maintained in safe and good structural condition, in compliance with all applicable building and electrical codes, and in conformance with this law. Such maintenance includes replacement of all defective bulbs, parts, materials, painting, repainting, cleaning, and other acts required for maintenance of such sign. If any sign does not comply with the above maintenance and repair standards, the Building inspector may require its removal.

G) Obsolete Signs.

Any sign that no longer advertises or identifies a business, commodity, service or entertainment conducted, sold, offered, or manufactured must be removed within thirty (30) days after written notification from the Building Officer.

5.9 RURAL SITING PRINCIPLES

The following guidelines shall apply to the siting of residences in new subdivisions and to business and institutional uses that are subject to site plan or special permit approval. These standards do not, however, apply to the siting of individual one- or two-family dwellings on existing lots. The Planning Board may adopt an illustrated siting guide or refer applicants to a published design manual to provide further guidance on complying with these principles.

- A) Wherever feasible, retain and reuse existing old farm roads and country lanes rather than constructing new roads or driveways. This minimizes clearing and disruption of the landscape and takes advantage of the attractive way that old lanes are often lined with trees and stone walls. This shall not apply to areas where the reuse of a road would require widening in a manner that destroys trees or stone walls.

- B)** Preserve stone walls and hedgerows. These traditional landscape features define outdoor areas in a natural way and create corridors useful for wildlife. Using these features as property lines is often appropriate.
- C)** Avoid placing buildings in the middle of lots with open space. Placement is preferred at the edges of the open space or near to wooded areas. Septic systems and leach fields may be located in fields, however.
- D)** Unless buildings are designed traditionally and located close to the road in the manner historically found in the Town, use existing vegetation and topography to buffer and screen them if possible. Group buildings in clusters rather than spreading them out across the landscape in a sprawling pattern.
- E)** Minimize clearing of vegetation at the edge of the road, clearing only as much as is necessary to create a driveway entrance with adequate sight distance. Use curves in the driveway to increase the screening of buildings and maintain existing natural features.
- F)** Site buildings so that they do not protrude above treetops and crestlines of hills as seen from public places and roads. Use vegetation as a backdrop to reduce the prominence of the structure. Wherever possible, open up views by selective cutting of small trees and pruning lower branches of large trees, rather than by clearing large areas or removing mature trees.
- G)** Minimize crossing of steep slopes with roads and driveways. When building on slopes, take advantage of the topography by building multi-level structures with entrances on more than one level (e.g. walk-out basements, garages under buildings), rather than grading the entire site flat. Use the flattest portions of the site for subsurface sewage disposal systems and parking area.

5.10 SOLAR ENERGY SYSTEMS

A) Small Solar Energy Systems.

Roof-mounted or building-mounted solar energy systems, and ground-mounted systems with less than 5,000 square feet of panel surface area, are allowed as accessory uses, subject to the permitting and review requirements of the principal use that it is accessory to.

B) Large Solar Energy Systems.

Ground-mounted solar energy systems with 5,000 square feet or more of panel surface area shall require the issuance of a special permit by the Planning Board, as well as site plan approval. The granting of a special permit shall be subject to the following additional conditions:

1. At the end of the operational life of the solar energy system, the holder of the special permit must remove the system within six months of a determination by the Land Use Officer that the system is no longer being maintained in an operable state of good repair or no longer supplying power.
 - i. The Land Use Officer's determination shall be in writing and shall offer the option to rectify.
 - ii. Time extensions for removal may be granted by the Land Use Officer in cases when the operator has demonstrated good faith efforts to repair the system.
 - iii. Removal shall include solar collectors, cabling, electrical components, accessory structures, and any associated facilities below grade.
 - iv. As part of removal, disturbed earth shall be graded and reseeded, except that internal roads or other site improvements may be retained if the Land Use Officer approves a written request from the property owner to retain the improvements.
2. As a condition of special permit approval, the Planning Board may require the applicant to execute a Payment in Lieu of Taxes (PILOT) agreement with the Town or any other taxing authority with jurisdiction over the site that provides a tax exemption for solar, wind, or farm waste energy systems under section 487 of the Real Property Tax Law of New York State.

5.11 WIND ENERGY SYSTEMS

A) Small Wind Energy Systems.

On each lot, one wind turbine with a rated capacity of no more than 100 kW is allowed as an accessory use, subject to the permitting and review requirements of the principal use that it is accessory to, and provided that it is in conformance with Subsection C below.

B) Large Wind Energy Systems.

All other wind energy systems shall require the issuance of a special permit by the Planning Board, as well as site plan approval. The granting of a special permit shall be subject to the following additional conditions:

1. All wind turbines and towers shall be in conformance with Subsection C below.
2. At the end of the operational life of the wind energy system, the holder of the special permit must remove the system within six months of a determination by the Land Use Officer that the system is no longer being maintained in an operable state of good repair or no longer supplying power.
 - i. The Land Use Officer's determination shall be in writing and shall offer the option to rectify.
 - ii. Time extensions for removal may be granted by the Land Use Officer in cases when the operator has demonstrated good faith efforts to repair the system.
 - iii. Removal shall include turbines, towers, cabling, electrical components, accessory structures, foundations, and any associated facilities below grade.
 - iv. As part of removal, disturbed earth shall be graded and reseeded, except that internal roads or other site improvements may be retained if the Land Use Officer approves a written request from the property owner to retain the improvements.

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3. As a condition of special permit approval, the Planning Board may require the applicant to execute a Payment in Lieu of Taxes (PILOT) agreement with the Town or any other taxing authority with jurisdiction over the site that provides a tax exemption for solar, wind, or farm waste energy systems under section 487 of the Real Property Tax Law of New York State.
- c) Requirements Applicable to All Wind Energy Systems
1. Wind energy systems may be any height without maximum, provided they conform to the setback requirements in item 2 below.
 2. Wind energy system must be located at a distance at least 110% of the turbine tip height from lot lines, unless written permission is obtained from the owners of the affected adjoining properties at the time of application. Turbine tip height is measured from the base of the tower to the tip of a prop at maximum vertical rotation.
 3. To prevent unauthorized climbing, climbing pegs must be removed from the lower ten feet of the tower, or ladder access must be restricted.
 4. A “Danger, High Voltage” sign must be installed where it is clearly visible by persons standing near the tower base. No additional signs or advertising are permitted on wind energy systems aside from manufacturer logos.

6.1 PURPOSE & INTENT

It is acknowledged by the Town that some uses, when conducted above a certain scale within the Seneca Lake Protection Area (SLPA), tend to have greater impacts on the Town and its environment. It is this purpose of this Chapter to help preserve the water quality of Seneca Lake and prevent and mitigate the potential for negative impacts to the quality of life and environment through the requirement of special permit and/or site plan review.

6.2 APPLICABILITY

The Town of Reading finds that Seneca Lake is a recreational, aesthetic, and economic resource of great value to the community and warrants special protection. The SLPA shall be comprised of the lands lying east of New York State Route 14 as designated on the SLPA Map adopted as part of this law.

6.3 PERMITTED USES, SPECIALLY PERMITTED USES & USES REQUIRING SITE PLAN REVIEW

Table 6.3: SLPA Use Table			
	Permitted	Site Plan Review	Specially Permitted
1. Agriculture or Forestry Use			
	P	-	-
2. One-Family Dwelling or Two-Family Dwelling, Single Mobile or Manufactured Home			
	P	-	-
3. Multifamily Dwelling			
	-	SPR	SP
4. Mobile Home Park			
	-	SPR	SP
5. Business or Institutional Use, with a structure (Measured by Floor Area)			
Max 6,000 SF	-	SPR	-
More than 6,000 SF	-	SPR	SP
6. Business or Institutional Use, without a structure (Measured by Land Area)			
Max 15,000 SF	-	SPR	-
More than 15,000 SF	-	SPR	SP
7. Industrial Use, with or without a structure (Measured by Land Area)			
Max 6,000 SF	-	SPR	-
More than 6,000 SF	-	SPR	SP
8. Combination of Uses on a Single Lot or within a Single Structure			
	-	SPR	SP

Notes:

- (1) Enlargements, expansions, or additions to existing structures or uses shall require approval(s) consistent with the size of the entire use or structure upon completion of the proposed alterations.
- (2) Lots must provide sufficient buildable land area for the proposed use to be developed in conformance with this law.

6.4 DIMENSIONAL STANDARDS FOR USES IN THE SLPA

The table below is a listing of the minimum dimensional standards for all uses within the Seneca Lake Protection Area.

Table 6.4: SLPA Dimensional Standards		
Dimensional Standard	Minimum Requirement	Measured By
Lot Size, with on-site well or septic systems	2 Acres OR 87,120 Square Feet	Sum of all land area delineated by lot lines
Lot Size, with access to off-site water and sewer systems	1/3 Acre OR 14,520 Square Feet	Sum of all land area delineated by lot lines
Lot Width, with on-site well and septic systems	100 Feet	Side lot line to side lot line at the narrowest point of the lot
Lot Width, with access to off-site water and sewer systems	80 Feet	Side lot line to side lot line at the narrowest point of the lot
Front Setback	15 Feet	Front Lot Line to structure
Side Setback	15 Feet	Side Lot Line to structure
Rear Setback	25 Feet	Rear Lot Line to structure
Dimensional Standard	Maximum Requirement	Measured By
Building Height	45 Feet	Established grade to highest point of building elevation
Lot Coverage	30%	Share of lot covered by structures and/or impervious surfaces

Note: All uses shall be in conformance with the Schuyler County Watershed Protection Law and obtain necessary approvals from the Schuyler County Planning Department, where applicable.

6.5 ADDITIONAL DIMENSIONAL STANDARDS FOR NONRESIDENTIAL USES IN THE SLPA

The table below is a listing of the dimensional standards for all nonresidential uses, including multifamily uses, within the Town.

Table 6.5: SLPA Nonresidential Use and Structure Standards		
Dimensional Standard	Requirement	Measured By
Lot Size, with access to off-site sewer and water systems (nonresidential)	1 Acre OR 43,560 Square Feet	Sum of all land area delineated by lot lines
Lot Coverage (nonresidential)	50% (Maximum)	Share of lot covered by structures and/or impervious pavement
Density (Multifamily) with access to off-site water and sewer services	3 Dwelling Units per Acre (Maximum)	-

6.6 PROHIBITED USES AND STRUCTURES

- A)** The establishment of the following shall be prohibited in the Seneca Lake Protection Area as their development and/or operation may negatively impact the water quality of the Seneca Lake watershed. Prohibited uses include, but are not limited to:
1. The disposal of hazardous materials, solid waste, or septic sludge. This shall include the operation of a landfill or municipal wastewater treatment facility.
 2. The treatment of hazardous materials, except rehabilitation programs authorized by a government agency for treating hazardous materials that existed on the site prior to the adoption of this Land Use Law.
 3. The production, use, or storage of hazardous materials as primary use, except storage practices permitted by the New York State Department of Environmental Conservation in watershed areas.
 4. The manufacturing or processing of chemical products such as petroleum, metals/elements, ethers, pesticides, phthalates, volatile organic compounds, oils, and solvents as a primary use.
 5. The utilization of underground storage tanks.
 6. The excavation or fill of lands within 25 feet of Seneca Lake (measured horizontally from the mean high-water line), except shore wells (also known as beach wells), seawalls, and permitted docks.
 7. The inclusion of dwelling units in any boathouse or storage building along Seneca Lake.
 8. The erection of structures within 25 feet of Seneca Lake (measured horizontally from the mean high-water line), except docks, boathouses, and storage buildings not exceeding 300 square feet.
 9. The erection of structures within the 100-year flood plain as shown on Flood Insurance Rate Maps (FIRM) of the Federal Emergency Management Agency, except docks, boathouses, and storage buildings not exceeding 300 square feet.
- B)** Existing activities that are in full compliance with a valid State Pollution Discharge Elimination System (SPDES) Permit shall be exempt from this Section (Prohibited Uses and Structures).
- C)** Agricultural uses operating in conformance with New York State Agriculture and Markets Law are exempt from the regulations of this Chapter.
- D)** Uses or structures existing prior to the adoption of this law that violate the provisions of this Chapter shall be considered nonconforming (see Chapter 10). Such nonconforming uses and structures shall comply with all other applicable federal, state, county, and local laws and regulations and shall not undertake any action to further increase their noncompliance with this Section.

CHAPTER 7 GENERAL APPLICATION & REVIEW PROCEDURES

7.1 APPLICATION SUBMITTAL

Applications required under this local Land Use Law must be submitted in a form and in such numbers as outlined. The Town Clerk may provide checklists of application submittal requirements and make those checklists available to the public. Application forms and checklists of required submittal information may be available in the Town Office.

A) Pre-Application Conference.

1. It is recommended that applicants schedule a pre-application conference with the Planning Board Chair, Land Use Officer, and Building Inspector to discuss the nature of the proposed application and to determine the information that will need to be submitted.
2. The purpose of the pre-application conference is to provide the applicant with the opportunity to seek nonbinding, advisory direction from the Town to better prepare the applicant and application for the review process.
3. At the recommendation of the Chair and/or Land Use Officer, the Planning Board may review and comment on a preliminary application at a regularly scheduled meeting. Such comment shall not be construed as a formal decision by the Planning Board or be legally binding in any way.
4. Materials presented during the pre-application conference may be incomplete and/or conceptual in design; however, a formal application is still required for review and approval subject to the provisions of this law.

B) Acceptance of Application.

1. Applications where required by this Land Use Law shall be submitted to the Town Clerk. The property or building owner, their agent, or lessee, purchaser or tenant, with legally binding and written permission of the owner, may file applications.
2. At least two (2) hard copies of required materials and maps shall be provided by the applicant as well as one electronic version of all materials and maps, unless otherwise waived by the Planning Board.
3. Applications must be submitted to the Land Use Officer at least 7 days prior to the regularly scheduled Planning Board meeting to be considered at such meeting.
4. The acceptance of an application by the Town Clerk shall in no way be interpreted to include a determination of the completeness, adequacy, or accuracy of application materials, but rather serve as an acknowledgement to the receipt of all initially required application materials. The Land Use Officer may consult with other Town departments or divisions, the Building Inspector, the Planning Board, and/or the Town Board in making such a determination.

5. If an application is determined to be unacceptable, the Land Use Officer must provide paper or electronic written notice to the applicant along with an explanation of all known deficiencies in the application that will prevent competent review. No further processing of the application will occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within sixty-two (62) days, the application will be considered withdrawn.
 6. No further processing of unacceptable applications will occur; any incomplete applications will be pulled from the processing cycle. When the deficiencies are corrected, the application will be placed in the next available processing cycle.
 7. The Planning Board may require that applications or plans be revised before being placed on the next agenda if it is determined that:
 - i. The application or plan contains one (1) or more significant inaccuracies or omissions that hinder timely or competent evaluation of compliance with local laws and standards; or
 - ii. The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of compliance with local laws and standards.
 8. Prior to issuing a decision on an accepted application, the Planning Board shall determine the application to be complete by a formal resolution of the Board.
- c) Mediation.**
1. At any point in the application review process the Planning Board may, if deemed appropriate and the applicant consents, appoint a mediator to work informally with the applicant, neighboring property owners, and other interested parties to address concerns about the proposed use.
 2. Any involved party may request mediation.
 3. Such mediation may be conducted by a member of another municipal board, by the Planning Board's designee, or any other qualified and impartial person acceptable to the parties and the Planning Board.
 4. The mediator shall have no power to impose a settlement or bind the parties or the Planning Board, and any settlement reached shall require Planning Board approval to assure compliance with all provisions of this Land Use Law.
 5. The cost of such mediation will be charged to the applicant as part of the cost of project review. Such cost may also be shared by other interested parties with their written consent.

7.2 PUBLIC HEARINGS

A) Public Hearings.

1. A public hearing shall be required for all special permits and appeals of action by land the use officer, governed within this law.
2. The Planning Board may review special permit and site plan applications for a single property or use concurrently and may conduct concurrent public hearings if desired.
3. Within sixty-two (62) days from the day of determination of a complete application, the Planning Board must convene a public hearing on the application in question.

B) Public Notice.

1. At least ten (10) days prior to the date of a scheduled public hearing, the Town Clerk shall notify the following by registered mail with return receipt requested.
 - i. Owners of all real property as shown on the current tax map, located within 200 feet of the property that is the subject of the hearing.
 - ii. The County Planning Commission where the hearing concerns property adjacent to an existing county road or proposed road shown on the official county map, adjoining other county land or situated within 500 feet of a municipal boundary.
 - iii. The State Department of Transportation where the hearing concerns an application for development of property adjacent to a state roadway.
2. The Town Clerk shall also give public notice by mail or electronic transmission to the Town Clerks of adjoining municipalities whose boundaries are located within 500 feet of the property that is the subject of the hearing.
3. The Town Clerk shall also give public notice of such hearing by causing publication of a notice in the Town's official newspaper.
4. The applicant shall be required to reimburse the Town upon request for any expenses incurred for mailing and publishing the notice. If said reimbursement is not received by the Town within thirty (30) days of the request, the application shall be considered withdrawn.

C) Content of Notice.

All required public hearing notices must:

1. Indicate the date, time, and place of the public hearing or date of action that is the subject of the notice;
2. Describe any property involved in the application by street address or by general description;
3. Describe the general nature, scope, and purpose of the application or proposal; and
4. Indicate where additional information on the matter can be obtained.

7.3 PLANNING BOARD ACTION

- A)** Within sixty-two (62) days following the close of the public hearing, the Planning Board shall issue a decision by majority vote to approve, approve with conditions or modifications, or deny the proposed application.
- B)** Applications shall be reviewed based on all applicable criteria within this local Land Use Law as well as additional local, county, state, or federal laws and regulations.
- C)** Decisions shall contain written findings explaining the rationale for the decisions considering the standards contained in this Land Use Law. A copy of the decision shall be immediately filed in the Town Clerk's Office and mailed to the applicant.

- D) In all cases, the burden is on the applicant to show that an application complies with all applicable review or approval criteria. Applications must address relevant review and decision-making criteria.
- E) If the application is denied, the Planning Board may recommend further study and resubmission after it has been revised or redesigned.

7.4 REFERRALS

- A) The Planning Board may request additional information from any Town department or division to assist in the review of an application.
- B) The Planning Board may seek the opinion of any legal, engineering, design, or other professional to aid in the review of an application at the expense of the applicant.
- C) Upon acceptance of a complete application, the Planning Board shall refer all materials to the Schuylers County Planning Commission pursuant to General Municipal Law, Article 12-B, Sections 239-l and 239-m, as amended. This shall also include any application affecting the following:
 - 1. Real property within five hundred (500) feet of the boundary of the Town of Reading;
 - 2. The boundary of any existing or proposed County or State park or other recreational area;
 - 3. The boundary of any existing or proposed County or State roadway;
 - 4. The boundary of any existing or proposed right-of-way for a stream or drainage channel owned by the County 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, or
 - 6. The boundary of a farm operation within an agricultural district as defined in Article 25AA of the Agriculture and Markets Law.
- D) No action shall be taken on applications referred to the County Planning Commission until its recommendation has been received, or thirty (30) days have elapsed after its receipt of the complete application, unless the County and Town agree to an extension beyond the thirty (30) day requirement for the County Planning Commission's review.
- E) A majority plus one (1) vote of the Planning Board shall be required to grant any application approval that receives a recommendation of disapproval from the County Planning Commission. A resolution must also be filed setting forth the reasons for such contrary action.

7.5 EXPIRATION, CHANGE OF USE, REVOCATION, AND ENFORCEMENT

- A) The approval of any one application shall expire if one of any of the following occur:
 - 1. The approved use or uses cease operation for more than twelve (12) consecutive months for any reason;
 - 2. The applicant fails to obtain necessary Building or Land Use Permit(s) within twelve (12) months of the approval date;

3. The applicant fails to comply with the conditions of the application's approval within twelve (12) months of the date of issuance or completion of construction, where applicable;
 4. The applicant fails to initiate construction within twelve (12) months of the approval date and no written request for extension has been approved by the Land Use Officer;
 5. The applicant fails to complete construction within three (3) years of the approval date and no written request for extension has been approved by the Land Use Officer; or
 6. Approved site plans may be renewed by the land use board.
- B)** The Planning Board may revoke approval if the applicant violates the conditions of the approval or engages in any construction or alteration not authorized by the approval. Any violation of the conditions of an approval shall be deemed a violation of this Land Use Law and shall be subject to enforcement action as provided herein.

7.6 STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) COMPLIANCE

- A)** All applications, where required by NYS Law, shall fulfill the New York State Environmental Quality Review (SEQR) requirement.
- B)** SEQR is a New York statute that became law on August 1, 1975. The text of SEQR is found in Article 8 of the New York Environmental Conservation Law. The SEQR regulations provide a guideline for local officials to ensure compliance with SEQR. The regulations are found in Part 617 of the New York Code of Rules and Regulations [6 N.Y.C.R.R. Part 617]. Where requirements of this Section may come in conflict with SEQRA law, the state regulations shall supersede.
- C)** The Planning Board shall make a determination of the SEQRA classification of all applications. These determinations may fall under the following classifications.
1. Type I Actions. Type I actions (listed under 6 NYCRR Part 617.4) meet or exceed thresholds listed in the statewide or agency SEQR regulations. Type I actions require the completion of a full Environmental Assessment Form (EAF). Some examples include:
 - i. Nonresidential projects physically altering 10 or more acres of land.
 - ii. Zoning changes affecting 25 or more acres.
 2. Type II Actions. Type II actions (listed under 6 NYCRR Part 617.5) are determined not to have a significant adverse impact on the environment; therefore, Type II actions do not require further review. Some examples include:
 - i. Rebuilding or replacement of facilities, in kind, on the same site.
 - ii. Minor structures, such as garages, barns or home swimming pools, routine permit and license renewals with no substantial change in permitted activities.
 - iii. Construction or expansion of either primary or accessory nonresidential structures with less than 4,000 square feet of gross floor space.
 - iv. Constructing or expanding a single, two or three family residence on an approved lot.
 - v. Routine activities of educational institutions, including expansions of existing facilities by less than 10,000 square feet.
 - vi. Maintenance and repair activities.
 - vii. Emergency actions.

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3. Unlisted Actions. Unlisted actions do not meet the Type I thresholds, but still require the completion of either a full or short form EAF. Some examples include:
 - i. Nonresidential projects physically altering less than 10 acres of land.
 - ii. Parking for less than 1,000 cars.
 - iii. Sale, purchase, lease or other transfer of fewer than 100 acres of land by government entity.
 - iv. Adoption of regulations, ordinances, local laws and resolutions that may affect the environment.
 - v. Other activities not specifically listed in either 6 NYCRR Parts 617.4 or 617.5.
 - D) If the Planning Board, through the completion of an EAF, determines an action not to have a significant adverse environmental impact, a Negative Declaration is prepared. If an action is determined to potentially have significant adverse environmental impacts, a draft and final Environmental Impact Statement (EIS) is required.
 - E) Applicants may be responsible for preparing the required draft and final EIS at the request of the Planning Board. Should the applicant defer to the Planning Board for the preparation of a draft and/or final EIS, a written agreement for reimbursement to the Town for such expense shall be required.
 - F) When actions consist of several steps or sets of activities, the entire set must be considered the action, even if several separate agencies are involved. Therefore, in the case of an application requiring both special permit and site plan review approval, the SEQR documentation shall list the special permit and site plan as a joint action.

8.1 PURPOSE AND INTENT

The purpose of this Chapter is to serve as the guidelines and procedure for the review and approval or disapproval of site plan review applications as required for certain land uses. The purpose of the site plan review process is to ensure that larger-scale projects are compatible with their adjacent environment, mitigate potential negative impacts to neighboring uses, the environment, Town, or region. Site plan review also serves to improve the overall visual and aesthetic quality of the Town and increase the capability of the Land Use Law to adapt to a variety of unique development scenarios.

8.2 SITE PLAN APPLICATION REQUIREMENTS

An application for site plan review shall include the following materials, as applicable. A registered professional engineer or land surveyor shall prepare all site plan materials unless otherwise approved by the Planning Board.

- A) Town of Reading site plan review application form, including the name and address of the applicant, owner of record, and developer, and seal(s) of the engineer, architect, or landscape architect who prepared the site plan materials.
- B) Description or narrative of all proposed uses and structures, including but not limited to hours of operation, number of employees, maximum seat capacity, and proposed number of off-street parking spaces.
- C) A site plan drawn at a scale of forty feet to the inch (1" = 40') or such other scale as the Planning Board may deem appropriate, on standard 24" x 36" sheets, with continuation on 8 1/2" x 11" sheets as necessary for written information.
- D) A certified land survey showing the boundaries of the applicant's property under consideration in its current state plotted to scale with the north point, scale, and date clearly indicated.
- E) Plans indicating the following with regard to the property in question, where applicable.
 - 1. The location of all properties, their ownership, uses thereon, subdivisions, streets, easements, and adjacent buildings within five hundred (500) feet of the property in question.
 - 2. The location and use of all existing and proposed structures on the property in question, including all dimensions of height and floor area, exterior entrances, and anticipated future additions and alterations.
 - 3. The location of all existing and proposed topography features, including but not limited to, site grading, open spaces, woodlands, watercourses, steep slopes, wetlands, floodplains, and watersheds.
 - 4. The location of existing and proposed landscaping, screening, walls, and fences, including information regarding the size and type of plants and building materials proposed.
 - 5. The location of existing and proposed public and private streets, off-street parking areas, loading areas, driveways, sidewalks, ramps, curbs, and paths. Such plans shall include considerations for vehicular, pedestrian, and bicycle traffic circulation, parking, and access.

6. The location of existing and proposed utility systems including sewage or septic, water supply, telephone, cable, electric, and storm water drainage. Storm water drainage systems shall include existing and proposed drain lines, culverts, catch basins, headwalls, end walls, hydrants, manholes, and drainage swales.
 7. The location, height, intensity, and bulb type (sodium, incandescent, etc.) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
 8. The location, height, size, material, and design of all existing and proposed signs.
- F) Plans to prevent the pollution of surface or ground water, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table, and flooding of other properties, as applicable.
- G) A schedule for completion of each construction phase for buildings, parking, and landscaped areas.
- H) An agricultural data statement, if required by Section 5.6 of this law.
- I) SEQR documentation as classified by the Planning Board in accordance with Section 7.6 of this law.
- J) All required fees and reimbursements, and an escrow deposit to cover professional review costs, if required.

8.3 MATERIALS REQUIRED FOR SITE PLAN REVIEW OF SPECIALLY PERMITTED USES

Special permit uses may require the submission of a site plan review application to mitigate potential negative impacts of the proposed use on the surrounding area, and ensure appropriate conditions on the siting, location, and design of the proposed use. Site plans required by a special permit use application shall include the following additional application materials.

- A) A detailed traffic study at the request of the Planning Board, which shall include:
1. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
 2. The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site;
 3. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels and road capacity levels shall also be given.
- B) Elevations at a scale of one-square inch equals one foot, ($\frac{1}{4}'' = 1'$) for all exterior facades of the proposed structure(s) and/or alterations to or expansions of existing facades, showing design features and indicating the type and color or materials to be used.
- C) For large or environmentally intrusive developments, the Planning Board may require soil logs, test well, percolation test results, storm water runoff calculations, and tree surveys.
- D) Plans for disposal of construction and demolition waste, either on-site or at an approved disposal facility.

8.4 APPLICATION REQUIREMENT WAIVERS

The Planning Board may waive site plan application requirements, as it deems appropriate. Such waivers shall be recorded as part of the public record.

8.5 SITE PLAN REVIEW CONSIDERATIONS BY THE PLANNING BOARD

The Planning Board, in reviewing site plans, shall consider conformance with the criteria set forth below. The Planning Board may adopt or recommend illustrated design guidelines to assist applicants in complying with this Section.

A) Layout and Design.

1. All structures in the plan should be integrated with each other and with adjacent structures and should have convenient pedestrian and vehicular access to and from adjacent properties.
2. Individual structures should be compatible with each other and with traditional structures in the surrounding area in architecture, design, massing, materials, and placement, and should harmonize with traditional elements in the architectural fabric of the area.
3. Where appropriate, setbacks should maintain and continue the existing setback pattern of surrounding properties.
4. The Planning Board should encourage the creation of landscaped parks or plazas easily accessible by pedestrians.

B) Landscaping.

1. Landscaping should be an integral part of the entire project area and should buffer the site from and/or integrate the site with the surround areas, as appropriate.
2. Primary landscape treatment shall consist of native plant communities, including shrubs, ground cover, and shade trees, and should combine with appropriate walks and street surfaces to provide an attractive development pattern.
3. Where appropriate, existing trees and other vegetation shall be conserved and integrated into the landscape design plan.
4. If deemed appropriate for the site by the Planning Board, shade trees at least six (6) feet shall be planted and maintained at twenty (20) to forty (40) foot intervals along roads, at a setback distance acceptable to the Highway Superintendent.

C) Parking, Circulation, and Loading.

1. Roads, driveways, sidewalks, off-street parking, and loading space shall be safe and encourage pedestrian movement.
2. Vehicular and pedestrian connections between adjacent sites should be provided to encourage pedestrian use and to minimize traffic entering existing roads. The Planning Board may require the construction of service roads and new streets to connect to adjoining properties, where appropriate.
3. The site plan shall provide off-street parking and loading spaces to the satisfaction of the Planning Board.

4. Access from and egress to public highways shall be approved by the appropriate Highway Department, including Town, County, State, and Federal, to the extent that said Highway Department or Departments have jurisdiction over such access.
5. All buildings shall be accessible by emergency vehicles.

D) Miscellaneous Standards.

1. The light level at the lot line shall not exceed two-tenths (0.2) foot-candle, measured at ground level. To achieve this, luminaries shall be shielded to prevent light from shining beyond the lot lines onto neighboring properties or public ways. Where residential uses adjoin business or institutional uses, exterior lighting elements shall be restricted to a maximum of twenty (20) feet in height.
2. Drainage of this site shall recharge ground water to the extent practical, and surface water flowing off-site shall not adversely affect drainage on adjacent properties or public roads.
3. Requirements for proper disposal of construction and demolition waste shall be fulfilled, and any necessary permits or agreements for off-site disposal shall be provided to the Planning Board.

8.6 SITE PLAN REVIEW CRITERIA FOR PLANNING BOARD FINDINGS

Before approving a site plan, the Planning Board shall make specific written findings that the proposed use:

- A)** Will not cause undue traffic congestion, unduly impair pedestrian or vehicular safety, or overload existing roads, considering their current width, surfacing, and condition.
- B)** Will have appropriate parking and be accessible to fire, police, and other emergency vehicles. Road access points will have sufficient sight distances to assure visibility of vehicles.
- C)** Will not overload any public water, drainage, or sewer system, or any other Municipal facility.
- D)** Will not substantially degrade any natural resource or ecosystem, including Seneca Lake or its tributaries.
- E)** Will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat, and hydrology, and if appropriate, its ability to be buffered or screened from neighboring properties and public roads.
- F)** Will not result in excessive dust, odors, liquid or solid waste, or glare, or create any other nuisances.
- G)** Will satisfy the General Land Use Performance Standards in Section 5.1, where applicable.
- H)** Will comply with the Rural Siting Guidelines in Section 5.9, where applicable.
- I)** Will not cause action that contrasts with the goals and objectives of the most current adopted Town of Reading Comprehensive Plan.
- J)** Will not cause there to be a substantial depreciation of land value.

8.7 CONDITIONS ON SITE PLAN APPROVAL

The Planning Board may impose conditions on or require modifications of the premises benefited by site plan approval as may be necessary to prevent or minimize adverse effects upon other property in the neighborhood. Such conditions shall be expressly set forth in the motion approving the site plan.

8.8 RESERVATION OF PARKLAND

For any site plan containing residential units, the Planning Board may require the reservation of parkland pursuant to NYS Town Law, Section 274 a (6).

8.9 APPLICANT ACTION REQUIRED UPON APPROVAL

A) Within six (6) months of approval, with or without conditions or modifications, the applicant shall provide two (2) hard copies and one digital copy of the approved site plan to the Planning Board for stamping and signing. The site plan submitted for stamping shall conform strictly to the site plan approved by the Planning Board, except that it shall further incorporate any required revisions or other modifications and shall be accompanied by the following additional information:

- 1.** Record of application for and approval status of all necessary permits from Federal, State, and County officials.
- 2.** If a performance guarantee pursuant to Section 8.10 is to be provided by the applicant for all or some portion of the work, a detailed site improvements cost estimate shall be included.
- 3.** Proof of payment of the Planning Board's reasonable review costs.

B) Upon stamping and signing the site plan, the Planning Board shall forward a copy of the approved site plan to the Land Use Officer and the applicant. The Building Inspector may then issue a Building Permit and/or Certificate of Occupancy if the project conforms to all other applicable requirements.

8.10 PERFORMANCE GUARANTEE

The Building Inspector shall issue no Certificate of Occupancy 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 Section 277 of the NYS Town Law relating to subdivisions. The amount and sufficiency of such performance guarantee shall be determined by the Planning Board after consultation with the Town Attorney, Building Inspector, Land Use Officer, other local officials, or its designated consultants.

8.11 INSPECTION OF IMPROVEMENTS

The Building Office and/or Land Use Officer shall be responsible for the inspection of site improvements, including coordination with the Town's consultants and other local officials and agencies, as appropriate.

8.12 AMENDMENTS

The terms and conditions of any site plan approval may be amended in the same manner as required for the issuance of a site plan approval, following the criteria and procedures in this law. Any enlargement, alteration, or construction of structures not previously approved shall require a site plan amendment.

9.1 APPLICABILITY

- A) A special permit application shall be submitted for any proposed use or activity requiring a special use permit under this local Land Use Law. Such applications shall be subject to the review and approval procedures of Chapter 7 and this Chapter. The Planning Board shall hear and decide all applications for special use permits.
- B) Special uses are generally considered to be uses that have a higher potential for incompatibility with adjacent uses. By requiring the individual review of special use permit applications, the Planning Board helps to determine the level of compatibility of a use in its proposed location.

9.2 SPECIAL PERMIT APPLICATION REQUIREMENTS

An applicant for a special permit shall submit:

- A) A Town of Reading special permit application form, including the name and address of the applicant, owner of record, and developer.
- B) A description or narrative of all proposed uses and structures, including but not limited to hours of operation, number of employees, maximum seat capacity, and required number of parking spaces.
- C) A narrative report describing how the proposed use will satisfy the criteria set forth in the special permit review criteria of this Chapter, as well as any other applicable requirements relating to the specific use proposed.
- D) A site plan review application as defined in Chapter 8, unless otherwise waived by the Planning Board.
- E) An agricultural data statement, if required by Section 5.6 of this law.
- F) The required SEQR documentation as classified by the Planning Board in accordance with Section 7.6 of this local Land Use Law.
- G) The special permit application fee, as established by the Town Board, and any required escrow deposit for review costs, as required by the Planning Board.

9.3 APPLICATION REQUIREMENT WAIVERS

The Planning Board may waive special permit application requirements, as it deems appropriate, through a written agreement with the applicant.

9.4 SPECIAL PERMIT CONSIDERATIONS BY THE PLANNING BOARD

In granting or denying special permits, the Planning Board shall take into consideration:

- A) The compatibility of scale of the proposed project to surrounding uses;

- B) The potential for the proposed use to have negative impacts, such as traffic or noise, on neighboring uses and/or functioning of nearby farm operations,
- C) The constitutional rights of the applicant to an economically viable use of property;
- D) The rural tradition of freedom of land use in so far as such use does not cause harm to people or the value and use of neighboring property; and
- E) The existence or proposition of conservation easements or other measures that would tend to mitigate potential adverse impacts and preserve or enhance the pastoral character of the Town.

9.5 SPECIAL PERMIT REVIEW CRITERIA FOR PLANNING BOARD FINDINGS

Before granting a special permit, the Planning Board shall make specific written findings that the proposed use:

- A) Will be generally consistent with the goals of the Town Comprehensive Plan;
- B) Will meet all relevant criteria set forth in this local Land Use Law;
- C) Will be compatible with existing uses adjacent to and near the property;
- D) Will be in harmony with the general purpose of this Chapter;
- E) Will not tend to depreciate the value of adjacent property;
- F) Will not create a hazard to health, safety or the general welfare of the public;
- G) Will not alter the essential character of the neighborhood nor be detrimental to the neighborhood residents;
- H) Will not be a nuisance to neighboring land uses in terms of the production of obnoxious or objectionable noise, dust, glare, odor, refuse, fumes, vibrations, unsightliness, contamination or other similar conditions;
- I) Will not cause undue harm to or destroy existing sensitive natural features on the site or in the surrounding area or cause adverse environmental impacts such as significant erosion and/or sedimentation, slope destruction, flooding or ponding of water, or degradation of water quality;
- J) Will not destroy or adversely impact significant historic and/or cultural resource sites;
- K) Will provide adequate landscaping, screening or buffering between adjacent uses which are incompatible with the proposed project; and
- L) Will not otherwise be detrimental to the public convenience and welfare.

9.6 CONDITIONS ON SPECIAL USE PERMITS

The Planning Board may impose conditions on or require modifications of the premises benefited by a special use permit as may be necessary to prevent or minimize adverse effects upon other property in the neighborhood, including limitations on the time for which the permit is granted. Such conditions shall be expressly set forth in the motion authorizing the special use permit.

CHAPTER 10 NONCONFORMING USES, STRUCTURES & LOTS

10.1 CONTINUATION OF NONCONFORMING USES AND STRUCTURES

Any lawful structure or use existing at the time of enactment or amendment of this Land Use Law (pre-existing use or structure), which becomes nonconforming because of such enactment or amendment may be continued.

10.2 DISCONTINUANCE

A nonconforming use of land or structures which is discontinued for a period of twelve (12) consecutive months shall not be re-established without compliance with applicable provisions of this Land Use Law, and any subsequent use of the same property shall conform to the requirements of this Land Use Law.

10.3 SPECIALLY PERMITTED USES

Any pre-existing use or structure which can be allowed by special permit under this Land Use Law, but which has not been issued a special permit, shall be permitted to continue as a nonconforming use until it is granted a special permit. Upon the granting of such a special permit, the use shall become conforming and shall be governed by the conditions attached to the special permit. If such a special permit is denied, the use may continue as a nonconforming use, subject to the requirements of this Chapter.

10.4 EXPANSION, ALTERATION, AND RESTORATION

- A) Any pre-existing, non-conforming structure may be enlarged by a maximum of 25% of the gross footprint of the building, excluding decks and porches. The expansion shall not be made in a direction that would further diminish any current non-conforming setbacks.
- B) A nonconforming structure or use may be rebuilt in-kind in the event of total or partial destruction thereof, to occupy no more space than permitted in § 10.4(A) above. Alterations to the reconstruction shall be subject to all applicable site plan and special permit review procedures.
- C) A nonconforming use or structure may be maintained, repaired, or restored as necessary to ensure a safe condition.

10.5 EXISTING NONCONFORMING LOTS

Any lot of record created prior to the enactment of this law which does not comply with the area, density, or dimensional requirements of this Land Use Law may be deemed to comply with such requirements through the site plan review process, provided that:

- A) The lot contains at least 5,000 square feet.
- B) There is no contiguous lot in the same ownership to which the nonconforming lot may be joined.
- C) Any structures on the lot satisfy the dimensional requirements of this local Land Use Law.
- D) Any residential use is limited to one one-family dwelling.

11.1 WORD USAGE AND INTERPRETATION

Except where specifically defined herein, all words used in this Chapter shall carry their customary meanings. Words used in the present tense shall include the future tense, and the plural includes the singular, unless the natural construction of the term indicates otherwise.

- A) The term "shall" is mandatory and directory.
- B) The term "may" is permissive.
- C) The term "lot" includes the words "plot," "parcel," "tract," or "site."
- D) The term "building" includes the word "structure."
- E) The term "premises" includes a lot and all buildings or structures thereon.
- F) The term "abut" shall include the words "directly across from."
- G) The term "occupied" or "used" shall include "arranged, designed, constructed, altered, converted, rented, leased or intended to be used."
- H) The phrases "to erect," "to construct" and "to build" a building or structure each have the same meaning and include "to excavate" for a building and "to relocate" a building by moving it from one location to another.
- I) Unless otherwise specified, all distances shall be measured horizontally along the ground.
- J) When doubts arise as to meanings of terms, the Town of Reading Building inspector or Land Use Officer shall define or make the interpretation of words, phrases, sentences and sections of this law.

11.2 DEFINITIONS

For the purposes of this law, the following words and terms shall be defined as provided herein:

ACCESSORY — The term applied to a building, structure, or use that is subordinate in area, extent, or purpose to the principle building or use served and is located on the same parcel as the principle building or use.

AGRICULTURAL PRODUCTION- the production of goods from agriculture, aquaculture, floriculture, horticulture, maple syrup harvesting, or silva culture and the subsequent value-added processing of those goods at the same or contiguous location with shared ownership.

APPLICANT — A person with the authority to file an application in accordance with this law.

BUFFER OR BUFFERING — A combination of physical space and vertical elements, such as plants, berms, fences or walls, the purpose of which is to separate and screen incompatible land uses from each other and/or to protect wildlife habitats, wetlands, stream corridors and other significant environmental features.

BUILDABLE LAND AREA — The area of land that is available, or may be made available through site improvements, to accommodate the development of the proposed use, access road, and necessary water and sewer infrastructure in conformance with this law. No use shall be permitted on a lot where, at the request of the Planning Board, the applicant fails to prove the existence of sufficient buildable land area for the proposed use. It shall be the responsibility of the applicant to obtain the information necessary to determine the size and adequacy of the buildable land area of a lot, including, but not limited to geological surveys and assessments.

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 HEIGHT — 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 or mansard roofs and to the average height of pitched, gable, hip, and gambrel roofs.

BUILDING INSPECTOR — The duly designated Building Inspector of the Town of Reading, New York, to enforce the provisions of the New York State Uniform Fire Prevention and Building Code in the Town.

BUSINESS USE- Any use of land that is on behalf of a firm, company, enterprise, or is an organizational entity, or legal entity providing skills, recourses, goods or services to customers.

CAMPGROUND —A business use accessible to the public for the temporary overnight recreational stay of customers in tents, a simple protective structure or recreational vehicles. Camping shall include systems for the drinking water and septic sewer needs of campers, organized campsites, and daily monitoring and supervision of the use.

DENSITY — A unit of measurement; "density" means the number of dwelling units per acre of land.

DEVELOPER — Any person, firm, partnership, association, corporation, company, limited liability or entity or organization of any kind, whether an applicant as defined hereinabove, that constructs or proposes to construct one or more highways, drainage facilities, utilities or parks within or in conjunction with a development.

DEVELOPMENT — Any man-made changes to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, excluding normal maintenance of farm roads and agricultural practices.

DWELLING — Any building, as defined below, or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons on a seasonal, temporary, or year-round basis.

DWELLING, ONE-FAMILY — A building designed for or occupied exclusively by one family.

DWELLING, TWO-FAMILY — A detached or semi-detached building where not more than two individual family or dwelling units are entirely separated by vertical walls or horizontal floors.

DWELLING, MULTIFAMILY — A building where multiple families or dwelling units are entirely separated by vertical walls or horizontal floors under one roof.

DWELLING UNIT — One or more rooms, including a kitchen or kitchenette and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one family for living and sleeping purposes.

FLOOR AREA — The sum of the horizontal area of the floors of a building and its accessory buildings on the same lot, excluding unfinished basement or cellar floor areas, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

JUNKYARD — A place where discarded or salvaged materials are bought, recycled, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled or where automobile wrecking takes place, but not including pawnshops and establishments for the sale, purchase or storage of used furniture, household equipment, and clothing.

INDUSTRIAL USE — Any use of land by a company engaged in manufacturing, production of goods, or consumer machinery, equipment, products, or by-products other than agricultural production for other businesses or consumers.

INSTITUTIONAL USE- Any use of land that is on behalf of a society or organization founded for a religious, educational, social purpose, or not for profit use.

LANDSCAPING — The use of natural plant materials including, but not limited to, ground covers, shrubs, and trees. Landscaping also involves the placement, preservation and maintenance of said plant materials in conjunction with associated improvements such as fences, walls, lighting, earth mounding and structures (principal or accessory).

LOT — A tract or parcel of land occupied or intended to be occupied by a building or a group of buildings and accessory buildings, together with such open spaces as are required by this Chapter.

LOT COVERAGE — The percentage of the lot area covered by the combined area of all buildings and structures. This definition shall also include all paved and impermeable surfaces such as driveways, swimming pools, decks, patios, and parking spaces.

LOT LINES — The property lines bounding the lot.

LOT LINE, FRONT — In the case of a lot abutting upon only one street, the line separating the lot from the street right-of-way; in the case of a lot abutting more than one street, each lot line with road frontage shall be considered a front lot line.

LOT LINE, REAR — The lot line, which is generally opposite the front lot line. If the rear lot line is less than 10 feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front line, not less than 10 feet long, lying wholly within the lot and farthest from the front lot line.

LOT LINE, SIDE — The property line or lines extending from the front lot line to the rear lot line.

LOT OF RECORD — A lot which is part of an approved subdivision recorded in the Office of the County Clerk or a lot described by bounds, the description of which has been so recorded.

LOT SIZE — The total area within the property lines, excluding any portion lying within the boundaries of a street or future street right-of-way.

LOT WIDTH — The distance between side lot lines.

MANUFACTURED HOME — A structure constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, U.S.C. 5401. All manufactured homes within the Town of Reading are required to be skirted and shall be anchored to the slab upon which it is placed.

MOBILE HOME — Any vehicle or similar portable structure having been constructed with wheels, whether such wheels have been removed, and capable of being towed on a public street and so constructed as to permit occupancy for dwelling or sleeping purposes and not meeting the Manufactured Housing Construction and Safety Standard Act of 1974. All mobile homes within the Town of Reading are required to be skirted and shall be anchored to the slab upon which it is placed.

MOBILE HOME LOT — A parcel of land within a mobile home park reserved for the placement of a single mobile home and for the exclusive use of its occupants.

MOBILE OR MANUFACTURED HOME PARK — A parcel of land under single ownership on which two (2) or more mobile or manufactured homes are occupied as residences or which is planned and improved for the placement of two (2) or more mobile or manufactured homes for non-transient residential use.

NONCONFORMING, BUILDING OR USE — A building, structure, or use that does not conform to the regulations of this Chapter.

NONCONFORMING LOT — Any lot lawfully existing at the time of adoption of this law or any amendment thereto which does not conform to the minimum width, depth, and area dimensions specified.

NONRESIDENTIAL USE — Includes all uses other than one-family dwellings, two-family dwellings, and multifamily dwellings.

NYS TOWN LAW — The Town Law of the State of New York.

OFF-SITE WATER AND SEWER — The reference to off-site water and sewer shall include public water and sewer systems, or private water and sewer systems that comply with local laws located off-site and shared between two or more lots that provide drinking water and elimination of human waste.

OUTDOOR STORAGE — The location of any goods, wares, merchandise, commodities, junk, debris, or any other item in association with a business, institutional, or industrial use outside of an enclosed building for a continuous period longer than 24 hours.

PARKING SPACE — An off-street space used for the temporary location of a licensed motor vehicle, not including access driveway(s), and having direct access to a street, road or alley.

PERMITTED USE — Any use which does not require special action by the Planning Board before a building permit is granted by the Building inspector.

PLANNING BOARD — The officially designated Planning Board of the Town of Reading, New York, as established by the Town Board in accordance with NYS Town Law Section 271.

PROFESSIONAL — An individual authorized to practice their discipline as defined by applicable New York State laws, such as an engineer, architect, or landscape architect.

PROPERTY LINE — A line bounding a lot. Also known as a “lot line.”

RESIDENTIAL USE — Includes one-family dwellings, two-family dwellings, and multifamily dwellings.

RIGHT-OF-WAY — A strip of land, either public or private, occupied or intended to be occupied by a street, sidewalk, trail, railroad, electrical transmission line, oil or gas pipeline, water main, sanitary or storm sewer or other similar use.

ROAD FRONTAGE — The lot lines that abut a street or right-of-way of a planned street.

SCREENING — A method of reducing the impact of noise, glare and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls or any appropriate combination thereof.

SEQRA — New York State Environmental Quality Review Act.

SETBACK — The least required horizontal distance between property line, and any structure on the lot measured at the shortest point, including terraces, porches, or any covered projection thereof, but excluding steps.

FRONT SETBACK — The setback to the front lot line(s).

REAR SETBACK — The setback to the rear lot line.

SIDE SETBACK — The setback to any property line other than a front or rear lot line.

SIGN — A name, identification, description, including commercial and noncommercial messages, display, or illustration usually including alphabetic or numeric characters, which is affixed to or painted upon or represented directly or indirectly upon a building, structure, or piece of land or affixed to the inside or outside of a door or window to be seen from the outside of a building.

BILLBOARD — Any outdoor advertising board which directs attention to a business, commodity, service or entertainment conducted, sold, offered, or manufactured at a location other than the premises on which the sign is located.

COMMERCIAL MESSAGE — A sign, wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

DIRECTIONAL SIGN — A sign directing vehicular and/or pedestrian movement into, within, and/or out of a premise.

ELECTRONIC CHANGEABLE COPY — A sign, or portion thereof, on which characters, letters, or illustrations are changed mechanically or electronically in the field without altering the face or surface of the sign, including without limitation, an electronic or mechanical message center.

INCIDENTIAL SIGN — A sign containing no commercial message and typically erected to identify address, entrances, exits, restrooms, hours and days of operation, public utility locations, emergency address and telephone number, etc. and one sign to indicate that the business is "open." These examples are not given by way of limitation; an incidental sign may contain any noncommercial message.

WINDOW SIGN — A non-electric sign applied or attached to the interior or exterior of a window or door, or within three feet of the interior which can be seen from the exterior.

SITE — A lot or group of contiguous lots not divided by any alley, street, or other right-of-way that is proposed for development in accord with the provisions of this law.

SITE PLAN — A plan of a lot or subdivision that provides all site information as required by this law.

SPECIAL OR SPECIALLY PERMITTED USE — A use which, because of its unique characteristics, requires special consideration in each case by the Planning Board before any building or land use permits can be issued.

STREET OR ROAD — A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, way, drive, boulevard, highway, and any other thoroughfare intended for use and travel by a motor vehicle.

STRUCTURE — A combination of materials to form a construction for use, occupancy or ornamentation, including but not limited to buildings, dwellings, towers, flagpoles, swing sets, signs, antennas, satellite dishes, or gas or liquid storage tanks, that require permanent location on the ground or attachment to something having a permanent location on the ground.

SUBDIVISION — An area of land divided by its owner(s) or their agent(s) into lots or parcels two or more in number for conveyance, transfer, improvement, or sale of one (1) or more. All subdivisions shall be subject to the Subdivision Law of the Town of Reading.

TOWN BOARD — The elected legislative body of the Town of Reading, New York.

USE — The specific purpose for which land, a building, or a structure is designed, intended, arranged, used, or maintained.

WETLANDS — Areas designated as freshwater wetlands by the New York State Department of Environmental Conservation or the Army Corps of Engineers, as prescribed by law.