

**Regular Monthly Meeting  
VILLAGE OF TRUMANSBURG  
BOARD OF TRUSTEES  
Agenda  
September 25, 2023  
7:00 pm**

Members of the public may join the meeting via Zoom

<https://us02web.zoom.us/j/89726679850>

Meeting ID: 89726679850

Call-in number: (929)436-2866

1. (7:00) CALL TO ORDER
2. (7:00) CHANGES TO AGENDA
3. (7:05) PRIVILEGE OF THE FLOOR
4. (7:20) OLD BUSINESS
  - a. Updated Draft Zoning Revision – Introduction, County Review, Public Hearing Date
  - b. Non-point Source Engineering Grant – Streambank Stabilization
  - c. Code Enforcement Local Law Public Hearing Date
5. (7:50) NEW BUSINESS
  - a. EMS
    - i. Whiteboard for Training
    - ii. Billing RFP
6. (8:05) PRIVILEGE OF THE FLOOR
7. (8:25) EXECUTIVE SESSION – Personnel
8. (8:45) ADJOURNMENT

# Village of Trumansburg Residential Zoning

## Revision Frequently Asked Questions

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# Executive Summary

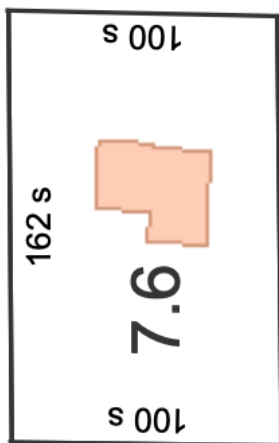
## Lot Dimension Requirements

In response to housing affordability concerns, the proposed zoning reduces lot dimension requirements for 1–4 units on a lot. To address stormwater concerns, the proposed zoning includes a 60% impervious surface maximum where previously there was none. Site plan review is still required for more than 2 units on a lot.

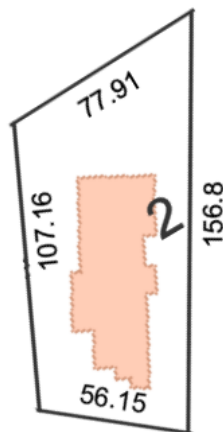
	Min Lot Size (current)	Min Lot Size (proposed)	Min Lot Width (current)	Min Lot Width (proposed)
<b>1-2 Dwelling Units</b>	1 du: 15,000 sq.ft. 2 du: 22,500 sq.ft.	7,500 sq.ft.	100 ft.	50 ft.
<b>3-4 Dwelling Units</b>	3 du: 27,500 sq.ft. 4 du: 32,500 sq.ft.	9,500 sq.ft.	100 ft.	50 ft.

## Example Existing Village Lots

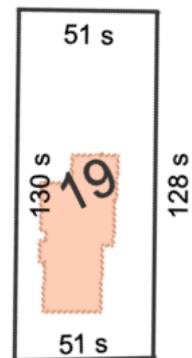
Minimal Lot Under  
Current Zoning  
*Pennsylvania Ave*



Minimal Lot Under  
Proposed Zoning  
*Old Main St*



Nonconforming Lot  
(insufficient lot size)  
*Whig St*



## Neighborhood Character

To address neighborhood character, the proposed zoning makes the following changes:

	<b>Max Building Stories</b>	<b>Max Units on a Lot</b>	<b>Building Setback from Street</b>	<b>Design Requirements</b>
<b>Current</b>	None	Unlimited	At least 50 ft.	None
<b>Proposed</b>	2.5 Stories	20	Generally matches the neighborhood	Exists

## Affordable Housing

To address subsidized affordable housing, the proposed zoning makes the following changes:

- Expands eligibility requirements to support even lower income households
- Strengthens approval and enforcement requirements
- Streamlines calculation for the sale and rental price of affordable units
- Allows “bonus units” based on the amount of affordable housing provided

## Manufactured Housing

In 2015, New York State severely restricted the regulation of manufactured homes. To comply with these new requirements, the proposal removes the current manufactured housing regulations. After removing the manufactured housing regulations, the two residential districts were identical and therefore were combined.

# Background

## What is the history of zoning in the village?

Zoning has existed in the village since at least 1956. 15 years later, in 1971, it was updated and then remained unchanged for over 40 years. In 2008, the Village completed its first Comprehensive Plan, which created a vision for the Village over the next 10–20 years. That vision was the basis for an updated zoning law in 2012 which expanded the 1971 zoning law to include items like affordable housing, care cottages, manufactured home parks, planned development areas, and stream and wetland overlay districts but left many of the existing regulations, such as lot dimensions, untouched.

## Why is the Village revising its zoning?

Zoning laws are meant to be living documents that adapt to changes in our community, as well as respond to real-life use. Recently, we have seen increased interest in Trumansburg as a place to live, raise a family, and retire. That interest is driving increased development and an increased interest in managing that development through zoning regulations. As a response, the Village began a Comprehensive Plan revision process in 2017 to update the Village's vision for the next 10–20 years. That process was completed in 2021 and that vision is now the basis for updating the Village's zoning law.

## How is the zoning revision process structured?

Traditionally, zoning revisions are done in one pass, resulting in a giant set of changes across the entire zoning law. However, that approach repeatedly fails to garner meaningful community input and feedback. Massive changes are difficult to engage with, and it's unreasonable to expect the community to have the time necessary to review changes of that scale. Instead, the revision process has been broken into three milestones, with changes to the zoning law adopted at the end of each milestone. This document accompanies the draft of the first milestone, which focuses on residential zoning in the Village. The future milestones will focus on commercial and industrial zoning, followed by overlay districts and zoning administration. This phased approach will allow for easier and earlier feedback from the community.

## **What are the proposed revisions trying to encourage?**

The proposed revisions aim to encourage affordable housing, both subsidized and naturally occurring, which was identified as a community goal in the Comprehensive Plan. The intention is to create a more inclusive community, attract young families, and provide housing for seniors. Affordable housing is encouraged by reducing the dimensional requirements for smaller multi-unit housing. These changes allow for incremental growth in housing stock and population, which in turn helps support our local businesses and institutions through increased customers, school population, and tax base.

## **What are the proposed revisions trying to discourage?**

The proposed revisions aim to discourage large multi-unit housing developments, which have been a point of contention recently. This is accomplished by limiting the maximum number of dwelling units on a lot to 20, regardless of the size of the lot. Additionally, the proposed revisions aim to discourage infill development that is out of character with the surrounding housing. This is accomplished by the addition of design guidelines, lot coverage maximums, and front setbacks that respect the surrounding houses and help create a consistent visual character of individual neighborhoods.

# Proposal

## What are the major changes being proposed?

The major changes being proposed are explained below. For the full details, please refer to the draft proposal.

**Allowed Uses** - The updated proposal combines residential zones 1 and 2. The difference between the two zones in the current zoning is that manufactured homes and home parks are allowed in Zone 2 and not in Zone 1. Since NYS law now prohibits regulating manufactured homes differently from single-family dwellings (see below), these zones have been combined.

**Dimensional Requirements** - The proposed changes in this section address the desire for affordable housing in the village by allowing new housing construction consistent with existing housing in the village. The changes enable 1-4 unit homes on smaller lots based on an analysis of existing lots and homes in the village (see FAQ). The proposed changes also address the potential impacts of such development. Impervious surface is limited to address stormwater management concerns, the maximum height requirement is strengthened to exclude 3-story buildings explicitly, and no more than 20 units are allowed to be built on any lot.

	One to Two Dwelling Units	Three to Four Dwelling Units	Five to Twenty Dwelling Units	Non-residential
Min Lot Size (current)	1 du - 15,000 sq.ft. 2 du - 22,500 sq.ft.	3 du - 27,500 sq.ft. 4 du - 32,500 sq.ft.	5 du - 37,500 sq.ft. 5,000 sq.ft. for each additional unit	20,000 sq.ft.
Min Lot Size (proposed)	7,500 sq.ft.	9,500 sq.ft.	5 du - 37,500 sq.ft. 5,000 sq.ft. for each additional unit	9,500 sq.ft.
Min lot width (current)	100 ft.	100 ft.	100 ft.	100 ft.
Min lot width (proposed)	50 ft.	50 ft.	100 ft.	50 ft.

	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Max Impervious Surface	Max Height
<b>Current</b>	50 ft.	15 ft.	35 ft.	-	35 ft.
<b>Proposed</b>	40 ft.	15 ft.	30 ft.	60%	2.5 stories & 35 ft.

**Frontage Exceptions** - The proposed changes in this section address the desire to preserve neighborhood character. The current zoning allows for new homes in developed areas of the village to be set as far forward as their surrounding neighbors, but doesn't regulate how far back they can be set. The proposal strengthens that by requiring new homes in developed areas to be generally in line with the surrounding neighbors, not too far forward or too far back. The front yard setback is a critical aspect of the feel of a neighborhood (just think about Cayuga St vs Larchmont Dr). By requiring new homes to be generally in line with existing homes, the proposal requires a more uniform neighborhood feel that flexes to the variety of different development patterns in the village.

**Design Requirements** - The Village's current zoning law has no design requirements for the residential zone. This can result in poor development styles that are disconnected from the public street and the surrounding neighborhood and can diminish the visual cohesion of the neighborhood. Based on community feedback, the proposal now includes design requirements that ensure buildings are aligned with the public street and are connected to it via a defined entrance. For lots with more than 2 units on them, it explicitly states the list of development styles that are acceptable as part of the required site plan review.

**Affordable Housing Regulations** - The proposed changes in this section address the desire for subsidized affordable housing in the village. The current zoning law requires subsidized affordable housing in larger developments. However, when affordable housing requirements exist, they incentivize developers to build fewer units to avoid triggering the requirements. This is counterproductive for both affordable and market-rate housing. The proposal includes a variety of changes:

- Adjust regulations from requiring to incentivizing the inclusion of subsidized affordable housing. This keeps benefits for developers that choose to build subsidized affordable housing without limiting market-rate housing by developers that would have skirted the requirements.



- Adjust definitions to include households making less than 50% of the area's median family income and housing costs up to 35% of a household's income.
- Strengthen approval and enforcement language.
- Remove redundant price caps on the sale and rental prices, to reduce development complexity without reducing protections.
- Adjust incentive structure from reducing the required lot size to increasing the number of allowed units on the lot. These two approaches are equivalent if fewer than 12 affordable units are built. If 12 or more units are built, the approach allows for a limited amount of "bonus units", which can help eligibility for state and federal funding.

**Care Cottages** - Care cottages are temporary structures used for housing immediate family members. This seems like a wonderful idea, however, verifying the familial relationship combined with the requirement to remove the cottage once it was no longer needed, made this section very difficult if not impossible to use. This section has been entirely removed.

**Manufactured Home Parks** - The Village's current zoning law, adopted in 2012, includes a series of specific regulations relating to manufactured homes and home parks. In 2015, New York State passed a law placing limits on local government regulation of manufactured homes. As a result, the proposed zoning changes remove the specific regulations relating to manufactured homes and home parks. New York State Executive Law ([Article 21-B Title 2 §616](#)) now states "A manufactured home that is affixed to a permanent foundation and conforms with the identical development specification and standards, including general aesthetic and architectural standards, applicable to conventional, site-built single-family dwellings in the residential district in which the manufactured home is to be sited, shall be deemed to be a conforming single-family dwelling for purposes of the applicable local zoning law or ordinance."

## What were the major changes since the initial proposal?

**Dimensional Requirement** - The initial draft proposed reducing lot size requirements for lots with 1-20 dwelling units. Based on community feedback, the updated proposal restores the 2012 zoning lot size requirements for lots with 5 or more dwelling units. The lot size requirements are now only reduced for lots with 1-4 dwelling units. Additionally, a maximum impervious surface limit was added to address stormwater issues that come along with additional development.

**Accessory Dwelling Units** - Accessory Dwelling Units (ADUs) are smaller additional dwellings on a lot such as an attic apartment, a carriage house over a garage, or a backyard “in-law cottage”. The initial draft proposed the inclusion of ADUs on any lot in the village without additional lot size or parking requirements. Based on community feedback, the updated proposal removes this beneficial treatment. Instead, any additional dwellings would need to conform to the existing zoning requirements for multiple units on a lot.

**Design Requirements** - The Village’s current zoning law has no design requirements for the residential zone. This can result in poor development styles that are disconnected from the public street and the surrounding neighborhood and can diminish the visual cohesion of the neighborhood. Based on community feedback, the proposal now includes design requirements that ensure buildings are aligned with the public street and are connected to it via a defined entrance. For lots with more than 2 units on them, it explicitly states the list of development styles that are acceptable as part of the required site plan review.

# Visualizations

## What properties would become conforming?

A meaningful number of lots in the village are currently “non-conforming”, meaning they wouldn’t be allowed to be built now under current zoning due to the lot size, setbacks, or other regulations. The proposed changes would make many of those lots “conforming”. Some examples of those lots are seen below.



**A single-family home on a lot that is smaller than the current zoning requires**





**A fourplex on a lot that is smaller than the current zoning requires**



**A single-family home on a lot that is narrower than the current zoning requires**

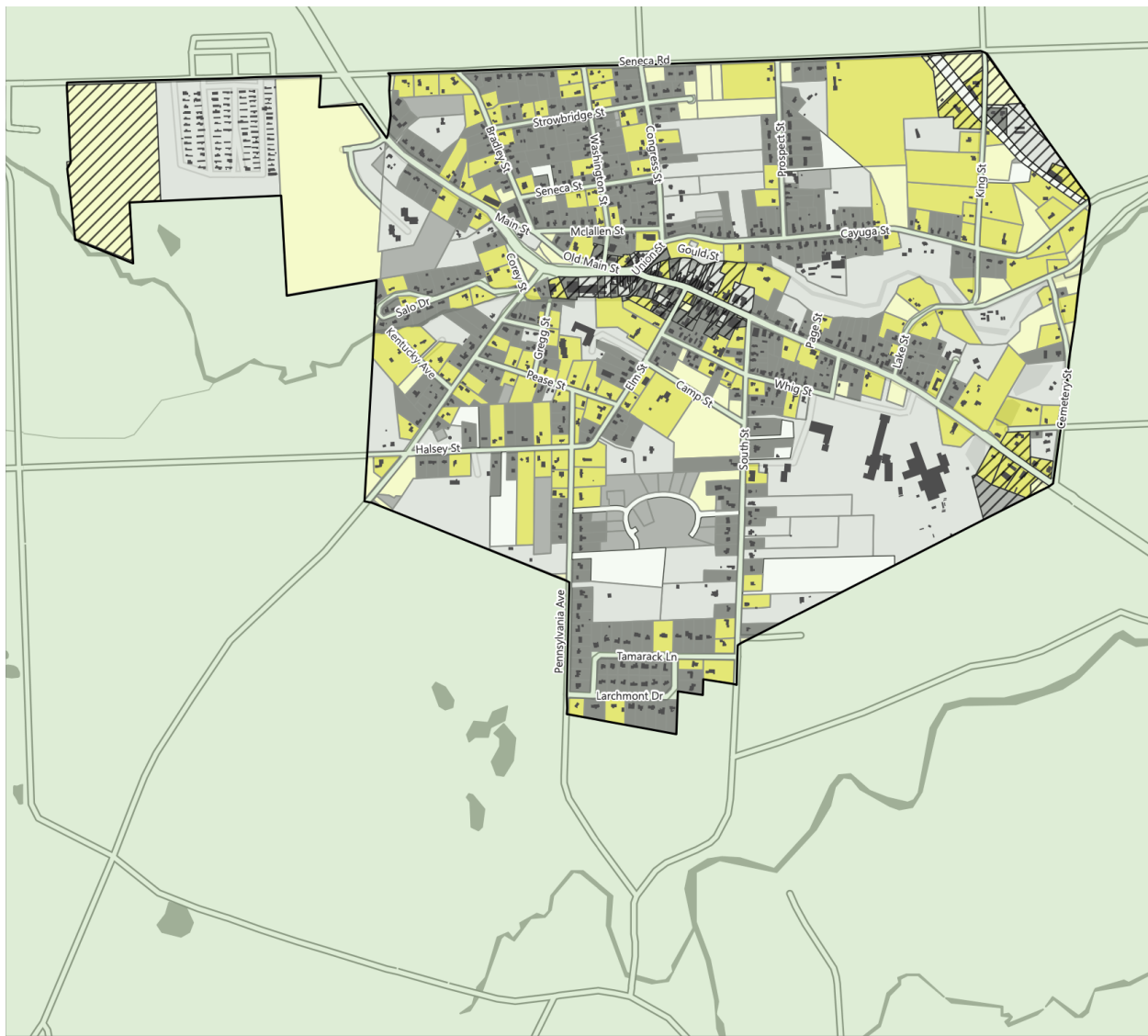


**A single-family home on a lot that is narrower than the current zoning requires**

## What lots could be subdivided?

The Village's Comprehensive Plan sets a goal to provide more affordable rental and for-sale housing. While new units on already-developed lots can address rental housing needs, new units on previously undeveloped lots are the only way to address for-sale housing needs. There are some undeveloped lots in the village, but the only way to create more is through lot subdivisions.

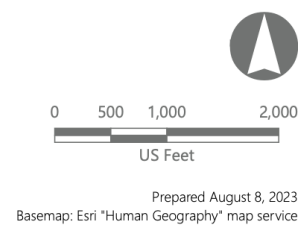




## Village of Trumansburg Parcel Analysis

Village of Trumansburg,  
Tompkins County, New York

EDR



# Frequently Asked Questions

## What community input has been collected so far?

In 2017, the Village embarked on a multi-year process to update its Comprehensive Plan. Through the Comprehensive Planning process, including a village-wide survey and multiple in-person information meetings, the Village collected community input on a variety of topics. Land use and zoning were frequent topics of discussion and those conversations, alongside the full Comprehensive Plan, have been the basis for the Village's zoning revisions. Zoning-related themes raised during the Comprehensive Plan revision process included pride in the charm and character of the village, as well as a need for incremental growth. In particular, a need for affordable housing was identified to create a more inclusive community, attract young families, and provide housing for seniors. Changes, such as reducing the barriers to accessory dwellings and multi-unit housing, were suggested to balance the need for incremental growth with pride in the current charm and character of the village.

## Why aren't multiple residential zones being proposed?

During the comprehensive plan revision process, there was strong community support for zoning that focused on "neighborhood-wide" rules rather than "village-wide" rules. One way to address this desire is to create multiple residential zones and have different rules for each zone. The zoning revision committee began work on this approach, but quickly realized its pitfalls. While it may be easy to point at different development styles between neighborhoods such as Whig Street and Larchmont Drive, it quickly becomes an arbitrary decision where, on the connecting road of South Street, one would draw a dividing line. Rather than drawing arbitrary lines, the committee decided to address this desire through infill zoning requirements that change based on the surrounding houses. The proposal requires front yard setbacks to reflect the setbacks of the surrounding housing to create a consistent visual character of individual neighborhoods.

## What data informed the dimensional changes?

The dimensional changes were driven by an analysis of existing lots and houses in the village. The lot area and number of units on the lot came from tax assessment data while the Village contracted with a planning firm (EDR) to capture lot frontage, building frontage, and side yard setbacks for every lot in the village. The proposal is based on being able to rebuild what

already exists in the village without going any further. The most extreme lots were removed and lot sizes and setbacks that allow the remaining buildings to be rebuilt were proposed. While that approach can still strike some as too extreme, the proposal is an attempt to retain our “small-town” atmosphere while still enabling the development of sufficient affordable housing.

Lot Sizes			
Units	2012 Zoning (sq. ft.)	Assessment Data (98%)	Proposal (sq. ft.)
1	15,000	7,770	7,500
2	22,500		
3	27,500	9,515	9,500
4	32,500		
5+	37,500 + 5,000 per additional dwelling		37,500 + 5000 per additional dwelling

Lot Setbacks			
Setback	2012 Zoning (ft.)	Assessment Data (98%)	Proposal
Front Yard	100	50	50
Side Yard	15	6	15



**ZONING LAW**  
**of the**  
**Village of Trumansburg, New York**

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## ARTICLE I - INTRODUCTION

### Section 101. Purpose.

For the purpose of promoting the health, safety, morals, or the general welfare of the community, and to lessen congestion in the streets; to secure from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to safeguard homes by preserving the attractive environment of residential areas; to conserve property values in all areas; to implement the Village of Trumansburg Comprehensive Plan; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements in the Village Law, under and pursuant to Article 6-A, Chapter 64 of the Consolidated Laws; the size of [buildings](#) and other structures, the percentage of [lot](#) that may be occupied, the size of [yard](#), the density of population and the use of buildings, structures and land for trade, industry and residence or other purposes, are hereby restricted and regulated as hereinafter provided:

### Section 102. Validity.

The invalidity of any section or provision of this law shall not invalidate any other section or provision thereof.

### Section 103. Repealer.

All zoning laws, rules, and ordinances adopted by the Village of Trumansburg prior to the effective date of this law, together with all changes and amendments thereto are hereby repealed and declared to be of no effect.

### Section 104. Short Title.

This law shall be known as the Zoning Law of the Village of Trumansburg of 2023.

### Section 105. When Effective.

This law shall be in force and effect immediately upon adoption, posting and publication as provided by law.

### Section 106. Amendments.

This law may be amended as provided by law.

### Section 107. Establishment of Districts.

For the purpose of this law, the Village of Trumansburg, New York, is hereby divided in to the following districts:

#### Residential Districts

- a. Residential District

#### Commercial Districts

- b. Downtown Commercial District
- c. West Gateway Commercial District
- d. East Gateway Mixed Use District

#### Industrial Districts

- e. Commercial Industrial District
- f. Mixed Use Industrial District

#### Conservation Overlay Districts

- g. Stream Buffer Conservation Overlay District
- h. Wetland Conservation Overlay District

### Section 108. Zoning Map.

The districts are bounded as shown on the official zoning map made by Tompkins County Planning Department, dated **ADD DATE HERE**, which shall be certified by the village clerk, and which accompanies and which, with all explanatory matter thereon, is hereby made a part of this law.

### Section 109. Interpretation of District Boundaries.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following shall apply:

1. Where district boundaries are indicated as approximately following the center of streets of highways, [street lines](#), or highway lines, the centerline of such right-of-way shall be construed to be such boundaries.

2. Where district boundaries are so indicated that they approximately follow the [lot lines](#), such lot lines, as exist at the time of enactment or amendment of this law, shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there-from as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.
4. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to follow the centerline of such body of water.

#### **Section 110. Amending District Boundaries.**

Zoning district boundaries may be amended hereafter as provided by law.

#### **Section 111. Application of Regulations.**

Except as hereinafter provided:

1. No [building](#) or land shall hereafter be used or occupied, and no building or part thereof shall be erected, moved or altered, unless in conformity with the regulations herein specified for the district in which it is located.
2. No building shall hereafter be erected or altered to exceed the [height](#); to accommodate a greater number of dwellings, to occupy a greater percentage of [lot](#) area or to have narrower or smaller rear [yards](#), front yard, side yard, inner or outer courts than is specified herein for the district in which such building is located.
3. No part of a yard or other open space about any building required for the purpose of complying with the provisions of this law shall be included as a part of a yard or other open space similarly required for another building.

#### **Section 112. Prohibition of Uses.**

All uses not specifically set forth as permitted uses in a zone are expressly prohibited as uses in that zone. A use specifically permitted in one zone is not permitted in any other zone, less restrictive or otherwise, unless specifically enumerated as a permitted use in such other zone.

## ARTICLE II – NON-CONFORMING USES AND STRUCTURES

### Section 201. Continuation of Existing Uses.

Except as provided elsewhere in this Article, any use of land, or a structure or part thereof legal in accord with laws existing at the time that this law becomes effective, may be continued, even if such [building](#) or use does not conform to the provisions hereof.

### Section 202. Extension of Use.

A non-conforming use may be extended with a [site plan](#) approval by the Planning Board. Said extension may not exceed a ten (10) percent [expansion](#) of the floor area of the non-conforming use when it became non-conforming.

### Section 203. Change of Use.

Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use.

### Section 204. Discontinuance of Use.

Whenever a non-conforming use has been discontinued for a period of one year, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this law.

### Section 205. Displacement.

No non-conforming use shall be extended to displace a conforming use.

### Section 206. Alterations of Existing Structures.

A non-conforming structure may be reconstructed or structurally altered with a special use permit from the Board of Appeals.

### Section 207. Unsafe Structures.

Nothing in this Article shall prevent the [reconstruction](#) of a structure to safe condition when said structure is declared unsafe by the Building Official providing the necessary repairs shall not constitute more than two-thirds of the assessed valuation of such structure and providing that the necessary repairs are made within any time limits established by the [Code Enforcement Officer](#).

### Section 208. Restoration.

Any non-conforming structure damaged by fire, flood, earthquake, act of God, or act of the public enemy by less than two-thirds of the assessed valuation of such structure immediately prior to such damage may be restored to its former condition, or better, within twelve (12) months.

### Section 209. Construction Approved Prior to Adoption of or Amendment to Law.

Nothing herein contained shall require any change in plans, construction or designated use of a structure for which a permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three (3) months of the date of such permit, and the ground [story](#) framework of which, including the second tier of beams, shall have been completed within twelve (12) months of the date of the permit, and which entire structure shall be completed according to such plans as filed within eighteen (18) months from the date of this law.

### Section 210. [Junk Yards](#), [Signs](#), [Storage Containers](#), and Storage Trailers.

Notwithstanding any other provision of this law, any automobile or other junkyard, or any non-conforming sign or advertising device, or any storage container or storage trailer in existence in a residential district at the time of enactment of this law shall be discontinued within one (1) year of such date. Any [lot](#) containing one or more abandoned, partially dismantled, non-operative or unregistered motor vehicles shall be considered a junkyard for the purposes of this section.

### Section 211. Board of Appeals Determination.

The Board of Appeals shall have the jurisdiction to hear and determine any claims as to whether a particular use is a valid [nonconforming use](#), or whether a nonconforming use has been improperly extended or enlarged, or any other matter relating to the nonconforming uses. Such jurisdiction may be exercised by an appeal from a decision of

the [Code Enforcement Officer](#) as hereinafter provided Any such direct application to the Board of Appeals shall be made on such forms and contain such information as the Board and/or the Code Enforcement Officer may determine and shall be delivered to the Code Enforcement Officer for submission to the Board.

**Section 212. Variance Criteria.**

In the event an application is made to the Board of Appeals for a variance to enlarge or alter a [nonconforming use](#), the Board shall apply the same criteria in determining the matter as would be applicable if the application had been made for property that was otherwise conforming. For example, if the application is to enlarge a [building](#) that already encroaches on a required side [yard](#), the Board shall use the criteria applicable to considering an area variance. If the application is to change the use to another nonconforming use, the Board shall use the criteria applicable to considering a use variance.



## ARTICLE III - RESIDENTIAL ZONING DISTRICT

### Section 301. Allowed Uses.

The following uses are allowed, as indicated, with a permit from the [Zoning Officer](#), within the residential district.

Use	Residential	See Section
One to Two <a href="#">Dwelling Units</a>	P	
Three to Four Dwelling Units	SPR	
Five to Twenty Dwelling Units	SPR	
<a href="#">Limited Day Care Facilities</a>	P	
<a href="#">Cultural Institutions</a>	SPR	
<a href="#">Government Offices</a>	SPR	
<a href="#">Public Safety Facilities</a>	SPR	
<a href="#">Public Park and Recreation Facilities</a>	SPR	
<a href="#">Religious Assembly</a> Facilities	SPR	
Private or Public Schools	SPR	
<a href="#">Minor Utilities</a>	SPR	
<a href="#">Congregate Living Facilities</a>	SPR	
<a href="#">General Day Care</a> Facilities	SPR	
<a href="#">Community Centers</a>	SPR	
<a href="#">Major Utilities</a>	SPR	
<a href="#">Funeral Homes</a>	SPR	
<a href="#">Bed and Breakfast Dwellings</a>	SPR	306
Farmer's Market	SPR	
<a href="#">Professional Offices</a> and <a href="#">Artists' Studios</a>	SPR	307
<a href="#">Home Businesses</a>	A	309
Private Residential Garage	A	
<a href="#">Construction Trailer</a>	A	310
<a href="#">Storage Container</a>	A	311
<a href="#">Signs</a> in accordance with these regulations.	A	702
<a href="#">Small-scale alternative energy facilities.</a>	A/SPR	
<a href="#">Agricultural Farm Stands.</a>	A	
Such other <a href="#">accessory uses</a> as are customarily incidental to permitted <a href="#">principal uses</a> .	A	

*A = Allowed as accessory to a primary use*

*P = Allowed as a primary use*

*SPR = [Site Plan](#) Review required*

**Section 302. Dimensional Requirements.**

The following chart indicates the required [lot](#) area and lot [frontage](#); setbacks and dimensions, depending on the number of [dwelling units](#) on the lot.

	One to Two Dwelling Units	Three to Four Dwelling Units	Five to Twenty Dwelling Units	Non-residential Use
Minimum lot area	7,500 sq.ft.	9,500 sq.ft.	37,500 sq.ft. for 5 units plus 5,000 sq.ft. for each additional du	7,500 sq.ft.
Minimum lot frontage	50 ft.	50 ft.	100 ft.	50 ft.
Front <a href="#">yard</a> setback - Principal building - accessory building	Section 304 Section 303	Section 304 Section 303	Section 304 Section 303	Section 304 Section 303
Minimum side <a href="#">yard</a> setback - Principal building - accessory building	15 ft. 5 ft.	15 ft. 5 ft.	15 ft. 5 ft.	15 ft. 5 ft.
Minimum rear <a href="#">yard</a> setback - Principal building - accessory building	30 ft. 5 ft.	30 ft. 5 ft.	30 ft. 5 ft.	30 ft. 5 ft.
Maximum <a href="#">height</a> - Principal building - accessory building	2.5 stories & 35 ft. 20 ft.	2.5 stories & 35 ft. 20 ft.	2.5 stories & 35 ft. 20 ft.	2.5 stories & 35 ft. 20 ft.
Maximum <a href="#">impervious surface</a>	60 %	60 %	60 %	60 %

**Section 303. Location and Size of [Accessory Buildings](#).**

Accessory buildings may not be located in front of the front face of the front-most principal building. The gross floor area of any single accessory building may not exceed the gross floor area of any single principal building.

**Section 304. Front Setbacks.**

Front setbacks shall be measured from the centerline of the road. The minimum required front setback for principal buildings shall be 40 ft.

A new principal building that (1) will be the front-most principal building on a lot and (2) has qualifying neighboring buildings, must be located such that its front setback is within 20% of the average front setback of the qualifying neighboring buildings or 40 ft, whichever is greater.

For the purpose of this section, qualified neighboring buildings are existing principal buildings that are:

1. on the same side of the road as the proposed building
2. the front-most principal building on their lot
3. partially or fully within 200 ft of any point of the proposed building

### Section 305. Affordable Housing Provisions

1. Purpose. The purpose of this section is to promote public welfare by providing safe, decent, and affordable housing for all incomes; to ensure enough housing, especially for low-income households; to mitigate housing shortage and balance the demand and supply of housing by constructing more housing units; to encourage developers to increase housing production by offering them incentives; and to integrate all residents of the County regardless of their income levels.
2. Affordable Housing Incentivized. Any new residential development shall be eligible to apply for incentives, as long as the development provides at least 20% of the project's total units as affordable housing to low-income households. If the formula results in any decimal fraction, all fractions shall be rounded up.
3. Location of Affordable Units. All affordable units shall be located on the same site as the rest of the project. All affordable units shall be dispersed throughout the project by being integrated with the market rate units.
4. Income Requirements. All affordable units shall be rented or sold to low-income households. No specific mix of income ranges is required.
5. Density Bonus
  - a. Bonus Permitted. Developers shall be allowed to construct bonus units in exchange for the provision of affordable housing.
  - b. Calculation of Density Bonus. The allowed increase in density shall be granted based on the number of affordable units provided in the development. The number of bonus dwelling units allowed shall be seventy-five percent (75%), rounded down, of the number of affordable units provided. Where the development provides sufficient affordable units, the dimensional requirements for the lot shall be calculated based on the number of dwelling units, not including the allowed bonus units.
6. Completion of construction: All affordable units shall be constructed concurrently with the market rate units. Progress rate of affordable units shall be the same as that of the market rate units.
7. Exterior appearance: Affordable units shall be constructed with similar exterior design and materials that are used in the market rate units. Similar landscaping shall be applied to both affordable units and the market rate units.
8. Interior appearance: Interior materials and amenities in the affordable units may be different from those used in the market rate units, provided that:
  - a. The number of bedrooms are proportional between affordable units and market rate units.
  - b. The affordable units are at least 80% of the size of the market rate units in the project, or are larger than minimum standards expressed in the following table, whichever is smaller.

Number of bedrooms	Unit size (square feet)
Studio/Efficiency	600
1	800
2	1000
3	1200
4 and more	1400

9. Period of Affordability
  - a. For-Sale Affordable Units. All for-sale affordable units shall remain affordable for a minimum of five years from the date of the initial sale of the unit. Owners may resell their units within that period, but the purchaser shall be a low-income household, or an organization that will maintain the units as affordable.
  - b. Rental Affordable Units. All rental affordable units shall remain affordable for forty-nine years. Initial developers may sell the rental affordable units to individuals or organizations. However, the subsequent owners shall maintain the units as affordable rental units for low-income households. If affordable rental

[units](#) are subsequently converted to [for-sale units](#), they shall meet the requirements of for-sale affordable units. The period of affordability for such for-sale affordable units shall be measured from the date of their initial sale as a for-sale unit.

10. **Approval Procedure.** [Developers](#) shall provide documentation to receive an approval for the [development](#) as part of their application to the Planning Board for [site plan](#) review or subdivision approval. All application procedures shall be the same as the general application for a permit, site plan review, or subdivision approval. However, the developer shall submit additional documentation as follows:

- a. [Site development](#) plan including the number, sizes, types of all affordable units.
- b. Site plan including allocation of the affordable units and the [market rate units](#).
- c. Timeline of construction for each of the affordable units and the market rate units.

Developers shall abide by all of the requirements under this law, prior to the issuance of a building permit. The Village of Trumansburg and the developer shall sign the agreement in a legally binding form. The submission of the agreement shall be completed along with additional documentation.

11. **Enforcement.** A [development](#) plan shall not be approved, and therefore a building permit shall not be issued, unless the development plan satisfies the requirements under this law. The Village of Trumansburg may deny, suspend, or revoke any development plan if the plan violates this law. The Village of Trumansburg may cancel any approved development plan or issued building permit if it fails to maintain the requirements for the required period of time; and may take legal action to stop or cancel the approval of the building permit.

#### **Section 306. [Bed and Breakfast Dwellings.](#)**

[Signage](#) shall be provided to direct guests to the off-street parking area.

#### **Section 307. [Professional Offices](#) and [Artists' Studios](#)**

1. **Use Limitations.** No more than one (1) Professional Office or Artists' Studio may be permitted on any individual [lot](#).
2. **Size Requirements.** Professional Offices and Artists' Studios shall be no more than 2,000 square feet in size.
3. **Other Requirements.** Professional Offices and Artists' Studios shall meet the following requirements:
  - a. All activities shall be carried on wholly within a [building](#).
  - b. No more than four persons shall be employed on-site in the business.
  - c. No vehicular traffic may be generated by the business in greater volumes than would reasonably be expected in the residential neighborhood, nor may it create unreasonable parking or traffic congestion for the residents of the immediate neighborhood. Any parking or traffic of such character, intensity, or continued duration that substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities shall be considered unreasonable.
  - d. There shall be no exterior display, no exterior storage of materials and no other exterior indication of the business, except for a [sign](#) as permitted in this law.
  - e. No offensive noise, vibration, smoke, dust, odors, heat or [glare](#) shall be produced.
  - f. Unless established within an existing building, the exterior appearance of the building shall be of similar design and materials and with similar landscaping as other buildings in the immediate area.

#### **Section 308. [Home Businesses](#)**

1. **Requirements.** Home Businesses shall meet the following requirements:
  - a. The occupation or profession shall be carried on wholly within the principal building or within a [building](#) or other structure accessory thereto.
  - b. No more than two non-residents of the [dwelling](#) shall be employed on-site in the Home Business.
  - c. No vehicular traffic may be generated by the Home Business in greater volumes than would reasonably be expected in the residential neighborhood, nor may it create unreasonable parking or traffic congestion for the residents of the immediate neighborhood. Any parking or traffic of

such character, intensity, or continued duration that substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities shall be considered unreasonable.

- d. There shall be no exterior display, no exterior storage of materials, and no other exterior indication of the Home Business or variation from the residential character of the principal building, except for a [sign](#) as permitted in this law.
- e. No offensive noise, vibration, smoke, dust, odors, heat, or [glare](#) shall be produced.
- f. No goods or products shall be publicly displayed or offered for sale outside of the dwelling or permitted accessory building.

**Section 309. [Construction Trailers.](#)**

Construction trailers may not remain for more than one year except upon approval by the Planning Board.

**Section 310. [Storage Containers.](#)**

Storage containers may not remain for more than six months except upon approval by the Planning Board.

**Section 311. Outdoor [Rubbish.](#)**

There shall be no outdoor accumulation of rubbish visible from the street in connection with any of the uses permitted.

**Section 312 Exterior Lighting.**

Property owners shall make reasonable attempts to design, construct and install exterior lighting with downcast and [fully-shielded light](#) fixtures in such a manner as to minimize the impact on adjoining properties, particularly near sensitive uses such as residences. Exterior lighting should be consistent with the [light fixture](#), color temperature, and illumination level recommendations of the Illuminating Engineering Society of North America (IESNA) and Dark Sky Society ([www.darkskysociety.org](http://www.darkskysociety.org)).

**Section 313 Design Requirements.**

Lots with one or two dwelling units shall be designed so that the front facade of the front-most principal building (1) is approximately parallel to the frontage line and (2) contains at least one primary entrance, porch, or stoop. Lots with three or more dwelling units shall be designed to emulate traditional examples of this nature in Trumansburg, to resemble large single-unit dwellings, or to resemble a fourplex, courtyard building, cottage court, townhouse, or multiplex as documented at <https://web.archive.org/web/20230428183700/https://missingmiddlehousing.com/types>

## ARTICLE IV – COMMERCIAL ZONING DISTRICTS

### Section 401. Permitted Uses.

The following uses are permitted, as indicated, within the three commercial districts.

Use	Downtown Commercial	West Gateway Commercial	East Gateway Mixed Use	Site Plan	See Section
<a href="#">Ambulance Services</a>		P		X	
<a href="#">Artists' Studios</a>	P	P	P	X	405
<a href="#">Banks and Savings and Loans</a> , with <a href="#">drive-through</a> service		P		X	
<a href="#">Banks and Savings and Loans</a> , without <a href="#">drive-through</a> service	P	SE	SE	X	408
<a href="#">Catering Services</a>	P	P	P	X	
<a href="#">Commercial Recreation and Entertainment</a>	P	P		X	
<a href="#">Eating and Drinking Establishments</a> , without <a href="#">drive-thru</a> service	P	P	P	X	
Eating and Drinking Establishments, with drive-thru service		P		X	
<a href="#">Food and Beverage Sales</a>	P	SE	SE	X	408
Cannabis Retail Dispensaries	P	SE	SE	X	408
<a href="#">Retail Nurseries</a>	P	P	P	X	
Business and <a href="#">Professional Offices</a>	P	P	P	X	
<a href="#">Pawn Shops</a>	P	P		X	
<a href="#">Personal Improvement Services</a>	P	SE	SE	X	408
<a href="#">Personal Services</a>	P	SE	SE	X	408
<a href="#">Postal Services</a>	P	SE	SE	X	408
<a href="#">Printing and Duplicating Services</a>	P	SE	SE	X	408
<a href="#">Retail Sales</a>	P	SE	SE	X	408
<a href="#">Retail Sales</a> , with <a href="#">dwelling units</a>	P	SE	SE	X	408
<a href="#">Gas Stations</a>		P	P	X	
<a href="#">Convenience Markets</a>	P	P	P	X	407

*Table continues on next page*

*A = Permitted as accessory to a permitted use with a Permit from the [Zoning Officer](#)*

*P = Permitted with a Permit from the Zoning Officer*

*SU = Permitted with a Special Use Permit from the Zoning Board of Appeals*

*SE = Permitted with a Special Exception from the Planning Board*

*X = [Site Plan](#) Review required*

Use	Downtown Commercial	West Gateway Commercial	East Gateway Mixed Use	Site Plan	See Section
<a href="#">Travel Services</a>	P	SE	SE	X	408
<a href="#">Hotels and Motels</a>	SU	P	SU	X	
<a href="#">Clubs and Lodges</a>	P	SE	SE	X	408
<a href="#">Cultural Institutions</a>	P	SE	SE	X	408
<a href="#">Emergency Health Care</a>	P	P	P	X	
<a href="#">Government Offices</a>	P	P	P	X	
<a href="#">Public Park and Recreation Facilities</a>	P	P	P	X	
<a href="#">Public Safety Facilities</a>	P	P	P	X	
<a href="#">Religious Assembly Facilities</a>	P	P	P	X	
<a href="#">Public or Private Schools</a>	P	P	P	X	
<a href="#">Minor Utilities</a>	P	P	P	X	
<a href="#">Funeral homes</a>	P			X	
<a href="#">Wholesale Nurseries</a>	P			X	
<a href="#">Vehicle Electronic Equipment Installation</a>		P		X	
Vehicle and Equipment Sales and Rentals		P		X	
Vehicle Storage		P		X	
Single-Family <a href="#">Dwellings</a>	A	A	P		406
Two-Family Dwellings	A	A	P		406
Multi-Family Dwellings	A	A	P	X	406
<a href="#">Community Centers</a>	SU	SU	SU	X	
<a href="#">Crop Production</a>		P			
Day Care Facilities	SU	SU	SU	X	
<a href="#">Residential Care Facilities</a>	SU	SU	SU	X	
<a href="#">Major Utilities</a>		SU		X	
<a href="#">Temporary Seasonal Retail Sales</a>	A	A	A		
<a href="#">Outdoor storage and display</a> of merchandise, materials, or equipment for a maximum period of 72 hours per quarter of a calendar year.	A	A	A		
Temporary fundraising activities of not-for-profit organizations, such as barbeques.	A	A	A		
<a href="#">Signs</a> in accordance with these regulations.	A	A	A		702
<a href="#">Small-scale alternative energy facilities.</a>	A/SU	A/SU	A/SU		
<a href="#">Agricultural Farm Stands.</a>		A	A		
Such other <a href="#">accessory uses</a> as are customarily incidental to permitted <a href="#">principal uses</a> .	A	A	A		

A = Permitted as accessory to a permitted use with a Permit from the [Zoning Officer](#)

P = Permitted with a Permit from the Zoning Officer

SU = Permitted with a Special Use Permit from the Zoning Board of Appeals

SE = Permitted with a Special Exception from the Planning Board

X = [Site Plan](#) Review required

**Section 402. Dimensional Requirements.**

The following dimensional standards are required within the three commercial districts.

	<b>Downtown (West) Commercial</b>	<b>Downtown (East) Commercial</b>	<b>West Gateway Commercial</b>	<b>East Gateway Mixed Use</b>
Minimum <a href="#">Lot</a> Size	7,500 sq. ft.	7,500 sq. ft.	7,500 sq. ft.	7,500 sq. ft.
Minimum <a href="#">Frontage</a>	75 ft.	75 ft.	75 ft.	75 ft.
Maximum <a href="#">Height</a>	35 ft.	35 ft.	35 ft.	35 ft.
<a href="#">Minimum Yards</a>				
- Front	0/5 ft.*†	10 ft. †	20/50 ft.***	10 ft.
- Side	0/5 ft.*	0/5 ft.**	15 ft.	15 ft.
- Rear	0/5 ft.*	0/5 ft.**	15 ft.	15 ft.

\* Within the Downtown (West) Commercial District, [buildings](#) may be located on the property line. If they are not located on the property line, they must be located at least 5 feet from the property line.

\*\* Within the Downtown (East) Commercial District, buildings may be located on the side and rear property line. If they are not located on the property line, they must be located at least 5 feet from the property line.

\*\*\* Within the West Gateway Commercial District, the minimum front yard setback shall be 50 feet along West Seneca Road and along State Route 96.

† Within the Downtown Commercial Districts, if parking is provided, it shall be located behind the front of the principal building.

**Section 403. Outdoor Storage.**

There shall be no outdoor storage of [rubbish](#) or garbage in connection with any of the uses permitted.

**Section 404. Exterior Lighting in the Downtown Commercial District.**

Property owners shall make reasonable attempts to design, construct and install exterior lighting in such a manner as to minimize the impact on adjoining residential properties.

**Section 405. [Artists' Studios](#) in Downtown Commercial District.**

Within the Downtown Commercial District, no artists' studio may contain a kiln or oven of any type.

**Section 406. Residential Uses in Downtown Commercial and West Gateway Commercial Districts.**

Residential uses within the Downtown Commercial and West Gateway Commercial Districts may only be located above the first floor of any [building](#).

**Section 407. [Convenience Markets](#) in the Downtown Commercial District.**

Convenience markets in the Downtown Commercial District shall not include [gas stations](#). Convenience markets in the Downtown Commercial District shall have hours of operation limited to between 6 AM and 1 AM.

**Section 408. Certain Uses in the West Gateway Commercial and East Gateway Mixed Use Districts.**

Certain uses are permitted only as Special Exceptions in the West Gateway Commercial District and in the East Gateway Mixed Use District. Those uses that are so identified in the above table shall be permitted by Special exception if and only if the Planning Board makes a finding that there is no viable location for the proposed use in the Downtown Commercial District.



### **Section 409. Design Requirements in the Downtown Commercial District.**

Development within the Downtown Commercial District shall conform to any design requirements that may be hereafter adopted by the Village Board of Trustees.

### **Section 410. Design Requirements in the West Gateway Commercial District.**

1. Purpose. The goal of this section is to create a sense of place, in accordance with the Village of Trumansburg Comprehensive Plan, while anticipating and planning for more intense commercial development that may occur given the location of this district and the presence or proximity to infrastructure and utilities. An emphasis should be placed on providing coordinated growth that relies on shared curb cuts and internal circulation systems, to preserve the character of road frontage, and to maintain safety and efficiency of highway corridors. Accordingly, development of properties within the West Gateway Commercial District for which site plan reviews are required shall comply with the additional design requirements to be evaluated as part of the site plan review.
2. Lighting and Utility Placement
  - a. Locate utilities underground to the furthest extent possible. All above ground utility boxes and similar facilities should be clustered and screened with landscaping.
  - b. Lighting should be appropriate to a village setting. For example, do not “over light” (too many lights or lights that are too bright); always include full shielding to eliminate glare; and, in large parking lots, minimize lighting to preserve dark skies and limit light pollution.
  - c. Strong contrasts between lit and unlit portions of a site should be avoided, in favor of lower-powered more evenly distributed lighting that is of similar character, intensity and color to neighboring properties in conformance with these regulations.
  - d. Canopy lighting should be fully recessed.
3. Parking and Site Layout
  - a. Parking should be located behind buildings so as to minimize visibility from Route 96.
  - b. Shared parking facilities and curb cuts should be provided.
  - c. Access to properties should be provided via side roads wherever possible. Where no such road or access currently exists, a new road should be provided that serves the current project and can be extended to accommodate future development. Distances between curb cuts on Route 96 should be maximized to the greatest extent possible.
  - d. Primary building entrances should face and provide a direct connection to any sidewalk systems.
4. Sidewalks and Streetscapes. Development projects shall, at the developer's expense, connect to the State Route 96 corridor, particularly where sidewalks and other pedestrian amenities are placed directly along the corridor. With respect to larger projects and sites, additional opportunities will exist to provide a pedestrian- friendly environment internal to the project site. The Village of Trumansburg Case Study in Tompkins County—Walkability Assessment Methodology and Case Studies (May 25, 2007) should be consulted.
5. Building Design and Appearance.
  - a. Façades, rooflines, and exterior walls should have three-dimensional variation to provide visual interest and variety.
  - b. Façades that face public streets or adjacent development should be subdivided and proportioned using features such as windows, entrances, arcades, arbors, and awnings for visual interest.
  - c. Entrances should be obvious, attractive, in scale with the building façade and have weather cover. Individual tenants should have separate entrances.
  - d. The composition of a multi-story building should present a clearly recognizable base, middle, and top.

### **Section 411. Design Requirements in the East Gateway Mixed Use District.**

1. Purpose. The goal of this section is to establish design principles that minimize the impact of commercial development in the East Gateway Mixed Use District on surrounding residentially zoned and/or developed properties, in accordance with the Village of Trumansburg Comprehensive Plan. An additional emphasis should be placed on maintaining safety and efficiency of Route 96. Accordingly, development of properties within the East Gateway Mixed Use District for which site plan reviews are required shall comply with the additional design requirements listed in this section to be evaluated as part of the site plan review.

2. Lighting and Utility Placement

- a. Exterior lighting shall be designed, constructed and installed in accordance with the following:
  - i. The light source shall not be directly visible from beyond any boundary of the [site](#) adjoining a residential zoning district and light rays may not be emitted by the installed fixture at angles above the horizontal plane of the fixture.
  - ii. No elevated exterior [light fixture](#) shall exceed fourteen (14) feet in [height](#). The height of light fixtures required for doors and decks can be measured from the walking surface they illuminate.
  - iii. There shall be no lighting of a blinking, flashing or fluttering nature, including changes in light intensity, brightness or color.
- b. Lighting should be appropriate to a village residential setting. For example, do not “over light” (too many lights or lights that are too bright); always include full shielding to eliminate [glare](#); and, in parking lots, minimize lighting to preserve dark skies and limit light [pollution](#). Strong contrasts between lit and unlit portions of a site should be avoided, in favor of lower-powered more evenly distributed lighting that is of similar character, intensity and color to neighboring properties in conformance with these regulations.
- c. Canopy lighting should be fully recessed.

3. Other Design Requirements

- a. Parking should be located so as not to be visible to residentially zoned and/or developed properties.
- b. Shared parking facilities and curb cuts are encouraged.
- c. Façades that face residentially zoned and/or developed properties should be subdivided and proportioned using features such as windows, entrances, arcades, arbors, and awnings for visual interest.

4. Building Design and Appearance. For new construction,

- a. Façades, rooflines, and exterior walls should have three-dimensional variation to provide visual interest and variety.
- b. Façades that face public streets or adjacent [development](#) should be subdivided and proportioned using features such as windows, entrances, arcades, arbors, and awnings for visual interest.
- c. Entrances should be obvious, attractive, in scale with the building façade and have weather cover. Individual tenants should have separate entrances.
- d. The composition of a multi-[story](#) building should present a clearly recognizable base, middle, and top.

## ARTICLE V – INDUSTRIAL DISTRICTS

### Section 501. Permitted Uses.

The following uses are permitted, as indicated, within the two industrial districts.

Use	Commercial Industrial	Mixed Use Industrial	Site Plan	Refer to Section
<a href="#">Ambulance Services</a>	P		X	
<a href="#">Artists' Studios</a>	P	P	X	
<a href="#">Building Materials and Services</a>	P		X	
<a href="#">Commercial Recreation and Entertainment</a>	P		X	
<a href="#">Communications Facilities</a>	P		X	
<a href="#">Limited Horticulture</a>	P	P		
<a href="#">Laboratories</a>	P	P	X	
<a href="#">Maintenance and Repair Services</a>	P		X	
<a href="#">Maintenance and Service Facilities</a>	P		X	
<a href="#">Wholesale Nurseries</a>	P	P	X	
<a href="#">Personal Improvement Services</a>	P		X	
Limited <a href="#">Personal Services</a>	P		X	
<a href="#">Postal Services</a>	P		X	
<a href="#">Printing and Duplicating Services</a>	P		X	
<a href="#">Research and Development Services</a>	P	P	X	
<a href="#">Vehicle and Equipment Sales and Services</a>	P		X	
<a href="#">Limited Warehousing and Storage</a>	P	SU	X	
<a href="#">Self-Service Warehousing and Storage</a>	P		X	
<a href="#">Industry, Artisan</a>	P	P	X	
<a href="#">Industry, Assembly</a>	P	SU	X	
<a href="#">Industry, Light</a>	P		X	
<a href="#">Industry, Research and Development</a>	P	P	X	
<a href="#">Storage and Distribution</a>	P		X	
<a href="#">Trucking Terminals</a>	P		X	
<a href="#">Aquaculture Facilities</a>		P	X	
<a href="#">Crop Production</a>	P			
<a href="#">Government Offices</a>	P	P	X	
<a href="#">Public Park and Recreation Facilities</a>	P	P	X	
<a href="#">Public Safety Facilities</a>	P	P	X	
<a href="#">Minor Utilities</a>	P	P	X	
<a href="#">Major Utilities</a>	P	P	X	
Single-Family <a href="#">Dwellings</a>		P		
Two-Family Dwellings		P		
Multi-Family Dwellings		P	X	
<a href="#">Bed and Breakfast Inns</a>		P	X	505.3
<a href="#">Recurring Swap Meets</a>	SU		X	
<a href="#">Retail Sales</a>	SU	A/SU	X	505.4/ 505.5

*Table continues on next page*

A = Permitted as accessory to a permitted use with a Permit from the [Zoning Officer](#)

P = Permitted with a Permit from the Zoning Officer

SU = Permitted with a Special Use Permit from the Zoning Board of Appeals

X = [Site Plan](#) Review required

Use	Commercial Industrial	Mixed Use Industrial	Site Plan	Refer to Section
<a href="#">Adult-Oriented Businesses</a>	SU		X	505.1
<a href="#">Animal Sales and Services</a>	SU	SU	X	505.2
<a href="#">Food Processing</a> , provided such use does not create any noise, fumes, or odors discernable from adjoining properties	SU	SU	X	
<a href="#">Temporary Seasonal Retail Sales</a>	A	A		
<a href="#">Outdoor storage and display</a> of merchandise, materials, or equipment for a maximum period of 72 hours per quarter of a calendar year.	A	A		
Outdoor storage of goods and supplies if screened so as to be substantially out of view from any residential district and from any public road.	A		X	
Temporary fundraising activities of not-for-profit organizations, such as barbeques.	A			
<a href="#">Signs</a> in accordance with these regulations.	A	A		702
<a href="#">Small-scale alternative energy facilities</a> .	A/SU	A/SU		
<a href="#">Agricultural Farm Stands</a> .	A			
Such other <a href="#">accessory uses</a> as are customarily incidental to permitted <a href="#">principal uses</a> .	A	A		

*A = Permitted as accessory to a permitted use with a Permit from the Zoning Officer*

*P = Permitted with a Permit from the Zoning Officer*

*SU = Permitted with a Special Use Permit from the Zoning Board of Appeals*

*X = Site Plan Review required*

## **Section 502. Dimensional Requirements.**

The following dimensional standards are required within the two industrial districts.

	Commercial Industrial	Mixed Use Industrial
Minimum <a href="#">Lot Size</a>	7,500 sq. ft.	N/A
Minimum <a href="#">Frontage</a>	75 ft.	N/A
Maximum <a href="#">Height</a>	35 ft.	35 ft./2 stories
<a href="#">Minimum Yards</a>		
- Front	20 ft.	50/100 ft.*
- Side	15/75 ft.**	50/75 ft.**
- Rear	15/75 ft.**	50/75 ft.**
Maximum Lot Coverage	N/A	50%***

*\*There shall be a minimum front yard depth of one hundred (100) feet from the property line along King Town Road or East Seneca Road whichever should be the abutting front road and a minimum of fifty (50) feet from any other street, except where the property on the other side of the street is in another district in which case there shall be a minimum set back of one hundred (100) feet.*

*\*\*Where a plot abuts property situated in another district, the distance of any [building](#), structure or parking area from the side and rear property lines shall be not less than seventy-five (75) feet.*

*\*\*\*The total coverage of buildings or structures on any plot or site shall not exceed fifty (50) percent of the plot area, which coverage shall include off-street loading and unloading facilities. The remaining fifty (50) percent shall be divided among areas for landscaped parks, sidewalks and accessory parking of vehicles.\*

### **Section 503. Outdoor Storage.**

There shall be no outdoor storage of [rubbish](#) in connection with any of the uses permitted.

### **Section 504. Exterior Lighting.**

Property owners shall make reasonable attempts to design, construct and install exterior lighting in such a manner as to minimize the impact on adjoining residential properties.

### **Section 505. Additional Provisions for Special Uses.**

In addition to the standards required for all uses that require a special use permit, the following provisions shall apply within industrial districts for the identified uses.

#### **Section 505.1. [Adult-Oriented Businesses](#)**

1. Purpose. The purpose of these conditions is to mitigate the negative secondary effects associated with adult-oriented businesses, and to provide for such uses to occur only in areas where the secondary effects will have a lesser impact than would be the case in other areas.
2. Limitations. [Adult-oriented businesses](#) are prohibited within 200 feet of any residential zoning district or any [dwelling](#), including structures devoted to both residential and commercial/business purposes. The distance shall be measured by following a straight line, without regard to intervening [buildings](#), from the nearest point of the space to be occupied by the adult-oriented business to the nearest [lot line](#) on which is located a use from which the adult entertainment business is to be separated or to the nearest point of the zoning district from which the adult entertainment business is to be separated.
3. General Requirements
  - a. No more than one adult-oriented business shall be permitted on any individual [lot](#).
  - b. All building openings, including doorways and windows, of the adult-oriented business shall be located, covered or screened in such a manner as to prevent a view into any adult-oriented business from outdoors.
  - c. No person under the age of 18 shall be permitted into or on the premises of any adult-oriented business.
  - d. No adult-oriented business shall display any exterior or outdoor advertising of any kind, other than [signage](#) complying with all of the requirements of this zoning law.
4. Lapse of Permit. Where a permit for an adult-oriented business has been granted, the applicant shall begin the project with six (6) months from the date of the granting of the permit. In the event the project is not completed within twelve (12) months, such permit shall be invalid.
5. Annual Renewal. Where a special use approval for an adult-oriented business has been granted it shall be valid for one (1) year. Renewal applications shall be submitted to the Board of Appeals for review.
6. Effect of Denial. No application for an adult-oriented business which has been denied wholly or in part shall be resubmitted for a period of one year from the date of denial, except on the grounds of new evidence or proof of changed conditions.

#### **Section 505.2. [Animal Sales and Services](#).**

Animal sales and services activities shall take place only within an entirely enclosed [building](#) except for regular exercise activities in the accompaniment of a human handler.

#### **Section 505.3. [Bed and Breakfast Inns](#).**

[Signage](#) shall be provided to direct guests to the off-street parking area.

**Section 505.4. [Retail Sales](#) in the Commercial Industrial District.**

In the Commercial Industrial District, retail sales, not to exceed 15,000 square feet in area, are permitted as a principal use by Special Use only upon a finding by the Zoning Board of Appeals that there is no other appropriate location for the proposed use elsewhere in the Village.

**Section 505.5. Accessory [Retail Sales](#) in the Mixed Use Industrial District.**

An accessory retail sales use may be located within any principal building with a gross floor area of 5,000 square feet or more, provided the retail sales use has no separate entrance, the hours of operation correspond with those of the principal use, and the total net public area of all such establishments within the [building](#) total to no more than 5 percent of the gross floor area, up to a maximum of 1,500 square feet.

**Section 506. Off-Street Parking in the Mixed Use Industrial District.**

Every use in the Mixed Use Industrial District shall provide in connection therewith garage space or required parking space off-street, for automobiles, in accordance with the requirements of this law and with the following provisions:

1. No parking area or space shall be used for any purpose other than the accessory parking of automobiles or other vehicles. In no case shall any storage, servicing or dismantling of automobiles or other vehicles, nor shall loading and unloading be permitted in the parking area.
2. No part of any parking area shall be used for the storage or abandonment of any vehicle.
3. All parking areas shall be screened with evergreens or with similar shrubbery so that such area shall be obscured from the view of adjacent properties with a residence or zoned for residential use.
4. No parking space, except as provided below, shall project into required front, side or rear [yard](#) space.
5. A parking area for vehicles owned by executives and/or visitors to the [site](#) may be provided within the required front yard. Such parking areas shall accommodate no more than twenty (20) vehicles, provided that the front yard has a depth of not less than seventy-five (75) feet, and that the entire parking area is located within a distance of twenty-five (25) feet of the principal building.

## ARTICLE VI – OVERLAY DISTRICTS

### Section 601. Effect of Overlay Districts.

Overlay Districts combine with and add to the regulations of the basic districts established in this Law. All uses in any Overlay District require a [Site Plan](#) Review.

### Section 602. Conservation Overlay Districts.

The intent of the Conservation Overlay Districts is to protect fragile natural areas, including stream corridors and [wetlands](#), where changes and/or [development](#) would be adverse to the environment, community values, public health, safety and general welfare of the Village, in accordance with the Village of Trumansburg Comprehensive Plan. The provisions of this section take precedence over any other zoning section, law or code to the extent that the provisions of this section are inconsistent with the other provisions.

### Section 603. [Site Plan](#) Review in Conservation Overlay Districts.

Any Site Plan Review conducted within a Conservation Overlay District shall include, in addition to any other requirements of this law, additional project review criteria and additional submission materials.

### Section 604. Stream Corridor Conservation Overlay District.

Section 723 of this Law establishes minimum stream buffers for perennial and [intermittent streams](#) throughout the Village. Within the Stream Corridor Conservation Overlay District, additional requirements apply.

#### Section 604.1. Protection Requirements for [Perennial Streams](#).

All perennial streams shall require a [riparian buffer](#) and a setback area. All [site plan](#) applications, special permits, special approval and variance applications, building permit applications, and excavation or fill permit applications shall require the delineation of any applicable riparian buffers and setback areas. Prior to any soil-disturbing activity, the riparian buffer and setback area shall be clearly delineated on [site](#) and shall be undisturbed until the project is complete.

1. [Riparian Buffer Established](#). The riparian buffer will begin at the top of the [stream bank](#) and extend a minimum of fifty (50) feet horizontally measured in a direction directly perpendicular to the stream bank in a horizontal plane. Should a [steep slope](#) or wetland exist within this riparian buffer the entirety of that area will be added to the measurement of the riparian buffer. In addition to those minimum requirements, [Site Plan](#) Review shall consider whether additional buffer width is appropriate along perennial streams within the Stream Corridor Conservation Overlay District to protect and promote:
  - a. Habitat and Biodiversity, by providing terrestrial wildlife habitat and travel corridors, and food and habitat in aquatic ecosystems.
  - b. Stream Stability, by attenuating flooding, stabilizing stream banks and preventing erosion of stream banks and streambeds.
  - c. Water Quality, by removing pollutants and moderating temperatures.
  - d. Financial Savings, by preventing property damage, reducing public investment and protecting public facilities from flooding or other hazards.
2. [Riparian Buffer Restrictions](#). Riparian buffers shall maintain native vegetation in a natural state. [Development](#) may not modify or interrupt more than 10% of the entire riparian buffer area unless necessary for the protection of human health, utility usage, public infrastructure, or the betterment of the riparian corridor. Development within the riparian buffer is limited to:
  - a. Benches or seating.
  - b. Educational and scientific research.
  - c. Flood control, stormwater management structures, and [stream bank](#) stabilization measures approved by the Tompkins County Soil and Water Conservation District, Natural Resource Conservation Service, Army Corps of Engineering, or NYS Department of Environmental Conservation.
  - d. Maintenance of roadways or [impervious surfaces](#) existing at the time of the adoption of this provision.
  - e. Stream crossings necessary to access the property by driveway, transportation route, or utility line which



- have minimal negative impacts on the stream and riparian buffer.
  - f. Public water supply intake or public wastewater outfall structures.
  - g. Public access and public recreational facilities that must be on the water including boat ramps, docks, foot trails leading directly to the stream, fishing platforms and overlooks.
  - h. Public sewer lines and/or other utility easements.
  - i. Non-paved recreational trails no wider than 10 feet that either provide access to the stream or are part of a continuous trail system running roughly parallel to the stream.
  - j. Temporary use of erosion control measures such as silt fencing.
3. **Setback Area Established.** The Setback Area will begin at the outward edge of the Riparian Buffer and extend an additional fifty (50) feet from the top of stream bank.
4. **Setback Area Restrictions.** Within the setback area development uses are restricted to the following:
- a. All development and uses permitted in the riparian buffer.
  - b. Minor recreational structures and surfaces to allow passive recreation in the setback area such as decks, picnic tables, playground equipment, and small concrete slabs, the total area of which is not to exceed 200 square feet each and in aggregate occupy no more than 10% of the setback area.
  - c. Fences, provided such structures do not impede floodwaters.
  - d. Landscaping, mowing, decorative planting or improvements that do not encroach upon or impact the integrity of the riparian buffer.

#### **Section 604.2. Submission Materials.**

In addition to any other materials required by this law, the proposed [site plan](#) shall show the location of the top of banks of any [perennial stream](#) within fifty (50) feet of the property.

#### **Section 604.3. Prohibited Activities.**

The following activities are explicitly prohibited within any [riparian buffer](#) or setback area:

- a. Storage or placement of any hazardous materials.
- b. Purposeful introduction of invasive vegetative species that reduce the persistence of native vegetation.
- c. Waste storage, placement, or disposal, including but not limited to disposal and dumping of snow and ice, recyclable materials, manure, hazardous or noxious chemicals, inoperative automobiles or appliance structures, and other abandoned materials.
- d. Mining or removal of soil, sand and gravel, and quarrying of raw materials.
- e. Dredging, deepening, widening, straightening or any such alteration of the beds and banks of natural streams except where the New York State Department of Environmental Conservation has issued a permit expressly allowing such activities.
- f. Application of herbicide, pesticides, fertilizers, or other chemicals.
- g. Parking of motorized vehicles, except as permitted as a Special Use by the Board of Appeals.

#### **Section 604.4. Exemptions.**

The following specific activities are exempt from the requirements of the Stream Corridor Conservation Overlay District.

- a. This section shall not apply to agricultural land use activity existing as of the effective date of this law.
- b. Work consisting of the repair or maintenance of any lawful use of land that is approved for such use on or before the effective date of this law.

#### **Section 605. Wetland Conservation Overlay District.**

##### **Section 605.1. Buffer Requirement.**

1. **Buffer Required.** A minimum setback of 100 feet shall be required from the delineated boundaries of all [wetlands](#) of two acres or more within the Wetland Conservation Overlay District. The Planning Board may, in reviewing any [site plan](#) within the Wetland Overlay District, require greater setbacks.



2. Exempt activities. The following activities shall be permitted within a Wetland Overlay District without a Site Plan Review provided they do not require structures, grading, fill, draining, or dredging:
  - a. Normal ground maintenance including mowing, trimming of vegetation.
  - b. Repair of existing decorative landscaping and planting native species.
  - c. Repair of existing walkways, walls, and driveways.
  - d. Public health activities, in emergencies only, of the County Department of Health and/or New York State Department of Health.
  - e. Operation of existing dams and water control devices.
3. Prohibited activities. The following activities are explicitly prohibited in both the setback area.
  - a. Storage or placement of any hazardous materials.
  - b. Purposeful introduction of invasive vegetative species that reduce the persistence of native vegetation.
  - c. Waste storage, placement, or disposal, including but not limited to disposal and dumping of snow and ice, recyclable materials, manure, hazardous or noxious chemicals, used automobiles or appliance structures, and other abandoned materials.
  - d. Mining or removal of soil, sand and gravel, and quarrying of raw materials.
  - e. Alteration of [wetlands](#) except where the New York State Department of Environmental Conservation or the U.S. Army Corps of Engineers has issued a permit expressly allowing such activities.
  - f. Application of herbicide, pesticides, fertilizers, or other chemicals.
  - g. Parking of motorized vehicles, except as permitted as a Special Use by the Board of Appeals.

#### **Section 605.2. Project Review Criteria.**

[Site Plan](#) Review within the Wetland Conservation Overlay District shall consider the impact of any proposed project on:

1. The ability of the wetland to filter harmful toxins, nutrients, and sediment from surface and stormwater runoff.
2. The ability of the wetland to store floodwaters and reducing the magnitude of flood events.
3. The ability of the wetland to provide valuable habitat for a diverse array of flora and fauna, including any existing rare, threatened, or endangered species.
4. The ability of the wetland to maintain surface-water flow during dry periods.
5. The impact of any excessive siltation resulting from surface runoff from construction [sites](#), road, bridge, and [pipeline](#) construction and lack of erosion control on [steep slopes](#).
6. The impact of [pollution](#) by road salt and chemical pollution from parking lots and treated lawns.
7. The impact of pollution by garbage, litter, and refuse.
8. The impact of a reduction in the flow of watercourses due to destruction of [wetlands](#).

#### **Section 605.3. Submission Materials.**

In addition to any other materials required by this law, the proposed [site plan](#) shall show the boundaries of any wetland as determined by field investigation. The Planning Board may require flagging and subsequent survey by a licensed land surveyor. The Planning Board may consult and/or may require the applicants to consult with approved biologists, hydrologists, soil scientists, ecologists, botanists, legal counsel, engineers, or other experts necessary to make this determination.

## ARTICLE VII - SUPPLEMENTARY REGULATIONS

### Section 701. Off-Street Parking.

Except in the Downtown Commercial District, off-street parking shall be required for all facilities established under this law in accordance with the following section.

#### Section 701.1. Parking Requirements

Facility Type	Required Off-Street Parking
<b>RESIDENTIAL FACILITIES</b>	
Residential structures	One (1) parking space per <a href="#">dwelling unit</a>
<a href="#">Congregate living facilities</a>	One (1) parking space for each five (5) beds, or fraction thereof, plus one (1) parking space per each employee normally present during one (1) weekday morning shift
<a href="#">Hotels; Motels; Bed and breakfast dwellings</a>	One (1) parking space for each <a href="#">sleeping unit</a>
<b>PUBLIC AND SEMI-PUBLIC FACILITIES</b>	
Schools, providing instruction for students up to and including those fifteen (15) years of age	One (1) parking space for each room used for purposes of instruction
Schools, providing instruction for students sixteen (16) years of age and over	One (1) parking space for each ten (10) seats or fraction thereof, used for purposes of instruction; if no fixed seats, one (1) parking space for each one hundred (100) square feet or fraction thereof used for purposes of instruction
<a href="#">Community centers</a>	One (1) parking space per 150 square feet, or fraction thereof, of floor area, excluding storage or mechanical equipment areas
Day care. General or Limited	One (1) parking space for each non-resident employee
Government buildings	One (1) parking space for each four hundred (400) square feet, or major fraction thereof, of floor area
<a href="#">Religious assembly</a>	One (1) parking space for each five (5) fixed seats; or if no fixed seats, one (1) parking space for each twenty-five (25) square feet, or major fraction thereof, of area in sanctuary or principal place of assemblage for worship in the church
<a href="#">Clubs and lodges</a>	One (1) parking space for each one hundred fifty (150) square feet, or major fraction thereof, of floor area
Public assembly, including <a href="#">Funeral homes</a>	If there are fixed seats, one (1) parking space for each five (5) seats, or fraction thereof. If there are no fixed seats, one (1) parking space for each one hundred (100) square feet, or fraction thereof, of assemblage space.

Facility Type	Required Off-Street Parking
<b>COMMERCIAL FACILITIES</b>	
<a href="#">Retail sales</a>	One (1) parking space for each two hundred (200) square feet of first floor area not used for bulk storage and one (1) parking space for each seven hundred (700) square feet, or major fraction thereof, for each floor above the first floor not used for bulk storage
Retail lumber and building materials	One (1) parking space per 5,000 square feet of gross floor area
<a href="#">Eating and drinking establishments</a>	One (1) parking space for each one hundred fifty (150) square feet, or fraction thereof, of floor area not used for bulk storage or food preparation
<a href="#">Professional Offices</a> & <a href="#">Artists' Studios</a>	One (1) parking space for each four hundred (400) square feet, or fraction thereof, of floor area
Banks or other financial institutions	One (1) parking space per 200 square feet of gross floor area, excluding storage or mechanical equipment areas
<a href="#">Personal services</a> , such as beauty shops, barber shops, and related services	Two (2) parking spaces per 200 square feet of gross floor area, excluding storage or mechanical equipment areas
<b>INDUSTRIAL FACILITIES</b>	
Self-service storage facility	One (1) parking space for every 10 units, or fraction thereof
Warehouse or wholesale distribution facility	One (1) parking space for every two (2) employees
Other industrial facilities	One (1) parking space for each of the maximum number of employees for which the plant is designed in the conduct of business or industry on the plot
<b>OTHER USES</b>	
Other uses	One (1) parking space for each one thousand (1,000) square feet of floor area, or major fraction thereof plus one (1) parking space for each employee on the shift with the most employees

### Section 701.2. Mixed Facilities.

For projects with more than one type of facility, if any one type of facility constitutes 90% or more of the facility size, parking shall be provided in accordance with that one type of facility. For projects with more than one type of facility, if no one type of facility constitutes 90% or more of the facility size, parking shall be calculated for each separate facility type and added to determine the project's entire parking requirement.

### Section 701.3. Loading Spaces.

For any non-residential uses established in a commercial or industrial district, there shall be one off-street loading space for each 20,000 square feet of gross floor area or portion thereof.

### Section 701.4. Parking Design Standards

1. In the residential districts, parking is prohibited in all front [yards](#), except in a single driveway. The driveway in the front yard shall be no more than 20 feet wide with the exception of a single hammerhead turnaround which is no more than 10 feet long and protrudes no more than 10 feet from the driveway.
2. In non-residential districts, parking is prohibited in all front yards.

3. The minimum allowable dimensions of a parking space are nine (9) feet wide by twenty (20) feet long. Parking spaces so designated for persons with disabilities should include, on one side, a minimum of an additional four (4) feet of width in order to accommodate wheelchair lifts.
4. Travel aisles for vehicles within a parking lot should be a minimum of twenty-two (22) feet in width for aisles intended for two-way traffic. Where angled parking with one-way traffic circulation is proposed, the minimum aisle width should be thirteen (13) feet if the angle of parking spaces is forty-five (45) degrees from the perpendicular, and eighteen (18) feet if the angle of parking spaces is sixty (60) degrees from the perpendicular.
5. Where a proposed parking area is larger than 1,000 sq ft in size, there should be a landscape plan approved by the planning board.
6. All off-street parking should be paved, surfaced or covered with gravel so as to be well-drained and should be provided with necessary access drives.
7. All parking areas are to be maintained in a well-kept condition.

### **Section 701.5. Parking Limitations**

In the residential districts, no more than two (2) [business-related vehicles](#) may be parked in such a way that they are visible from the [public right of way](#) unless approved by the Planning Board.

### **Section 702. [Signs](#)**

#### **Section 702.1. [Signs](#) Allowed In All Districts Without a Permit.**

The following signs are allowed in any zoning district without permit provided that if ground mounted, the top must not be over six feet above the ground, and if building mounted, must be flush mounted:

- a. One sign, not self-illuminated, denoting the name and location of office or property containing six (6) or more rental residential units, which sign may be located on the premises, and where the property lacks [frontage](#) on a public street, one sign may be placed along the access way to such premises, which sign must not exceed nine (9) square feet in area.
- b. One name plate, not self-illuminated, denoting the names and addresses of the occupants of the premises, not exceeding one hundred forty-four (144) square inches per [dwelling unit](#).
- c. Directional (entrance/exit) signs on premises, one for each access way, each not exceeding two (2) square feet in area and which must not include any trademarks or names of businesses conducted or products sold, and must include the minimum amount of lettering necessary to direct traffic.
- d. One sign or notice, having an area of thirty-two (32) square feet or less, erected by a public utility, necessary for the direction, information or safety of the public.
- e. One sign or bulletin board, not self-illuminated, customarily incidental to places of worship, libraries, museums, social clubs or societies, which sign or bulletin board must not exceed thirty-two (32) square feet in area or 6' in [height](#) and must be located on the premises of such institutions.
- f. Temporary signs as defined and regulated in this Article.

#### **Section 702.2 [Signs](#) Allowed in All Districts With a Permit.**

The following signs are allowed in any zoning district but require a permit, and if ground mounted, the top must not be over six (6) feet above the ground, and, if building mounted, must be flush mounted:

- a. One sign of a temporary nature, not self-illuminated, advertising real estate [developments](#), or construction projects, (during the period of development, not to exceed one year from the date of permit) is allowed in all districts. This sign must not exceed thirty-two (32) square feet in area and must advertise only the name of the architect, contractor, owner, [developer](#), and other project participants and such sign must not be illuminated in any manner. The permit may be renewed for two additional periods of one year each.
- b. One sign, not self-illuminated, identifying a real estate development, subdivision or neighborhood at each entrance. Such sign shall not be self-illuminated in any manner and shall not exceed (5) square feet in area.

Such sign shall set forth only the specific name of the real estate development, subdivision or neighborhood and no other information.

### **Section 702.3. Signs Allowed in Residential Districts.**

The following signs are allowed in the residential zoning districts but require a permit.

- a. Signs, not self-illuminated, identifying commercial uses in a residential building as follows:
  - i. for home businesses carried on or within the premises, one sign not exceeding three (3) square feet in area.
  - ii. for uses other than home businesses, one sign not exceeding six (6) square feet in area.
- b. No part of freestanding signs in a residential district shall be closer than fifteen (15) feet to the edge of street pavement, nor have a sign height greater than six (6) feet.

### **Section 702.4. Signs Allowed in Commercial, Mixed Use, and Industrial Districts.**

The following signs are allowed in the commercial and industrial zoning districts but require a permit

- a. A maximum of two signs per business are allowed. Only one projecting or freestanding sign is allowed for each business on the premises. One sign may be illuminated, but not both.
- b. For premises fronting on more than one Village street, signs may be allowed in accordance with the preceding for each of such frontages. The total size of signage allowed premises fronting on more than one Village street may not exceed 150% of the square footage allowed for a business that faces one Village street.
- c. Any projecting sign shall be limited to a maximum area of twenty (20) square feet.
- d. Any freestanding sign shall be limited to a maximum area of thirty-two (32) square feet. Freestanding signs shall not exceed fifteen (15) feet in height, measured from normal grade to the top of the sign. Wall and/or window signs shall be limited in size to forty (40) square feet, but not in excess of twice the building front linear footage.
- e. All non-street level businesses in a building shall be limited to a total sign area of twenty (20) square feet.
- f. Projecting signs that are attached to a building shall be allowed only when all parts thereof are at least three (3) feet back from the edge of street pavement and at least nine (9) feet above the surface of any sidewalk underneath the sign.
- g. Portable signs shall be allowed in commercial districts in accordance with the following conditions:
  - i. Portable signs must be placed so that they do not obstruct pedestrian traffic.
  - ii. Portable signs must not be more than thirty six (36) inches wide by forty eight (48) inches high.
  - iii. Where there is more than one business in a building, only one portable sign will be allowed. The portable sign may be shared.
  - iv. Portable signs may only be displayed when the establishment is open for business. Portable signs must be removed to allow for normal sidewalk maintenance.
- h. Marquee, canopy, and awning signs are limited to an area of twenty (20) square feet.
- i. Roof signs.

### **Section 702.5. Location.**

No signs may be erected or maintained in such a manner so as to project over or above any street, public highway or waterway. No part of a free standing sign shall be closer than fifteen (15) feet, measured horizontally, from the existing pavement edge of any public highway or street. Directional (entrance/exit) signs may be closer than fifteen (15) feet with the approval of the Zoning Officer.

### **Section 702.6. Permits and Fees.**

Except as otherwise herein provided, a person must not erect any sign as defined herein without first obtaining a permit therefore from the Zoning Officer. No sign, whether new or existing may hereafter be erected or altered, except in conformity with the provisions of this law.

1. Application for the permit must be made in writing by the property owner or his/her agent to the Zoning Officer, and upon forms prescribed and provided by the Zoning Officer.
2. Along with an application for a sign permit, the applicant must deliver to the Zoning Officer all required

fees.

3. It is the duty of the Zoning Officer, upon the filing of an application for a permit, to examine such plans, specifications and other data submitted with the application, and, if necessary, the [building](#) or premises upon which it is proposed to erect the sign or other advertising structure. If the proposed sign is in compliance with all the requirements of this Law, the Zoning Officer must issue a permit for the erection of the proposed sign.
4. If the sign authorized under any permit has not been completed within one year from the date of the issuance of such permit, the permit shall become null and void, but may be renewed, within fifteen (15) calendar days from the expiration thereof, upon payment of any required additional fee.

#### **Section 702.7. Maintenance of [Signs](#).**

Signs, marquees and awnings must be kept clean, in neat order and repair, and free from all hazards, such as but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety.

#### **Section 702.8. Removal of Certain [Signs](#).**

1. Any sign which advertises a business no longer conducting business on the premises or which does not have a valid permit must be removed within thirty (30) days by the owner of the premises upon which sign is located.
2. Notwithstanding anything hereinbefore contained, if the [Zoning Officer](#) determines that any sign is unsafe or is an actual or imminent traffic or other hazard or danger to the public, he may require that such sign be either removed or corrected to remove such hazards or dangers within a shorter period than above provided, but not less than two (2) days. If the sign is not removed or repaired within the required period, the Zoning Officer may remove or repair the sign and must assess all costs and expenses incurred in the removal or repair against the land or [building](#) on which such sign was located.

#### **Section 702.9. Temporary [Signs](#).**

1. Purpose and Findings. This section is enacted in order to establish reasonable regulations for the posting of temporary signs on public and private property. Temporary signs provide an important medium through which individuals may convey a variety of noncommercial and commercial messages. However, left completely unregulated, temporary signs can become a threat to public safety as a traffic hazard and detriment to property values and the Village's overall public welfare as an aesthetic nuisance. These regulations intend to: (1) balance the rights of individuals to convey their messages through temporary signs and the right of the public to be protected against the unrestricted proliferation of signs; (2) further the objectives of the Village's Comprehensive Plan; (3) protect the public health, safety, and welfare; (4) reduce traffic and pedestrian hazards; (5) protect property values by minimizing the possible adverse effects and visual blight caused by temporary signs; (6) promote economic development; and (7) ensure the fair and consistent enforcement of the temporary sign regulations specified below.
2. Temporary Signs Permitted in All Zones. Temporary signs may be posted on property in all zones of the Village without a permit, subject to the following requirements and those applicable provisions stated elsewhere in the Village's Sign Law.
  - a. The total square footage for temporary signs posted on a [building lot](#), in the aggregate, shall not exceed sixteen (16) square feet. The total square footage of a sign is measured to include all of the visible display area of one side of the sign.
  - b. No temporary sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, or any other type of street furniture, or otherwise create a hazard, including a tripping hazard, and shall be kept in good repair.
  - c. A temporary sign shall be designed to be stable under all weather conditions, including high winds.
  - d. No temporary sign shall be illuminated or painted with light-reflecting paint.
  - e. A temporary sign shall only be posted by, or with the consent of, the property owner or occupant.



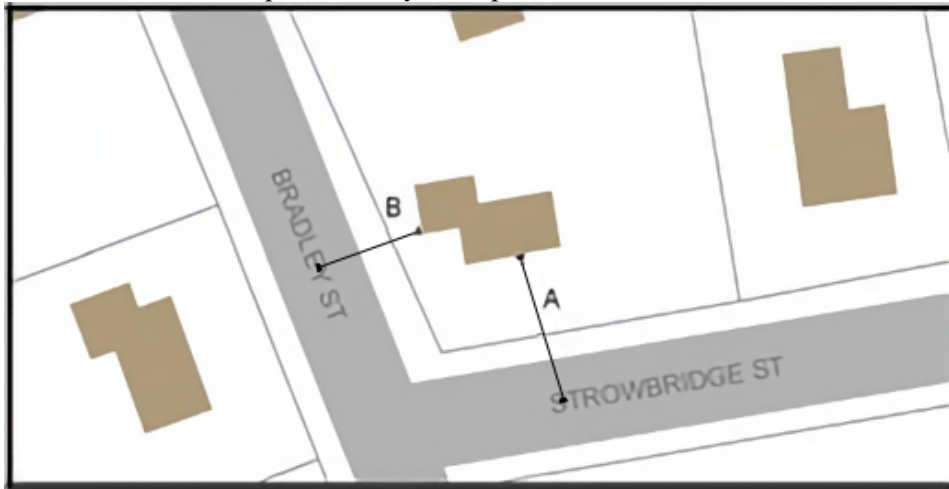
3. Authorization Required for Posting of Temporary Signs on Village-owned Property. Temporary signs shall not be posted on property owned by the Village without obtaining a permit for such posting from the Village Zoning Officer.
4. Removal Requirements for Temporary Commercial Signs. In addition to the requirements stated above, temporary commercial signs shall comply with the following requirements:
  - a. A temporary real estate sign shall be permitted for up to one year and, in any case, shall be removed within fourteen (14) days after the closing of title on or occupancy by a tenant on lease of the property.
  - b. All other commercial temporary signs, including those announcing yard sales and special events to occur on one or more particular dates, shall be permitted for up to thirty (30) days before and, in any case, removed within five (5) days of the conclusion of the sale or event that the sign is promoting.
5. Removal or Replacement of Signs.
  - a. The property owner of the building lot where a sign is posted is responsible for the sign's maintenance, removal or replacement.
  - b. The Village Zoning Officer is authorized to remove any temporary signs posted in violation of this Law that are not removed or replaced in accordance with the provisions above. Temporary signs posted on private property in violation of this Law shall be deemed a public nuisance, and the Village Zoning Officer may abate that nuisance in accordance with this law.
  - c. The Village Zoning Officer may immediately remove any temporary signs posted on public property or rights-of-way that are in violation of this Law or that constitute a hazard.

### Section 703. Animals.

Except for animal sales and services uses permitted by special use permit no land or buildings shall be used for harboring of animals other than common domestic household pets within the confines of the Village limits. Poultry and farm animals of any kind, including horses, are prohibited unless expressly permitted by Village Law.

### Section 704. Side Yard on Corner Lot.

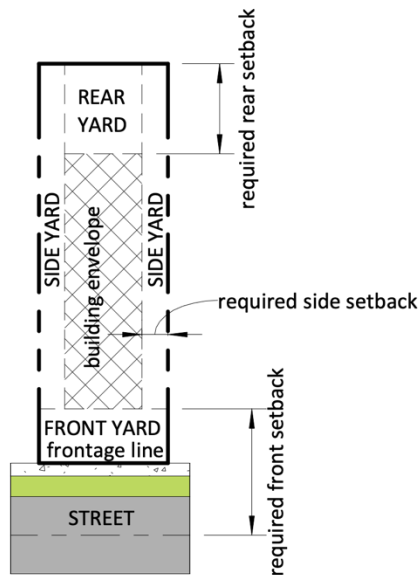
On a corner lot in any district, a yard on one street side shall be a front yard. The yard on any other street side shall be at least one-half the required front yard setback. On a corner lot, no accessory building may be nearer to the center line of the side street than the required front yard depth.



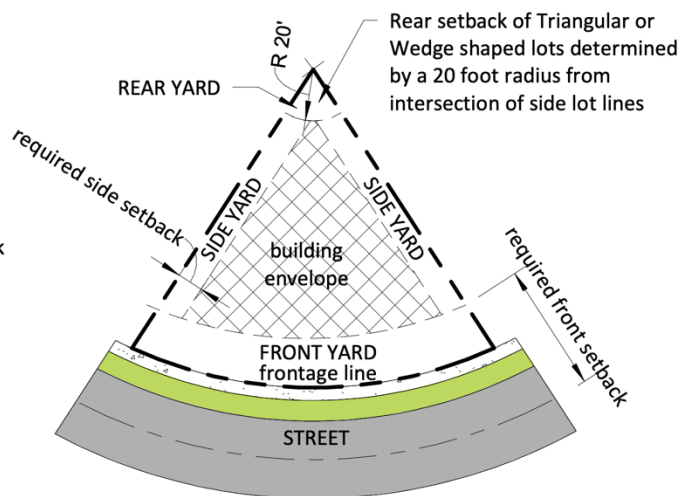
**Figure:** Corner Lot Yards. The lot shown shall be required to have a full front yard (A) along one street (in the figure, Strowbridge Street) and the front yard (B) along the other street (Bradley Street) at least equal to one-half of the minimum front yard requirements of the district

**Section 705. Irregular [Lots](#).**

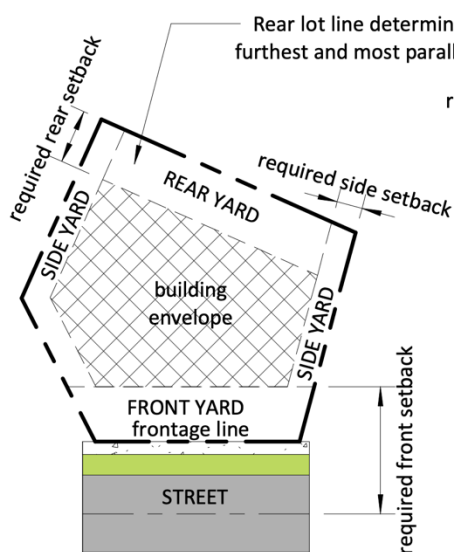
Setbacks for irregular lots must be in accordance with the diagram below. When the lot shape is irregular and not covered here reasonable judgment should be used in accordance with these rules.



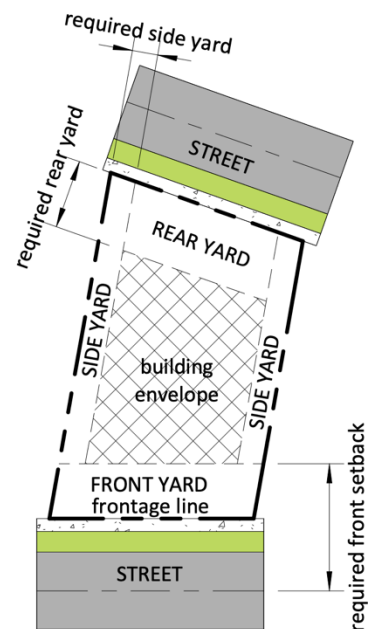
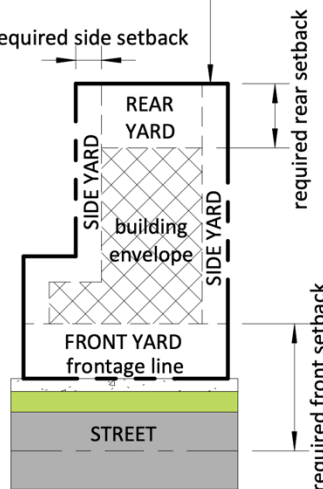
**STANDARD LOTS**



**WEDGE /TRIANGLE LOTS**



**LOTS WITH MORE THAN FOUR SIDES**



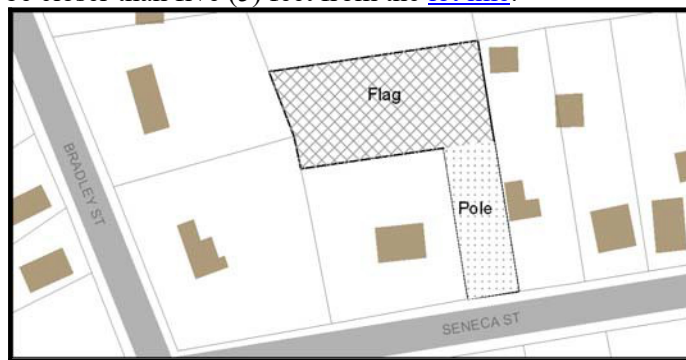
**THROUGH LOTS**



### Section 706. [Flag Lots.](#)

Flag lots may be permitted, subject to review and approval by the Planning Board and the following requirements:

1. The minimum [lot](#) area and lot width requirements of this law shall be measured exclusively upon the “flag” portion of the lot.
2. There shall be provided in connection with all [principal buildings and structures](#) setbacks no less than thirty (30) feet from all property lines.
3. The “pole” shall maintain a minimum width of thirty (30) feet and shall not exceed four hundred (400) feet in length. In approving a flag lot, the Planning Board shall consider the potential impact of driveways on improvements on adjoining properties.
4. No part of the “pole” shall be used for any portion of an on-lot sewage disposal system, nor any other improvement except a driveway and minor improvements such as landscaping, fencing, utility connections to off-site facilities, mailboxes, and [signs](#). Any driveway located in the pole must be in the center of the pole and in no case shall its edge be closer than five (5) feet from the [lot line](#).



**Figure:** Flag Lot with “flag” and “pole” identified.

### Section 707. [Yard Structures.](#)

Porches or carports, open at the sides, but roofed shall be considered a part of the [building](#) and are not allowed in required yards. Fixed appliances such as generators and outdoor units for air conditioners or heat pumps shall not be considered a part of the building and shall be allowed in required yards.

### Section 708. [Landscape Structures.](#)

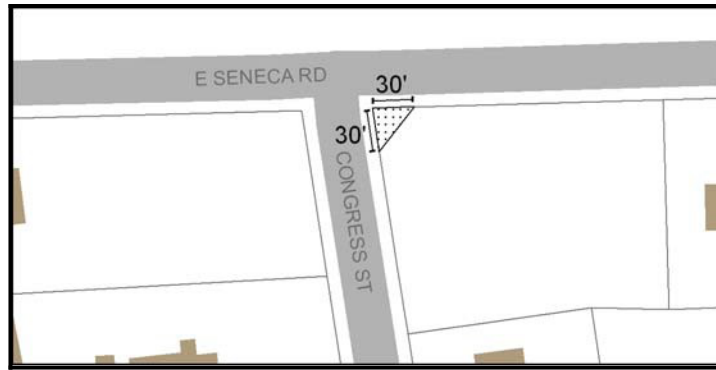
The provisions of this law shall not apply to fences not over six (6) feet nor retaining walls not over (4) feet high above the natural [grade](#), except as limited by the section addressing corner visibility. Terraces, steps, decks, or other similar features under thirty (30) inches above average finished grade and not attached to a [building](#) shall not be subject to the provisions of this law.

### Section 709. [Architectural Projections in Required Yards.](#)

Every part of a required yard shall be open from its lowest point to the sky unobstructed, except for the ordinary architectural projections of sills, belt courses, pilasters, leaders, chimneys, cornices, eaves and ornamental measures provided that no such projection may extend more than two (2) feet into any required yard and further provided that the sum of such projections on any wall shall not exceed one-third the length of such wall. An open fire balcony or fire escape may not extend more than four (4) feet into any required yard.

### Section 710. [Corner Visibility.](#)

In any district, no structure, fence or planting over three (3) feet in [height](#), measured from the center of the adjacent traveled way, shall be maintained on any corner [lot](#) within a triangular area formed by the [lot lines](#) along the streets to the points on such lines a distance of thirty (30) feet from their [street line](#) intersection, and a line connecting such points. Any fence or planting that does not conform to the requirements of this section and which constitutes a hazard shall be made to conform within one year from the date this law becomes effective.



**Figure:** Corner Visibility. The triangular area shown is to be kept free of obstructions to visibility as described in Section 713.

#### **Section 711. Reduction of Lot Area.**

Whenever a lot upon which stands a building is changed in size or shape so that the area and yard requirements of this law are no longer complied with, such building shall not thereafter be used until it is altered, reconstructed or relocated so as to comply with those requirements. The provisions of this section shall not apply when a portion of a lot is acquired for a public purpose or when a variance is obtained from the Board of Appeals

#### **Section 712. More than One Principal Building on a Lot.**

A site plan review is required if more than one principal building on a lot has a gross floor area greater than 800 sq ft or a height greater than 20 ft or both.

#### **Section 713. Lots in Two Zoning Districts.**

The Board of Appeals, under the conditions herein, is authorized to permit, as a special permit, the relocation of a zoning district boundary as shown on the Official Zoning Map into an adjoining district. The Board is so authorized only where a district boundary divides a parcel that was in single ownership when the zoning boundary was established.

1. For parcels less than three (3) acres in size, the zoning district boundary may be relocated no more than ten (10) feet from its original location.
2. For parcels three (3) acres or greater in size, the zoning district boundary may be relocated no more than fifty (50) feet from its original location.
3. This section shall not apply where the district boundary is a street.
4. The applicant for such a change shall be required to submit a survey of the new location of the zoning district boundary.

#### **Section 714. Location of Certain Activities.**

Other provisions of this law notwithstanding, the following uses or activities shall not be permitted nearer to any residential district than the following specified distances:

1. Garage or shop for the painting of automobiles or for the repairing of automobile bodies or fenders involving hammering or other work causing loud or unusual noise, fumes or odors – two hundred (200) feet.
2. Theatre, dance hall, bowling alley, skating rink – two hundred (200) feet.

**Section 715. Extraction of Natural Products.**

In any district, the removal of sod, loam, sand, gravel or quarried stone for sale, except when incidental to, or in connection with, the construction of a [building](#) shall be prohibited.

**Section 716. Access to Business or Manufacturing Use.**

No driveway or other means of access for vehicles, other than a public street, shall be maintained or used in any residence district for the servicing of a business or manufacturing use located in a commercial or industrial district.

**Section 717. [Gas Stations](#).**

No gasoline or oil pump, no oiling or greasing mechanism and no other service appliance installed in connection with any gasoline sales station or public garage shall be within thirty (30) feet of any street right-of-way or within fifty (50) feet of any residential zoning district.

**Section 718. [Swimming Pools](#).**

All swimming pools shall be constructed and installed in accordance with the requirements of the New York State Uniform Fire Prevention and Building Code and require a building permit. Swimming pools shall meet the setback requirements for [accessory buildings](#).

**Section 719. Stream Buffers.**

This section is intended to promote the prevention of sediment, nutrient and pollutant loads from entering streams by maintaining stream buffers from the top of [stream bank](#).

**Section 719.1. Protection Requirements for Perennial and [Intermittent Streams](#).**

All perennial and intermittent streams shall require a [riparian buffer](#) with a total width of fifty (50) feet from the top of [stream bank](#). All [site plan](#) applications, special permits, special approval and variance applications, building permit applications, and excavation or fill permit applications shall require the delineation of any applicable riparian buffers. Prior to any soil-disturbing activity, the riparian buffer shall be clearly delineated on [site](#) and shall be undisturbed until the project is complete.

**Section 719.2. [Riparian Buffer](#).**

The riparian buffer will begin at the top of the [stream bank](#) and extend a minimum of fifty (50) feet horizontally measured in a direction directly perpendicular to the stream bank in a horizontal plane. Should a [steep slope](#) or wetland exist within this riparian buffer the entirety of that area will be added to the measurement of the riparian buffer. Riparian buffers shall maintain native vegetation in a natural state. [Development](#) may not modify or interrupt more than 10% of the entire riparian buffer area unless necessary for the protection of human health, utility usage, public infrastructure, or the betterment of the riparian corridor. Development within the riparian buffer is limited to:

- a. Benches or seating.
- b. Educational and scientific research.
- c. Flood control, stormwater management structures, and stream bank stabilization measures approved by the Tompkins County Soil and Water Conservation District, Natural Resource Conservation Service, Army Corps of Engineering, or NYS Department of Environmental Conservation.
- d. Maintenance of roadways or [impervious surfaces](#) existing at the time of the adoption of this provision.
- e. Stream crossings necessary to access the property by driveway, transportation route, or utility line which have minimal negative impacts to the stream and riparian buffer.
- f. Public water supply intake or public wastewater outfall structures.
- g. Public access and public recreational facilities that must be on the water including boat ramps, docks, foot trails leading directly to the stream, fishing platforms and overlooks.
- h. Public sewer lines and/or other utility easements.
- i. Non-paved recreational trails no wider than 10 feet that either provide access to the stream or are part of a continuous trail system running roughly parallel to the stream.
- j. Temporary use of erosion control measures such as silt fencing.

### **Section 719.3. Exemptions.**

The following specific activities are exempt from the requirements of this section.

- a. This section shall not apply to agricultural land use activity existing as of the effective date of this law.
- b. Work consisting of the repair or maintenance of any lawful use of land that is approved for such use on or before the effective date of this law.

### **Section 719.4. Prohibited Activities.**

The following activities are explicitly prohibited in the [riparian buffer](#).

- a. Storage or placement of any hazardous materials.
- b. Purposeful introduction of invasive vegetative species that reduce the persistence of native vegetation.
- c. Waste storage, placement, or disposal, including but not limited to disposal and dumping of snow and ice, recyclable materials, manure, hazardous or noxious chemicals, used automobiles or appliance structures, and other abandoned materials.
- d. Mining or removal of soil, sand and gravel, and quarrying of raw materials.
- e. Dredging, deepening, widening, straightening or any such alteration of the beds and banks of natural streams except where the New York State Department of Environmental Conservation has issued a permit expressly allowing such activities.
- f. Application of herbicide, pesticides, fertilizers, or other chemicals.
- g. Parking of motorized vehicles, except as permitted as a Special Exception by the Board of Appeals.

### **Section 720. [Private Roads](#).**

Any private road that can act as a through road between two public roads shall be constructed to meet Village specifications for right-of-way, [grade](#) and cross section, as approved by the Village Superintendent of Public Works or Village Engineer.

## ARTICLE VIII - ADMINISTRATION

### Section 801. Permits.

1. No structure shall be erected, added to, or structurally altered until a permit therefore has been approved by the [zoning officer](#) and a building permit has been approved by the [code enforcement officer](#). Except upon a written order of the Board of Appeals, no such permit or certificate of occupancy shall be issued for any [building](#) where said construction, addition or alteration or use thereof would be in violation of any of the provisions of this law.
2. There shall be submitted with all applications for permits one (1) copy of a layout or plot plan drawn to scale showing the actual dimensions of the [lot](#) to be built upon, the exact size and location on the lot of the building and [accessory buildings](#) to be erected and such other information as may be necessary to determine and provide for the enforcement of this law.
3. No permit shall be issued when the estimated cost of the proposed structure obviously indicates that it is materially inferior in construction or design to the buildings existing in the vicinity in which it is to be constructed, to the detriment of existing property owners and devaluation of their properties.
4. Unless there has been substantial progress in the work for which the permit was issued, said permit shall expire one year from the date of issue.

### Section 802. Certificate of Occupancy

1. No [building](#) shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the [code enforcement officer](#), stating that the buildings or proposed use thereof complies with the provisions of this law.
2. No [nonconforming use](#) shall be maintained, renewed, changed or extended without a certificate of occupancy (certificate of use therefore) having first been issued.

### Section 803. Enforcement.

This law shall be enforced by a [zoning officer](#) who shall be appointed by the Village Board of Trustees. No permit or certificate of occupancy shall be issued except where all the provisions of this law have been complied with, unless by written order of the Board of Appeals.

### Section 804. Violations and Penalties.

A violation of this law is an offense punishable as specified by law Local Law No. 2 of 2011 and in New York State Village Law § 7-714

### Section 805. Complaints of Violations.

Whenever a violation of this law occurs, any person may file a complaint in regard thereto. All such complaints must be made in writing and shall be filed with the [Zoning Officer](#), who shall properly record such complaint and immediately investigate and report thereon to the Board of Trustees, and refer such cases to the Board of Appeals where necessary.

### Section 806. Board of Appeals Established.

1. Creation, appointment and Organization. A Board of Appeals is hereby created, to be known as the Zoning Board of Appeals of the Village of Trumansburg, New York. Said Board shall consist of five members, each to be appointed by the Board of Trustees of the Village of Trumansburg, Re-appointments shall be for five- year terms. The Board of Trustees shall appoint a chairman from the Board of Appeals membership and shall prescribe rules for the conduct of its affairs.

2. **Powers and Duties.** The Board of Appeals shall have all the power and duties prescribed by law and by this law, which are more particularly specified as follows:
  - a. **Interpretation.** Upon appeal from a decision by the [Zoning Officer](#), to decide any question involving the interpretation of any provision of this law, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
  - b. **Special Use Permits.** To issue special use permits for any of the uses for which this law requires the obtaining of such permits from the Board of Appeals.
  - c. **Variances.** To vary or adapt the strict application of any of the requirements of this law.

#### **Section 807. Special Use Permits.**

1. Special uses are uses for which approval of the Board of Appeals is required and for which conformance to additional standards is required, in addition to all other requirements of this law. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific case or use shall be considered as an individual case.
2. A plan for the proposed [development](#), alteration or extension of a [site](#) for a permitted special use shall be submitted with an application for a special use permit, and such plan shall show the location of all [buildings](#), parking areas, traffic access and circulating drives, open spaces, landscaping, and any other pertinent information that may be necessary, in the sole discretion of the Board, to determine if the proposed special use meets the requirements of this law.
3. Normal maintenance of an approved special use shall not require an additional review by the Board of Appeals. Small extensions of an approved special use, not to exceed 10% of the originally approved special use, shall not require an additional review by the Board of Appeals.
4. A special use permit shall be deemed to authorize only one particular special use and shall expire if the special use shall cease for more than six (6) months for any reason.
5. The Board of Appeals shall hold a public hearing to consider each application for a special use permit.
6. No permit shall be issued for a special use for a property where there is an existing violation of this law.
7. The following standards shall apply to all special uses:
  - a. The location and size of the use, the nature and intensity of the operations involved, the size of the [site](#) in relation to it, and the location of the site with respect to the existing or future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district, and the location, nature and [height](#) of buildings walls, and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
  - b. Operations in connection with any special use shall not be more objectionable in nature to nearby properties by reason of noise, fumes, vibration, flashing lights, increased traffic or any other objectionable reasons, than would be the operations of any permitted use.
  - c. The special use shall be in conformance with the Village of Trumansburg Comprehensive Plan.
8. Some special uses, as enumerated in this law, shall be required to meet additional standards.

#### **Section 808. Use Variances.**

1. The Board of Appeals, on appeal from the decision or determination of the [zoning officer](#), shall have the power to grant use variances, as defined herein.
2. No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,

- a. the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
  - b. that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
  - c. that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
3. that the alleged hardship has not been self-created. The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
  4. The Board of Appeals shall, in the granting of use variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

### **Section 809. Area Variances.**

1. The Board of Appeals shall have the power, upon an appeal from a decision or determination of the [zoning officer](#), to grant area variances as defined herein.
2. In making its determination, the Board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:
  - a. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
  - b. whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
  - c. whether the requested area variance is substantial;
  - d. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
  - e. whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
3. The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
4. The Board of Appeals shall, in the granting of area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

### **Section 810. Procedures of the Board of Appeals.**

1. The Board of Appeals shall act in strict accordance with the procedure specified by law and by this law. All appeals and applications made to the Board shall be made in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of the law involved, and shall exactly set forth the interpretation that is claimed, the use for which a special permit is sought or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.
2. Every decision of the Board of Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case. Each such resolution shall be filed in the office of the Village Clerk together with all documents pertaining thereto. The Board of Appeals shall notify the Board of Trustees of each special use permit and each variance under the provisions of this law.



3. The applicant shall bear the cost of advertising as required in connection with public hearings.

### **Section 811. Planning Board.**

The Village of Trumansburg Planning Board was established to review and make recommendations on the village comprehensive plan and amendments to that plan; to make investigations and prepare maps, reports, and recommendations in connection with issues related to the comprehensive plan; and to make investigations and prepare reports and recommendations on any other matter referred to them by the village board of trustees. The Planning Board also has the authority to review [site plans](#), subdivision plans, special exceptions, and other [development](#) approvals.

### **Section 812. [Site Plan](#) Review.**

The following shall be subject to [site plan](#) review:

- a. New construction, [reconstruction](#), or [expansion](#) of [residential development](#) except single-[lot](#) development of a single-unit detached [dwelling](#) or a two-unit dwelling.
- b. New construction, reconstruction, and/or expansion of all nonresidential development.

#### **Section 812.1. Other permits and approvals.**

The Planning Board decision to approve a [site plan](#) does not excuse an applicant from obtaining and complying with all other permits and approvals that may be needed.

1. [Permits](#). For projects subject to Site Plan Review, Permits shall be issued only after Site Plan Review approval. When an application is for a permit for sitework only, the permit may be issued based on preliminary or preliminary conditional Site Plan Review approval, following adequate review of at least the layout and grading components of the site plan. In a case where a conditional Site Plan Review approval has been given, no certificate of occupancy or completion shall be issued until final Site Plan Review approval has been given and all provisions of such final approval have been met. Any costs for [site](#) adjustments required in the final Site Plan Review shall be borne by the applicant.
2. [Use Variance](#). Any required use variance must be obtained from the Board of Appeals before a site plan can be approved by the Planning Board.
3. [Area Variance](#). Any required area variance must be obtained from the Board of Appeals before a site plan can be approved by the Planning Board.
4. [Special Use Permit](#). Any required special use permit must be obtained from the Board of Appeals before a site plan can be approved by the Planning Board.

#### **Section 812.2. Project Review Criteria.**

[Site Plan](#) Review shall, where applicable, include, but shall not be limited to:

1. [General Criteria](#)
  - a. The arrangement, location, size, design, and general [site](#) compatibility of proposed [buildings](#), landscaping, lighting, open spaces and buffers, and outdoor waste facilities, including
    - i. If a trash compactor unit is to be used, this unit shall be attached to the building and be screened in with materials and colors that are consistent with the building that it serves. Also, an effort to minimize the noise of the compactor unit from adjacent properties shall occur.
    - ii. Dumpsters must be screened with materials and/or colors that are consistent with the building that it serves.
    - iii. Loading docks, if attached to a building, must be screened with materials and colors that are consistent with the building that it serves (i.e. loading docks attached to a brick building must be screened with brick walls).
    - iv. If possible, antennas, satellite dishes, air handling units and other mechanical equipment placed on a roof should not be visible from the street.
    - v. The usage of metal-sided buildings as façades for primary structures should be minimized,



especially in highly visible areas and along principal commercial corridors.

- vi. All new construction or redevelopment of a property should, to the greatest practical extent, utilize materials and design that is either evocative or respectful of a historic/village setting. This should include wood and stone for primary façades.
  - b. The arrangement, location and adequacy of vehicular access and circulation, including intersections, road widths, pavement surfaces, off-street parking and loading areas, and traffic controls, including
    - i. Provide automobile connections to adjacent [lots](#) and [developments](#) through shared access roads, linked parking, etc.
    - ii. Minimize entry points and curb cuts. Temporary curb cuts may be provided for individual sites, as they are developed. However, as additional sites are developed, such curb cuts may be abandoned in favor of a safe and conveniently located curb cut that serves multiple, adjoining businesses.
  - c. The arrangement, location and adequacy of pedestrian and bicycle access and circulation, and appropriate provisions for handicapped persons, including
    - i. Provide pedestrian connections between adjacent commercial developments through sidewalks, multi-use paths, etc.
    - ii. Establish a pleasant, walkable environment for pedestrians through landscaped sidewalks and multi-use trails.
    - iii. Utilize a consistent theme of street trees, other landscaping elements, and pedestrian amenities to provide a unified streetscape.
    - iv. Provide internal pedestrian connections (on site, from parking lots, to adjacent lots, etc.) through pedestrian walkways and access to and around development.
    - v. Bicycle racks are encouraged and should be placed in easily observable locations.
    - vi. Access to public transportation (Tompkins Consolidated Area Transit (TCAT), or other transit service) should be provided at visible, attractive, and safe locations in consultation with the relevant transit service providers.
  - d. The adequacy of provision for fire protection, storm water, sediment, erosion management, drainage, water supply, and sewerage disposal;
  - e. In the case of residential [site plans](#), the arrangement, location and adequacy of any proposed open space and recreational facilities;
  - f. The adequacy of arrangements for the protection of adjacent neighboring properties from any undue disturbance, such as may be caused by excessive or unreasonable noise, [glare](#), vapors, smoke, fumes, dust, odors, or stormwater runoff;
  - g. Determination under SEQR and compliance with the State Environmental Quality Review Act and the Village Environmental Quality Review Law.
  - h. Conformance with the Village of Trumansburg Comprehensive Plan.
  - i. Compliance with this Article and any other applicable Village rules and regulations and policies.
2. Criteria for plant materials and maintenance. All projects shall provide for adequate types and arrangements of landscaping, both to enhance the [site](#) and to complement the architectural components of the [development](#) and to screen or buffer adjacent uses in public ways. Where possible and reasonable, trees shall be planted in a strip adjacent to the road. Specifications governing tree species, size, spacing and method and location of planting, as well as appropriate guarantees for tree health may be required. Where possible and reasonable, any trees greater than eight inches in diameter at breast height of desirable species and in good health and sound structure, as determined by the reviewer's designee, should be retained on the site and protected during development.
- a. Deciduous trees shall have a caliper of at least 2 1/2 inches at the time of planting unless specific exemptions to this are granted. Size of evergreen trees and shrubs shall be allowed to vary depending on location and type of plant material (species).
  - b. The owner shall replace dead, dying, and/or seriously damaged plant materials within a reasonable time period during the current (or immediate next) planting season. Any other damaged or missing elements, including but not limited to fences, bollards, [signs](#), shrubs, street furniture, etc., of the approved plan must be similarly replaced by the owner. This will assure that landscaping remains in compliance with the final site plan as approved by the Planning Board.
  - c. Notwithstanding any provision in this chapter or any other village law or regulation to the contrary, an approved site plan may not be modified without express written approval of the Planning Board except as approved by the [Zoning Officer](#) as specified herein above.

- d. All required street trees should be placed between the edge of the road and the parking area or front building line, whichever is closest.
  - e. Parking areas located between structures and the road should be softened with a low growing hedge and/or an attractive fence or wall.
  - f. Large expanses of parking should be broken up with tree and shrub plantings.
  - g. A transition zone consisting of pedestrian amenities and landscaping should occur between [buildings](#) and parking areas.
3. Criteria for parking areas where applicable. The general criteria above shall apply also to parking area [development](#). These are intended to be minimum criteria. The Board may make such additional reasonable conditions as it deems appropriate to carry out the intention of this law. The following criteria shall apply:
- a. There shall be screening or fencing between a parking area and adjacent properties and public ways, except where there is parking that is shared by more than one property or where commercial properties abut. In such cases the Board may require landscaping as it deems appropriate.
  - b. Additionally, the Planning Board will be guided by the parking standards set forth in Article XVII and may, as appropriate, require elements of those standards.
4. Natural Site Design. Site design shall recognize and respect the site's natural features, creating a balance between the program of the new development and the environmental impact. By recognizing and building with the existing topography, it becomes possible to integrate stormwater management into the design, lessen the amount of grading and erosion, and thereby lessen the environmental impact to surrounding areas. In addition, by incorporating the site's natural features into the site design, it becomes possible to create a more aesthetically relevant place that fits into its context.
- a. Existing mature trees should be maintained, where possible, and species selected for planting should be appropriate for this region and microclimate of the setting.
  - b. Utilize native vegetation and avoid invasive species.
  - c. Development should minimize and balance cut and fill, utilize gentle grading and avoid abrupt [grade](#) transitions. Any grade changes shall be in keeping with the general appearance of neighboring developed areas.
  - d. Utilize sensitive construction practices and erosion control (limit soil erosion and disturbance).
  - e. Natural drainage ways, contours and landforms should be respected and disturbance to these areas should be minimized.
  - f. Utilization of "green techniques" for handling stormwater and runoff are encouraged where feasible, such as bio-retention swales, pervious paving materials and pervious alternatives to asphalt and concrete, such as modular paving systems or reinforced grass block (or other "dust-free" materials).

### **Section 812.3. [Site Plan](#) Review Procedures.**

- 1. Process initiation. The [Zoning Officer](#) shall determine whether Site Plan Review is required when a zoning or demolition permit is applied for. Such determinations may be appealed to the Planning Board within 30 days of the written notification that Site Plan Review is required.
- 2. Site Plan Review procedures.
  - a. Sketch Plan Conference. This step may occur before the application for a permit if it can be reasonably assumed that Site Plan Review would be required, in order to inform the applicant of the Site Plan Review process and to explain the standards for approval, before substantial time and effort are invested in the preparation of plans. The Zoning Officer should determine at this stage whether the proposal is a project of limited scope as defined above.
  - b. Submission of application materials. Application for site plan approval shall be made to the Zoning Officer. If the project is deemed above the threshold of projects of limited scope as defined above, the application will be forwarded to the Planning Board for Site Plan Review. If the project is deemed within the thresholds of projects of limited scope as defined above, the Zoning Officer shall conduct Site Plan Review. In either case, each application for site plan approval shall contain, at a minimum, the following information:
    - i. Name and address of applicant;

- ii. Name and address of owner(s) of record, if different from the applicant;
  - iii. Name and address of person or firm preparing the site plan map;
  - iv. Current zoning classification of property;
  - v. Applicable application fee(s);
  - vi. The number of copies of materials required to be submitted.
  - vii. Detailed site plan showing all elements integral to the proposed project, at a scale of no less than one inch equals 100 feet, including, but not limited to:
    - 1. north arrow, scale, and submitted date;
    - 2. property lines, including metes and bounds;
    - 3. name and addresses of all property owners of all parcels abutting the [site](#), or within 500 feet of the perimeter boundary of the site, including owners of easements or right-of-way, together with tax parcel numbers for all such owners;
    - 4. current and proposed zoning and uses on adjacent properties;
    - 5. location of adjacent public and private streets and highways;
    - 6. size and locations of all existing and proposed structures, including locations of access drives, parking and pedestrian facilities, and off-street loading facilities;
    - 7. existing vegetation on the site;
    - 8. existing and proposed overhead and underground utilities;
    - 9. existing and proposed easements, right-of-ways, covenants, and deed restrictions;
    - 10. location and design of all water and sewerage facilities;
    - 11. location of all existing streams or drainage ways, water bodies and [wetlands](#);
    - 12. grading and drainage plan showing proposed topography at appropriate contour intervals;
    - 13. proposed landscaping, size, height and location of all [signs](#) and exterior lighting;
    - 14. an area map showing existing roads and highways in the general vicinity of the project site, and including any zoning district boundaries located within five hundred (500) feet of the site perimeter;
    - 15. elevation plans at a scale of 1/4" for all exterior facades of the proposed structure(s) and/or existing facades, plus additions showing design features and indicating type and color of material to be used;
    - 16. an Environmental Assessment Form, as determined at the sketch conference, with Part 1 filled out; and
    - 17. identification of any federal, state, or county permits required for the project's execution.
  - viii. The Planning Board may require topography, including existing topography and proposed topography, a detailed [traffic impact study](#) for large [developments](#) or those in heavy traffic areas, to 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;
    - 4. Existing and proposed daily and peak traffic hour levels as road capacity levels.
  - ix. The Planning board reserves the right to request additional information related to the above submission material as considered necessary. Depending upon the scope and complexity of the project, applicants may be required or encouraged to engage the services of one or more licensed design professionals and other experts such as architects, engineers, ecologists, landscape architects, or surveyors at the applicant's expense.
  - x. The Planning Board reserves the right to waive the submission of any of the above said materials.
3. Environmental review. SEQR/VEQR review of the proposed development shall be conducted prior to Site Plan Review approval, if applicable.
4. Public notice. Upon application for Site Plan Review, a public notice of the proposed [development](#), the form of which shall be approved by the Zoning Officer, shall be posted at the project site for a minimum of seven business days. This notice must remain in place at least until a decision to approve

or disapprove the Site Plan Review application is made. The notice shall specify the type and size of the development project; the time and place of the public hearing should the development project be subject to one; and to whom and by when any public comments are to be communicated. The notice must be placed at or near the property line in the front [yard](#) so that it will be plainly visible from the street, and, in cases where a property has [frontage](#) on more than one street, an additional sign must be placed at or near the property line on any additional

5. street frontage so that the sign will be plainly visible from the street on which it has such additional frontage.
6. Coordination and consultation. Site Plan Review projects requiring the review and approval of the Board may also be reviewed by the [Code Enforcement Officer](#), the Fire Department, the Department of Public Works and any other village officials or non-village consultants deemed appropriate by the Board or the Zoning Officer at the applicant's expense. These may include, but shall not be limited to, local and county officials and representatives of county, state, and federal agencies, including the Natural Resource Conservation Service, Tompkins County Soil and Water District, the State Department of Transportation, and the State Department of Environmental Conservation. Any comments from these reviewers shall be summarized and forwarded to the Board to aid its decision on the proposal.
7. Planning Board meeting. Following timely receipt of a complete application as defined above for site plan approval, the Board shall schedule consideration of the application at its earliest possible scheduled meeting. The Board may establish its procedures and requirements, within the framework provided by this chapter, for conducting site plan review.
8. Public hearing. Prior to rendering any decision on a Site Plan Review application, the Board shall first hold a public hearing on the proposed development. This may begin concurrently with any required public hearing for the purpose of environmental review of the same project and may continue after any such environmental review public hearing is closed. Public hearings are not required of projects of limited scope as defined above, unless the project is referred to the Board for Site Plan Review. The public hearing shall be advertised in the official newspaper at least 5 business days before the date of the meeting and the applicant and adjoining property owners shall be notified in writing at least 5 business days before the date of the meeting.
9. Action on application for site plan approval.
  - a. Within 30 days of the completion of a public hearing on an application and completion of environmental review, the Board shall render one of the following decisions:
    - i. Approval only.
    - ii. Approval with conditions.
    - iii. Revise and resubmit.
    - iv. Disapproval of the site plan.
  - b. The decision indicating which of the above decisions was reached shall be conveyed in the form of a written statement to the applicant. This statement shall state the reason(s) for such decision.
  - c. The Board shall have the authority to impose such reasonable conditions and restrictions as are directly related and incidental to a proposed site plan. Upon its approval of said site plan, any such conditions must be met in connection with the issuance of permits by applicable enforcement agents or officers of the Village.
  - d. The Planning Board's statement may include recommendations of desirable [modifications](#) to be incorporated in a revised proposal, and conformance with specified modifications shall be considered a condition of approval. In such a case, the Planning Board may recommend to the applicant to revise and resubmit their proposal after it has been revised or redesigned. The Planning Board may grant to the applicant a continuance of the review process and/or adjourn the conclusion of the public hearing. If more than 180 days has elapsed since the time of the Planning Board's decision, the Planning Board shall require a resubmission of the proposal.
  - e. Upon approval of the final proposal and payment by the applicant of all fees and reimbursable costs due to the Village, the Planning Board shall endorse its approval by signature or stamp on a copy of the final site plan and related supporting documents, and shall forward it to the Zoning Officer. A copy of the resolution

of approval shall be filed with the Village Clerk within 5 working days of the decision by the Planning Board.

- f. Upon disapproval of a final proposal, the Planning Board shall so inform the Zoning Officer and the Zoning Officer shall not issue a Permit to the Applicant. The Planning Board must make specific written findings as to the criteria set forth above before it can disapprove a final proposal. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval. A copy of the resolution of disapproval shall be filed with the Village Clerk within 5 working days of the decision by the Planning Board.
- g. Additionally, copies of the resolution shall be submitted to the Village Board of Trustees, the Planning Board, the Zoning Officer, and the [Code Enforcement Officer](#) within 5 working days of the date of decision.
- h. If no decision is made within the 30-day period following the conclusion of the public hearing and completion of the environmental review, the proposal shall be considered approved, as submitted.

**Section 812.4. Changes to approved [site plan](#).** Proposed changes (whether before or after construction) to approved site plans must be submitted to the [Zoning Officer](#) for review to determine whether the effect of the proposed changes warrants reconsideration of the project's approval status. The Zoning Officer shall make one of the following determinations:

- a. That the proposed changes do not affect the approval status of the site plan.
- b. That the changes are significant and shall require a reopening of the review.
- c. That the proposed changes are likely to have such an extensive or significant effect on the project that a new Site Plan Review application is required.

**Section 812.5. Submission of Final Detailed [Site Plan](#).**

1. After receiving approval, with or without conditions, from the Planning Board on a site plan, the applicant shall submit a final, detailed site plan to the [Zoning Officer](#) for verification before a permit will be issued. If more than 180 days has elapsed since the time of the Planning Board's decision on the final proposal and the issuance of any permits, the Planning Board shall require a resubmission of the proposal.
2. A final site plan shall conform to the approved proposal. It should incorporate any conditions or [modifications](#) that may have been made by the Planning Board in its review. All such compliance's shall be clearly indicated by the applicant on the appropriate submission.
3. The following additional information must accompany a final site plan:
  - a. Record of application for and approvals of all necessary permits from federal, state and county officials;
  - b. Any changes or additions in sizing and final material specification of all required improvements; and
  - c. An estimated project construction schedule.

**Section 812.6. Expiration of [Site Plan](#) Approval.**

1. An approved site plan may be revoked by the Planning Board, after a public hearing and upon written notice in person or by mail to the applicant if work has not materially commenced within 24 months of the date the approval was granted.
2. The Planning Board may, when compliance with the foregoing time periods would create a significant hardship for the owner, extend the time periods for such periods and upon such conditions as the Planning Board may reasonably determine.

**Section 812.7. Extension of deadlines.** All deadlines for decisions on a [Site Plan](#) Review application may be extended upon mutual agreement by the Planning Board and the applicant.

**Section 813. Special Exceptions**

1. Purpose. The Village of Trumansburg Comprehensive Plan has identified as a goal the creation of "a



thriving downtown with a multitude of diverse businesses that meet the daily need of residents from the Village and surrounding areas.” In order to achieve this goal, the Village desires to limit the location of certain types of commercial uses to its Downtown Commercial District while recognizing that at a given point in time there may be no land or [building](#) available within the district for a particular commercial use. As a result, this law identifies certain Special Exceptions, commercial uses that should be located in the Downtown Commercial District, but may be permitted in other districts if and only if they cannot be located in the Downtown Commercial District. Such commercial uses are identified as Special Exceptions in the list of uses permitted in the West Gateway Commercial District, the East Gateway Mixed Use District, and the Mixed Use Industrial District.

2. Special exceptions require the approval of the Planning Board in its sole discretion. All such cases are hereby declared to possess characteristics of such unique and special form that each specific case or use shall be considered as an individual case. Grant of a special exception is not ‘a right’ for any applicant, and a denial of any application shall not be challengeable as arbitrary and capricious, so long as a reason is given for the decision. Granting of a special exception, or denial of it, is a basic function of planning for this community and is placed in the hands of the Planning Board, which is comprised of a cross- section of the citizenry for this purpose.
3. A Special Exception is permitted only for a specific use at a specific point in time. Once a Special Exception has been permitted, that specific Special Exception shall be treated as though it were a Special Use.
4. No Special Exception shall be granted by the Planning Board without a showing by the applicant that there is no land or building available in the Downtown Commercial District for the proposed use. In order to prove the lack of available land or buildings, the applicant shall demonstrate to the Planning board that for each and every property in the Downtown Commercial District,
  - a. The owner is unwilling or unable to sell or lease the land or building to the applicant, OR
  - b. The property or building is too small or otherwise physically incapable of supporting the proposed use, OR
  - c. The use of the property for the proposed use will not allow the applicant to realize a reasonable return, provided that the lack of return is substantial as demonstrated by competent financial evidence.
5. The Planning Board shall, in the approval of Special Exceptions, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this law, and shall be imposed for the purpose of minimizing any adverse impact such approval may have on the downtown commercial district, the immediate neighborhood, or the community as a whole.
6. A Special Exception approval shall be deemed to authorize only one particular special exception at a particular point in time. Any like or similar proposed special exception will need to fully comply with the requirements above and not rely on information provided by an earlier Special Exception application. Any Special Exception approval shall expire if the use shall cease for more than six (6) months for any reason.
7. The Planning Board shall hold a public hearing to consider each application for a Special Exception.
8. Public notice. Upon application for a Special Exception, a public notice of the proposed [development](#), the form of which shall be approved by the [Zoning Officer](#), shall be posted at the project [site](#) for a minimum of seven business days. This notice must remain in place at least until a decision to approve or disapprove the Special Exception application is made. The notice shall specify the type of the development project; the time and place of the public hearing; and to whom and by when any public comments are to be communicated. The notice must be placed at or near the property line in the front [yard](#) so that it will be plainly visible from the street, and, in cases where a property has [frontage](#) on more than one street, an additional [sign](#) must be placed at or near the property line on any additional street frontage so that the sign will be plainly visible from the street on which it has such additional frontage.

9. Public hearing. Prior to rendering any decision on a Special Exception application, the Board shall first hold a public hearing on the proposed development. This may begin concurrently with any required public hearing for the purpose of environmental review of the same project and may continue after any such environmental review public hearing is closed. The public hearing shall be advertised in the official newspaper at least 5 business days before the date of the meeting and the applicant and adjoining property owners shall be notified in writing at least 5 business days before the date of the meeting.
10. Special Exceptions shall comply with all other requirements of this law, including, but not limited to, undergoing [site plan](#) review where required



## ARTICLE IX - EXPLICITLY PROHIBITED USES

### Section 901. Explicitly Prohibited Uses.

Notwithstanding any provisions to the contrary, the following uses and activities are expressly and explicitly prohibited in any district within the Village, and no structure shall be created, altered or erected, and no land or structure thereon shall be used, for any of such uses or activities:

1. [Deleterious substance disposal/storage facility.](#)
2. Disposal of radioactive material.
3. [Dump.](#)
4. Extractive industry.
5. [High impact industry](#)
6. [Injection well.](#)
7. [Land application facility.](#)
8. [Large scale water use.](#)
9. [Natural gas compression facility.](#)
10. [Natural gas processing facility.](#)
11. [Non-regulated pipeline.](#)
12. [Solid waste disposal](#) facility.
13. [Staging facility.](#)
14. Terminal for [bulk oil or gas.](#)
15. [Truck stop.](#)
16. [Underground injection](#) of [deleterious substances.](#)
17. [Underground natural gas storage.](#)
18. Any use of land that is likely to result in degradation of private water systems in the Village.
19. Any use of land not otherwise specified above, but which is likely to result in [degradation of water](#) or [pollution](#) within the Village.

Any condition caused or permitted to exist in violation of the provisions of this Section is a threat to public health, safety and welfare and is hereby declared and deemed to be a nuisance.

Collectively the above expressly prohibited uses may be referred to in this law as “Explicitly Prohibited Uses,” any one of the above expressly prohibited uses may be referred to in this law as an “Explicitly Prohibited Use,” and any combination of more than one such use may also be referred to as “Explicitly Prohibited Uses.”

It is intended that Explicitly Prohibited Uses herein be construed to prohibit any exploration for or extraction of natural gas and/or petroleum, and natural gas and/or petroleum support activities.

### Section 902. Prohibition Against [Deleterious Substances.](#)

It shall be unlawful for any person to produce, store, inject, discard, discharge, dispose, release, or maintain, or to suffer, cause or permit to be produced, stored, injected, discarded, discharged, disposed, released, or maintained any deleterious substance, anywhere within the Village.

## ARTICLE X - DEFINITIONS

### Section 1001. Interpretation.

Words will be used for the customary dictionary definition except as otherwise provided. For the purpose of this law certain terms or words herein shall be interpreted or defined as follows: Words used in the present tense include the future tense; the singular includes the plural; the word “person” includes a corporation as well as an individual; the word “lot” includes the word “plot” or “parcel;” the term “shall” is always mandatory; the word “used” or occupied” as applied to any land or [building](#) shall be construed to include the words “intended, arranged or designed to be used or occupied.”

### Section 1002. Construal of Use.

If the use of [building](#) or land meets the definition of more than one use, the more specific definition shall apply. For example, a business that sells cars and, thus, meets the definition of [retail sales](#) and the definition of vehicle sales and services shall be interpreted to be vehicle sales and services.

### Section 1003. Definitions.

1. Accessory Buildings, Structures and Uses. Buildings, structures and uses that are incidental to, and smaller than, the principal structure(s) or use(s) on a [site](#) and are customarily found on the same site.
2. Adult-Oriented Businesses. Any business involving one or more of the following:
  - a. Adult arcades where, for any form of consideration, one or more motion picture projectors, slide projectors, video cassette players, computers, or similar electronic machines, for viewing by five or fewer persons, each are used to show films, motion pictures, video cassettes, slides, computer generated images, or other photographic reproductions, which are characterized by emphasis upon the depiction or description of [specified sexual activities](#) or [specified anatomical areas](#).
  - b. Adult bookstores which have a substantial (20% or more) portion of its stock in trade and offers for sale, any consideration, any one of more of the following:
    - i. Books, magazines, periodicals, or other printed matter or photographs, film, motion pictures, video cassettes, slides or other visual representations, which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas, or
    - ii. Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.
  - c. Adult cabarets meaning any night club, bar (including establishments which do not serve alcoholic beverages), restaurant, or similar establishment, which regularly feature live performances characterized by exposure of specified anatomical areas or by specified sexual activities or films, motion, pictures, videos cassettes, slides, or other photographic reproductions characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
  - d. Adult motion picture theaters where, for any form of consideration, films, motion pictures, video cassettes, slides, or other photographic reproductions are regularly shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
  - e. Adult theaters meaning any theater, concert hall, auditorium or similar establishment which, for any form of consideration, regularly features live performances in which a substantial portion of the total presentation time is devoted to the exposure of specified sexual activities or specified anatomical areas.
  - f. Massage parlors where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment or manipulation of the human body is administered, unless by a medical practitioner, chiropractor, acupuncturist, physical therapist, licensed massage therapist, or similar professional person licensed by the state.
  - g. Peep shows where, for any form of consideration, persons may observe from individual enclosures shows which regularly feature live performances characterized by exposure of specified anatomical areas or by specified sexual activities or films, motion pictures, video cassettes, slides, computer generated images, or other photographic reproductions characterized by an emphasis upon which the depiction or description of specified sexual activities or specified anatomical areas.

- h. Adult [hotels or motels](#), meaning any hotel or motel that excludes minors because of age.
  - i. Any other business the income of which is primarily derived from the display or sale of material portraying specified anatomical areas or specified sexual activities, and not otherwise defined in a-h above, that defines itself primarily through its exclusion of minors.
3. Affected Site Area. Any interior and/or exterior space (including new and existing space) that is physically changed as a result of a proposed development. Such changes do not have to be permanent or irreversible for the area to be considered affected.
  4. Affordable Housing. Housing for which renters or homebuyers pay no more than 35% of their annual gross income for housing.
  5. Affordable Unit. A [dwelling unit](#) that is constructed under the affordable housing provisions of this law and is rented or sold to a [low-income household](#).
  6. Agricultural Farm Stand. A cart or stand used for the retail sale of produce and plant materials.
  7. All Weather Surface. Any roadway, driveway, alley or parking lot surface paved with crushed stone, asphalt, concrete, or other pervious or impervious material in a manner that will support the weight of anticipated vehicular traffic in all weather conditions and minimize the potential for ruts, potholes or pooling of water.
  8. Alternative Energy Facilities. Electric generation equipment mounted on residential, commercial or industrial structures that generate power primarily for that structure.
  9. Ambulance Services. Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles.
  10. Animal Sales and Services. [Retail sales](#) of [domestic animals](#), provision of shelter and care for domestic animals on a commercial basis, and animal hospitals.
  11. Aquaculture Facility. Any land, structure, or other appurtenance that is used for the propagation, rearing, enhancement, and harvest of aquatic organisms, including, but not limited to, any laboratory, hatchery, pond, raceway, pen, cage, or incubator.
  12. Artisan Industry. Establishments primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment.
  13. Artists' Studios. Workspace for artists or artisans, including individuals practicing one of the fine or applied arts or crafts or performing arts. May include classes and accessory [retail sales](#) of products created on [site](#).
  14. Assembly Industry. Manufacturing of finished parts or products, primarily from previously prepared materials; and provision of industrial services; both within an enclosed building. This classification includes processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials and Vehicle/Equipment Services.
  15. Banks and Savings and Loans. Financial institutions that provide retail banking services to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of cash money. It also includes businesses offering check-cashing facilities.
  16. Bed and Breakfast Dwellings. Establishments offering no more than five (5) lodging rooms, limited to two persons per guest room with a total not to exceed ten persons, to guests staying less than 21 consecutive days in an owner-occupied [dwelling unit](#), with incidental eating and drinking service for lodgers only provided from a single kitchen.
  17. Building. Any structure utilized or intended for supporting or sheltering any occupancy, as described in

18. Building Envelope. The area of a [lot](#) that is available for structures. The envelope excludes all setback areas.
19. Building Materials and Services. Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumberyards, tool and equipment sales or rental establishments, and building contractors' [yards](#), but excludes establishments devoted exclusively to [retail sales](#) of paint and hardware, and activities classified under [Vehicle/Equipment Sales and Services](#).
20. Bulk Oil or Gas. One or more stationary tanks that are used singularly or in combination for the storage or containment of more than one thousand one hundred gallons of petroleum. This term shall not include (1) a heating oil tank used for on premises consumption at the same [site](#) which is not interconnected to any other heating oil tank, or (2) tanks used to store motor fuel (gasoline or diesel products) for non-commercial purposes at a farm or residence.
21. Business-related vehicle. A motor vehicle or trailer, carrying business-related [signs](#) or decals, whose primary purpose is in support of a business.
22. Cannabis Retail Dispensary. A retail facility that sells at retail any cannabis product, the sale of which a license is required for an adult-use cannabis retail dispensary under the provisions of the New York State Marijuana Regulation and Taxation Act.
23. Catering Services. Preparation and delivery of food and beverages for off-site consumption, without provision for on-site pickup or consumption.
24. Christmas Tree and Pumpkin Sales. [Retail sales](#) of pumpkins and Christmas trees between October 1 and November 7 and Thanksgiving and December 31, respectively.
25. Clubs and Lodges. Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls and social clubs.
26. Code Enforcement Officer. The administrative official charged by the Village of Trumansburg Board of Trustees with the responsibility for administering the New York State Uniform Fire Prevention and Building Code, regardless of the title of that person.
27. Commercial Recreation and Entertainment. Provision of participant or spectator recreation or entertainment. This classification includes cinemas, theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, pool rooms, dance halls, ice/roller skating rinks, golf courses, miniature golf courses, scale-model courses, shooting galleries, tennis/racquetball courts, arcades or electronic games centers having three or more coin-operated game machines. This classification does not include [Adult-Oriented Businesses](#).
28. Communications Facilities. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding Utilities (Major). This classification includes radio, television, or recording studios and data transmission facilities.
29. Community Center. A multipurpose community facility where a variety of recreational, educational, social, health care or counseling services are provided by a nonprofit agency.
30. Congregate Living Facility. A [building](#) or part thereof, that contains [sleeping units](#) where residents share kitchen or bathroom facilities or both. (2020 Building Code of New York State). Examples include assisted living facilities, nursing homes, convalescent facilities, dormitories, fraternity houses, group homes.
31. Construction Trailer. A temporary [building](#) necessary for or incidental to the development of a residential

area.

32. Convenience Markets. [Retail sales](#) of food, beverage and small convenience items typically found in establishments with long or late hours of operation. This definition excludes delicatessens and other specialty food shops having an assortment of fresh fruits and vegetables, and fresh-cut meat or fish. This definition excludes [gas stations](#).
33. Crop Production. Raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis, excluding packing and processing.
34. Cultural Institutions. Nonprofit institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes libraries, museums, performing arts venues, and art galleries.
35. Degradation of water. [Pollution](#) of water that unreasonably reduces the quality of such water. Water quality may be considered unreasonably reduced when the quality of a representative sample of water is rendered harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare.
36. Deleterious substance. Any of the following in any form, and whether or not such items have been excepted or exempted from the coverage of any federal or state environmental protection laws, or have been excepted from statutory or regulatory definitions of “industrial waste,” “hazardous,” “toxic,” and whether or not such substances are generally characterized as waste:
  - a. below-regulatory concern radioactive material, or any radioactive material which is not below-regulatory concern, but which is in fact not being regulated by the regulatory agency otherwise having jurisdiction over such material in the Village;
  - b. crude oil or natural gas drilling fluids;
  - c. crude oil or natural gas exploration, drilling, production or processing wastes;
  - d. crude oil or natural gas drilling treatment wastes (such as oils, frac fluids, produced water, brine, flowback, sediment and/or any other liquid or semi-liquid material);
  - e. solution mining brine or mineral brines;
  - f. any chemical, waste oil, waste emulsified oil, mud, or sediment that was used or produced in the drilling, development, transportation, processing or refining of crude oil or natural gas;
  - g. soil contaminated in the drilling, transportation, processing or refining of crude oil or natural gas;
  - h. drill cuttings from crude oil or natural gas wells;
  - i. any wastes associated with the exploration, drilling, production or treatment of crude oil or natural gas;
  - j. waste from the extraction or processing of ores and minerals, including slag, mud, ash, and process waste water and waste solids; and/or
  - k. cement kiln dust waste.

This definition specifically intends to include some wastes that may otherwise be classified as “solid wastes which are not hazardous wastes” under 40 C.F.R. § 261.4(b). This definition does not include (i) animal manure and/or recognizable and non-recognizable food wastes, or (ii) storage of farm generated waste.

37. Deleterious substance disposal/storage facility. Any of the following:
  - a. tanks of any construction (metal, fiberglass, concrete, etc.);
  - b. impoundments;
  - c. pits;
  - d. evaporation ponds; and/or
  - e. other facilities, in any case used for the storage or treatment of [deleterious substances](#) that:
    - i. are being held for initial use,
    - ii. have been used and are being held for subsequent reuse or recycling,
    - iii. are being held for treatment, or
    - iv. are being held for storage.
38. Developer. An individual or group, including for-profit and non-profit organizations that construct [buildings](#), structures, or ancillary facilities.

39. Development. Any land use change, activity, or project that requires a permit and will result in changes to the physical condition, appearance, intensity of use and/or type of use of the [site](#). Development projects include but are not limited to:
- New construction
  - [Reconstruction](#), [modification](#), renovation or [expansion](#) of existing structures or [site improvements](#).
  - Land filling, excavation, grading, parking lot construction or any other disturbances to the natural or existing topography or vegetation of the site.
  - Demolition of structures or site improvements.
- A project shall not be considered a development if it is one or a combination of the following:
- [Replacement in kind](#) only; or
  - Interior construction, which does not change the intensity or the type of existing usage;
  - Infrastructure maintenance only.
40. Domestic Animals. Any domesticated or tamed animal that is kept as a companion and cared for affectionately. Pets do not include cattle, horses, poultry, and similar animals kept for commercial purposes or as a source of food or other products.
41. Drive-Through. A retail facility or portion thereof from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transaction.
42. Dump. Land upon which [deleterious substances](#), or their residue or constituents before or after treatment, are deposited, disposed, discharged, injected, placed, buried or discarded, without any intention of further use.
43. Dwelling. Any [building](#) that contains one or more dwelling units intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.
- Single Unit Dwelling*. A detached building containing one dwelling unit.
  - Two Unit Dwelling*. A building containing two dwelling units located on a single [lot](#).
  - Multiple Unit Dwelling*. A building containing three or more dwelling units located on a single lot.
44. Dwelling Unit. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
45. Eating and Drinking Establishment. A business with the principal purpose to serve prepared food or beverages for consumption on or off the premises.
46. Electronic Equipment Installation, Vehicle. The sale and installation of electronic equipment, such as alarms, cellular telephones, and stereos, in vehicles.
47. Emergency Health Care. Facilities providing emergency medical service with no provision for continuing care on an inpatient basis.
48. Expansion. An enlargement of, or addition to, an existing structure or a paved area, including driveways, parking areas and sidewalks, or of the use.
49. Flag Lot. A parcel of land that is accessible from a public road but has less than the required road [frontage](#). A flag lot shall be described as containing two parts: (1) The "flag" shall include that portion of the [lot](#) that is the location of the principal and [accessory buildings](#). (2) The "pole" shall be considered that portion of the site that is along a public road, but is narrower than the required frontage.
50. Food and Beverage Sales. [Retail sales](#) of food and beverages for off-site preparation and consumption. Typical uses include groceries and liquor stores. Establishments at which 20 percent or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as [Catering Services](#) or [Eating and Drinking Establishments](#).



51. Food Processing. Establishments primarily engaged in the manufacturing or processing of food or beverages for human consumption and wholesale distribution.
52. For-Sale Unit. A [dwelling unit](#) that is constructed to be sold to individuals or organizations.
53. Frontage. The width of a property as measured along its front boundary, or where applicable, the total of the boundary line segments that constitute the front boundary.
54. Fully-Shielded Light. An outdoor [light fixture](#) shielded or fabricated so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.
55. Funeral Homes. Establishments primarily engaged in the provision of services involving the care or preparation of human dead, and typically provide for indoor funeral ceremonies. This definition excludes any crematory facilities or services.
56. Gas Stations. Establishments engaged in the retail sale of gasoline, diesel, and alternative fuel, lubricants, parts, and accessories. This classification includes incidental maintenance and repair of automobiles and light trucks, but excludes body and fender work or repair of heavy trucks or vehicles.
57. General Day Care. Provision of non-residential, non-medical care on a less than 24-hour basis, including but not limited to, nursery schools, preschools, and day care centers for children or adults.
58. General Residential Care Facilities. Any place, [site](#) or [building](#), or groups of places, sites or buildings, licensed by the state or unlicensed, in which individuals with disabilities or receiving therapeutic care reside who are not living together as a single housekeeping unit and in which every person residing in the facility (excluding the licensee, members of the licensee's [household](#), or persons employed as facility staff) is an individual with a disability or receiving therapeutic care.
59. Glare. Light emitting from a [luminaire](#) with intensity great enough to reduce a viewer's ability to see, and in extreme cases, with intensity great enough to cause momentary blindness.
60. Government Offices. Administrative, clerical, or public contact offices of a government agency, excluding postal facilities, together with incidental storage and maintenance of vehicles.
61. Grade. The average finished ground level of the land at which the perimeter of a structure meets the ground.
62. Graphics. The letters, figures, emblems, devices, and other representations comprising the visual message of a [sign](#).
63. Half Story. The portion of a building under a sloping roof with wall plates of at least two (2) of the exterior walls being not more than three (3) feet above the floor of such a story.
64. Height. The height of a [building](#) is a vertical distance measured from the average elevation of the proposed finished [grade](#) of the ground at the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge, for gable, hip and gambrel roofs. This measurement shall exclude architectural projections such as spires, cupolas, steeples, and chimneys.
65. Home Business. Any occupation or profession, including, but not limited to, professional office and [artists studio](#), whether otherwise permitted or not, which:
  - a. Is customarily carried on in a [dwelling unit](#) or in a structure accessory to a dwelling unit and
  - b. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes,
66. Hotels and Motels. Establishments offering commercial lodging to guests staying less than 30 consecutive days. This classification includes incidental eating, drinking, and banquet service intended for the convenience of guests.



67. Household. Either (1) one or more individuals related to each other by birth, marriage, adoption or legal document, or (2) up to three unrelated individuals, living together.
68. High Impact Industry. Industrial uses or operations that are more likely than not to generate or involve any four (4) or more of the following impacts in the Village at any time during such use or operation:
- combined surface disturbance of more than two (2) acres of land;
  - the presence, production, collection, handling, manufacture, use, storage, transfer or disposal of any [deleterious substance](#);
  - high-frequency high-impact truck traffic;
  - an industrial use operation that, whether due to its nature or to a desire or need by the operator to employ financial resources most efficiently, or otherwise, is usually not limited to typical work days and morning to early evening hours, but rather instead is often conducted at any and all times of the day and night with either truck traffic entering or leaving the [site](#), or other noise, vibrations or light that extends beyond the property boundaries;
  - open air industrial use;
  - open air storage;
  - flammable or explosive materials are present, used, produced, stored or disposed of;
  - a private electric power generation facility;
  - the sequestering water use of five hundred thousand (500,000) or more gallons of water;
  - construction or use of more than forty five thousand (45,000) square feet of [impervious surface](#);
  - construction or use of a [staging facility](#); or
  - construction of [pipelines](#), roadways and other infrastructure to move product and materials to and from the proposed project site.
69. Impervious Surface. Any material or surface that substantially reduces or prevents the infiltration of water into the ground, including areas covered by [buildings](#), conventionally surfaced roads and highways, driveways and parking lots, and sidewalks.
70. Injection Well. A vertical pipe in the ground into which water, other liquids, or gases are pumped or allowed to flow.
71. Intermittent Stream. A stream with definite bed and banks in which there is not a permanent flow of water and which is represented as a dashed line on United State Geological Survey (USGS) 7.5 Minute Quadrangle maps.
72. Junk Yard. An establishment that stores keeps, buys, or sells scrap metal or resalable car parts. This definition includes scrap metal processors, auto-wrecking [yards](#), salvage yards, scrap yards, auto recycling yards, used auto parts yards and temporary storage of automobile bodies and parts awaiting disposal as a normal part of a business operation. This definition does not include litter, trash, and other debris scattered along or upon a road, or temporary operations and outdoor storage of limited duration.
73. Laboratories. Establishments providing medical or dental laboratory services; or establishments with less than 2,000 square feet providing photographic, analytical, or testing services. Other laboratories are classified as [Research and Development Services](#).
74. Land Application Facility. A [site](#) where any [deleterious substance](#) is applied to the soil surface or injected into the upper layer of the soil.
75. Large Scale Water Use. Any [water withdrawal](#) or sequestering water use of over one hundred thousand (100,000) gallons of water in any thirty (30) day period from [water resources](#) within the Village. Large scale water use does not include water withdrawn for agricultural use, for emergency uses such as fire fighting, or for drinking, recreational, cooking, washing, or sanitary purposes and used within the Village.

76. Light Fixture. The assembly that houses a lamp or lamps and which can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.
77. Light Industry. Processing, fabricating, or assembly of items that takes place wholly within an enclosed [building](#). Typical products include but are not limited to apparel, clothing accessories, decorations, jewelry, instruments, computers, and electronic devices. The processing of raw materials is excluded from this definition.
78. Limited Day Care. Day care facilities, regulated by New York State, which are located in a residence and provide care and supervision for eight or fewer children at a time. Children under the age of 10 years who reside in the home count as children served by the day care facility.
79. Limited Horticulture. The raising of vegetables, flowers, ornamental trees and shrubs as a commercial enterprise, provided that no nursery equipment or materials shall be stored and no structures erected. Commercial horticulture accessory to a [dwelling](#) shall be regulated as a [home business](#).
80. Limited Warehousing and Storage. Provision of storage space for [household](#) or commercial goods within an enclosed [building](#) without direct public access to individual storage spaces. This classification includes facilities with a maximum of 5,000 square feet of gross floor area, but excludes Distribution and Storage, and Vehicle Storage.
81. Lot. A parcel of land occupied or capable of being occupied by at least one [building](#) and the [accessory buildings](#) or uses customarily incident to it, including such open spaces as are required by this law.
82. Lot Line. A boundary line of a [lot](#).
83. Low-Income Household. A [household](#) whose income does not exceed is 80% of the most recently published Median Family Income as determined by the US Department of Housing and Urban Development, adjusted for household size. This can be found at <http://www.huduser.org/portal/datasets/il.html>
84. Luminaire. A complete lighting system, including a lamp or lamps and the attendant [light fixture](#).
85. Luminous Tubing. Glass tubing with a cold cathode light or similar source such as neon.
86. Maintenance and Repair Services. Establishments providing appliance repair, or [building](#) maintenance services. This classification excludes maintenance and repair of vehicles, boats, or ships.
87. Maintenance and Service Facilities. Facilities providing [maintenance and repair services](#) for vehicles and equipment, and materials storage areas. This classification includes corporation [yards](#), equipment service centers, and similar facilities.
88. Major Utilities. Generating plants, electrical substations, above-ground electrical transmission lines, lone switching buildings, refuse collection, transfer recycling or disposal facilities, water reservoirs, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities.
89. Market Rate Unit. A [dwelling unit](#) that is rented or sold at rents or prices determined by the market.
90. Minor Utilities. Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, underground water and sewer lines, and [telecommunications facilities](#), as defined herein.
91. Modification. Rearrangement of [site](#) layout or an exterior alteration to an existing structure

(including any changes to a [building](#) facade, except [replacement in kind](#)).

92. Motor Home. A [dwelling](#) designed for temporary residence mounted on a self-propelled chassis designed for travel over roads and highways.
93. Natural Gas Compression Facility. Those facilities or combination of facilities that move natural gas from production fields or natural gas processing facilities in [pipelines](#) or into storage; the term shall include equipment for liquids separation, natural gas dehydration, and tanks for the storage of waste liquids and hydrocarbon liquids.
94. Natural Gas Processing Facility. Those facilities that separate and recover natural gas liquids (NGLs) and/or other non-methane gases and liquids from a stream of produced natural gas, using equipment for any of the following: cleaning or stripping gas, cooking and dehydration, residual refinement, treating or removing oil or condensate, removing water, separating NGLs, removing sulfur or carbon dioxide, fractionation of NGLs, or the capture of CO<sub>2</sub> separated from natural gas streams.
95. Nonconforming Use. A [building](#), structure or use of land existing legally at the time of enactment of this law, and which does not conform to the regulations of the district or zone in which it is situated.
96. Non-regulated Pipeline. Those [pipelines](#) that are exempt or otherwise excluded from regulation under federal and state laws regarding pipeline construction standards or reporting requirements. Specifically includes production lines and gathering lines.
97. Retail Nurseries. A business that sells young trees, other plants, and related merchandise to the ultimate consumer, usually in small quantities in which all merchandise other than plants is kept within an enclosed [building](#) or a fully screened enclosure, and fertilizer and pest control products of any type are stored and sold in package form only.
98. Outdoor Storage and Display. Outdoor storage and display of merchandise, materials, or equipment not covered by a roof, eave, or other overhang of the principal [building](#).
99. Outdoor Storage and Display, Temporary. Outdoor storage and display of merchandise, materials, or equipment for a maximum period of 72 hours per quarter of a calendar year.
100. Pawn Shops. Establishments engaged in the buying or selling of new or secondhand merchandise and offering loans secured by personal property.
101. Perennial Stream. A stream that flows continuously throughout the year in a natural or man-made channel which is represented as a solid blue line on United States Geological Survey (USGS) 7.5 Minute Quadrangle maps.
102. Performance Guaranty. Any security that may be accepted by the Village as a guarantee that the improvements required as part of [site plan](#) or other approval will be satisfactorily completed.
103. Personal Improvement Services. Provision of instructional services or facilities, including photography, fine arts, crafts, dance or music studios, driving schools, business and trade schools, and diet centers, reducing salons, and health/fitness clubs.
104. Personal Property Sales, Temporary. Sale or trading of used personal property from or on any residence or group of residences within the same neighborhood for a maximum of 3 days no more than twice in any one year. This classification includes estate, garage, and [yard](#) sales.
105. Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, seamstresses, tailors, shoe repair shops, dry-cleaning pickup, and self-service laundries.

106. Pipeline. All parts of those physical facilities through which oil, gas, liquids in transportation (including pipes, valves and other equipment and appurtenances attached to pipes and other equipment such as drip stations, vent stations, pigging facilities, valve box, transfer pump stations, measuring and regulating equipment, [yard](#) and station piping, and cathodic protection.
107. Planned Development Areas. A land [development](#) to be developed as a single entity for a specified number of [dwelling units](#), the plan for which does not correspond in [lot](#) size, lot coverage, [frontage](#), or setback areas to the standards set forth in these regulations.
108. Pollution. The contamination or other diminution of the physical, chemical or biological properties of land, water, or air, including a change in taste, color, turbidity or odor, and including a discharge of any liquid, gaseous, solid, radioactive or other substance on land, water or air, that will, or is likely to, create a nuisance or render such land, water or air harmful, detrimental or injurious to humans, animal life, vegetation, or property, or to the public health, safety or welfare.
109. Postal Services. Establishments providing commercial postal services directly to the customer, including letter and parcel mailing, post office box rental, and related services. This classification includes facilities of the U.S. Postal Service.
110. Principal Buildings, Structures and Uses. The chief physical structures and uses of land on a [site](#). There may be more than one principal building, structure or use on a property; a common example is an apartment complex that includes more than one building with apartments.
111. Printing and Duplicating Services. Establishments providing printing and duplicating services using photocopy, blueprint, and offset printing and similar equipment. This classification includes small-scale photo processing, but excludes photographic [laboratories](#) and industrial printing and publishing plants.
112. Private Road. A roadway that is owned and maintained by a private party.
113. Professional Offices. Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, engineering, real estate, insurance, investment, legal, and medical/dental services. This classification includes medical/dental [laboratories](#) incidental to an office use, but excludes banks and savings and loan associations.
114. Public or Private Schools. Educational institutions having a curriculum comparable to that required in the public schools of the State of New York.
115. Public Park and Recreation Facilities. Noncommercial parks, playgrounds, recreation facilities, and open spaces.
116. Public Place. Any thoroughfare, square, plaza, public parking lot, or similar area, whether publicly or privately owned.
117. Public Right-of-Way. Land over which the public may travel subject to restrictions by the government with jurisdiction, whether or not said government has control of the land by ownership or easement.
118. Public Safety Facilities. Facilities for public safety and emergency services, including police and fire protection.
119. Reconstruction. Construction of [buildings](#) or [site improvements](#) following partial or total demolition of a previous [development](#).
120. Recurring Swap Meets. Retail sale or exchange of handcrafted or secondhand merchandise for a

maximum period of 48 hours, conducted by a sponsor on a more than twice yearly basis.

121. Religious Assembly. Facilities for religious worship and incidental religious education, but not including private schools.
122. Rental Unit. A [dwelling unit](#) that is used for rental purposes.
123. Replacement In Kind. Replacement of materials (for maintenance purposes) that does not have an effect on the appearance of the existing [building](#) and [site](#).
124. Research and Development Industry. Establishments primarily engaged in the research, [development](#), and controlled production of high-technology electronic, industrial or scientific products or commodities for sale. Uses include biotechnology, films, and non-toxic computer component manufacturers.
125. Research and Development Services. Establishments primarily engaged in industrial or scientific research, including limited product testing. This classification includes electronic research firms or pharmaceutical research [laboratories](#), but excludes manufacturing, except of prototypes, or medical testing and analysis.
126. Residential Development. Creation of one or more single-unit, two-unit and/or multi-unit [dwellings](#).
127. Retail Sales. The sale, to the end consumer, of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, pharmacies, furniture stores, and businesses retailing the following goods: toys, hobby materials, hand crafted items, jewelry, cameras, photographic supplies, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, antiques, art supplies and services, paint and wallpaper carpeting and floor covering, office supplies, medical supplies, bicycles, and new automotive parts and accessories (excluding service and installation).
128. Riparian Buffer. Land on each side of a stream left vegetated to provide riparian corridor functions. Buffers are measured horizontally from the top of the [stream bank](#) in a direction directly perpendicular to the bank and in the horizontal plane.
129. Rubbish. Appliances and furniture (or parts of same), car parts, used building materials, waste paper, rags, scrap metal and similar items including machinery or vehicles not in running condition.
130. Self Service Warehousing and Storage. Provision of storage space for [household](#) or commercial goods within an enclosed [building](#) with direct public access to individual storage spaces.
131. Sign. A device for visual communication publicly displayed to identify, advertise, and/or convey information. Sign types include:
  - a. *Banner*: A type of flag, not an emblem of a government or institution, with [graphics](#) that are purely decorative or that identify, advertise and/or convey commercial information.
  - b. *Commercial Sign*: A sign which identifies, advertises, or directs attention to a business, or is intended to induce the purchase of goods, property, or service, including, without limitation, any sign naming a brand of goods or service and real estate signs.
  - c. *Freestanding Sign*: A sign affixed to the ground independent of any adjacent structure.
  - d. *Illuminated Sign*: A sign illuminated by artificial light, or which is composed of [luminous tubing](#) or other artificial lighting devices.
  - e. *Marquee*: A permanent roofed structure projecting from a [building](#), usually over an entrance, attached to the building or on freestanding supports, or both.
  - f. *Portable Sign*: A sign not fastened to a structure, or to the ground or pavement, readily movable from one location to another.
  - g. *Projecting Sign*: A sign protruding at an angle from a structure.
  - h. *Public Information Sign*: A sign identifying a public facility, such as a public telephone, or providing information concerning direction, safety, and trespassing.

- i. *Real Estate Sign*: A sign indicating the availability for sale, rent or lease of the specific [lot](#), building, or portion of a building upon which the sign is posted.
  - j. *Roof Sign*: A sign placed above the upper edge of a building, wall, or parapet, or placed or painted on or above the roof covering, or on an independent structural frame on a roof, or on the side of roof or roof structures such as marquees, penthouses, elevator housing, and tanks.
  - k. *Self-Illuminated Sign*: An internally illuminated sign, canopy, or awning displaying [graphics](#), individual letters or symbols.
  - l. *Temporary Sign*: A sign that:
    - i. Is intended for a temporary period of posting for up to thirty (30) days on one property;
    - ii. Is typically constructed from non-durable materials, including paper, cardboard, cloth, plastic, and, or wallboard;
    - iii. Does not constitute a structure subject to the Village's Building Code and Zoning Law provisions.
  - m. *Wall Sign*: A sign painted on, or affixed to and parallel to an exterior wall of a structure, but not on window glass.
  - n. *Window Sign*: A sign visible from a sidewalk, street, or other [public place](#), that is illuminated, painted or affixed on glass or other window material.
132. **Sign Area**. Means the surface area of the [sign](#) including the frame, plate or structure used to hold up any lettering or pictorial matter. In the event a sign is attached, painted or applied to the front or face of a [building](#) or is irregular in shape, the area of the sign must be taken as the area of the smallest rectangle that can be placed over the entire sign, edges, and background, if of a different color than the predominant color surrounding the sign except as otherwise provided herein. In the event that a letter or letters or other pictorial matter are placed as separate units without a background board, the sign area must be calculated as the area of the smallest rectangle that encloses all of the symbols. In the case of a flat or two-sided free standing or projecting sign, the sign area is considered to be the entire surface area of one face of the sign. The sign area of signs having more than two sides is the sum of the surface area of all sides.
133. **Sign Height**. The vertical dimension from average surrounding [grade](#) to the uppermost point on the [sign](#) panel.
134. **Site**. Shall mean any [lot](#), plot, or parcel of land or combination of contiguous lots or parcels of land.
135. **Site Development**. Shall mean the improvement of a [site](#) in accordance with an approved [site plan](#) and zoning certificate (where applicable), including construction of [buildings](#) and structures and the rearrangement of the land surface.
136. **Site Improvements**. Features including, but not limited to, [principal buildings](#), [accessory structures](#), planting, paving, retaining walls, drainage culverts and swales, fences and gates, lighting, site furniture, fountains, pools, bridges, dams, decks, boardwalks, pergolas, [signs](#) and any other structures, devices or landscape materials on the [site](#).
137. **Site Plan**. A plan for the [development](#) of a [site](#) showing all existing and proposed elements, including but not limited to topography, vegetation, drainage, floodplains, marshes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures, signage, lighting, screening devices, and any other information required by the reviewing board or the [Zoning Officer](#).
138. **Sleeping Unit**. A single unit that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eating and either sanitation or kitchen facilities but not both.
139. **Small-Scale Alternative Energy Facilities**. Equipment and facilities used, designed, and intended for the generation of energy for an individual [building](#). This may include solar panels, whether roof-mounted or not, and individual wind turbines.
140. **Solid Waste Disposal**. Disposal of any and all putrescible and non-putrescible materials or substances that



are discarded or rejected as being spent, worthless, useless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludge from air or water treatment facilities, [rubbish](#), tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal.

141. Specified Anatomical Areas.

- a. Less than completely and opaquely covered human genital, pubic region, buttocks, and female breast below a point immediately above the top of the areola.
- b. Human male genitalia in a discernible turgid state even if completely and opaquely covered.

142. Specified Sexual Activities.

- a. Human genitals in a state of sexual stimulation or arousal.
- b. Acts of human masturbation, sexual intercourse, or sodomy.
- c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

143. Staging Facility. A vehicle storage or parking facility or location capable of use for the storage, parking, maintenance and/or operation of more than twenty (20) high-impact trucks at one time that are used off- site in the trade, business or other commercial or industrial activity of the owner or occupant (collectively, the “off-site activity”, and which may include storing and maintaining heavy trucks within [buildings](#), storing explosives, including blasting caps, that are used in the off-site activity, and kerosene and other volatile materials.

144. Steep Slope. Any slope of 15% [grade](#) or greater.

145. Storage and Distribution. Storage and distribution facilities without direct public access.

146. Storage Container. A container, including what is sometimes referred to as storage “pods” or “portable on-demand storage units;” any box van whether or not it has been disconnected from a chassis; and similar type shipping/cargo containers.

147. Story. That portion of a [building](#) included between the surface of any floor and the surface of the floor or roof next above it.

148. Stream Bank. The lateral confines of a stream that contain the thread of the stream and the normal flow of the stream. The top of stream bank is the primary edge of the ordinary high water mark, or break in slope, for a watercourse, which maintains the integrity of the watercourse.

149. Street Line. A [lot line](#) dividing a lot or other area from a street.

150. Swimming Pool. Any structure, basin, chamber or tank which is intended for swimming, diving, recreational bathing or wading and which contains, is designed to contain, or is capable of containing 24 inches or more of water at any point. This includes in-ground, above-ground, on-ground pools, and blow up (air supported) pools; indoor pools; hot tubs; spas; and fixed-in-place wading pools.

151. Telecommunications Facility. Any equipment used in connection with the provision of one-way wireless communications services, including radio and television broadcasting, and one-way paging, and/or two-way wireless communication services, radio communications services, regulated by the Federal Communications Commission in accordance with the Telecommunications Act of 1996 and other federal laws. A telecommunications facility may include monopole, guyed, or latticework tower(s), antenna(ae), switching stations, principal and accessory telecommunications equipment and supporting and accessory masts, wires, structures, and [buildings](#). See [Minor Utilities](#)

152. Temporary Seasonal Retail Sales. The sale of plants, flowers, produce, Christmas trees, crafts conducted for a time not to exceed thirty (30) days in any 12-month period.



153. Tiny House. A [dwelling](#) that is 400 square feet (37m square) in floor area, excluding lofts (NYS Building Code, Appendix Q)
154. Traffic Impact Study. A report analyzing anticipated roadway conditions with and without an applicant's [development](#), which may also include a parking study and overall access management plan for the development [site](#).
155. Travel Services. Establishments providing travel information and reservations to individuals and businesses. This classification excludes car rental agencies.
156. Trucking Terminals. [Storage and distribution](#) facilities having more than six heavy trucks on the premises at one time, but excluding trucking accessory to an Industry classification.
157. Truck Stop. A facility for the parking, refueling, and/or minor repair of heavy trucks.
158. Underground Injection. Subsurface emplacement of fluids by well injection.
159. Underground Natural Gas Storage. Subsurface storage, including in depleted gas or oil reservoirs and salt caverns, of natural gas that has been transferred from its original location for the primary purpose of load balancing the production of natural gas. Includes compression and dehydration facilities, and [pipelines](#).
160. Vehicle/Equipment Sales and Services. Any of the following uses:
- Automobile Washing*. Washing, waxing, or cleaning of automobiles or similar light vehicles.
  - Commercial Parking Facility*. Lots offering short-term or long-term parking to the public for a fee.
  - Vehicle/Equipment Repair*. Repair of automobiles, trucks, motorcycles, [motor homes](#), recreational vehicles, boats, or ships, including the sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, wheel and brake shops, tire sales and installation, but excludes vehicle dismantling or salvage and tire re-treading or re-capping.
  - Vehicle/Equipment Sales and Rentals*. Sale or rental of automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, mobile homes, boats, ships, personal watercraft (such as canoes, kayaks, and jet-skis), and similar equipment, including storage and incidental maintenance.
  - Vehicle Storage*. Storage of operative or inoperative vehicles, boats, or ships. This classification includes storage of towed vehicles, impound [yards](#), and storage lots for automobiles, trucks, buses and recreational vehicles, but does not include vehicle dismantling.
161. Water, Water Resources. All streams, ditches, lakes, ponds, marshes, vernal pools, watercourses, waterways, wells, springs, drainage systems, and all other bodies or accumulations of water, surface or underground, intermittent or perennial, which are contained in, flow through or border upon the Village or any portion thereof.
162. Water Withdrawal. Removal or capture of water from [water resources](#) within the Village.
163. Wetlands. Lands, including submerged lands, saturated by water at a frequency and duration sufficient to support vegetation adapted for life in saturated soil conditions. For the purpose of this law, wetlands are limited to those lands that are categorized as wetlands by either the New York State Department of Environmental Conservation (DEC) or the National Wetlands Inventory (NWI) or have been documented and mapped as part of an officially adopted community wetlands inventory.
164. Wholesale Nurseries. A business that sells young trees, other plants, and related merchandise to retailers or others for resale.
165. Yard. The space on a [lot](#) not occupied by a principal [building](#).
- *Front Yard*. An open unoccupied space on the same lot with a building situated between the [street line](#) and a line connecting the parts of the building setting back from the nearest such street line and extending to the side lines of the lot.

- *Rear Yard*. An open unoccupied space on the same lot with the building between the rear line of the lot and extending through from one side yard to the other.
- *Side Yard*. An open unoccupied space between the [principal buildings](#) and a side [lot line](#) and extending through from the front yard to the rear lot line.

166. Zoning Officer. The administrative official charged by the Village of Trumansburg Board of Trustees with the responsibility for administering this law, regardless of the title of that person.


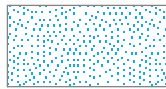
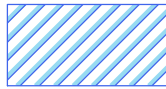











# Zoning Map

## Village of Trumansburg

### Tompkins County, New York

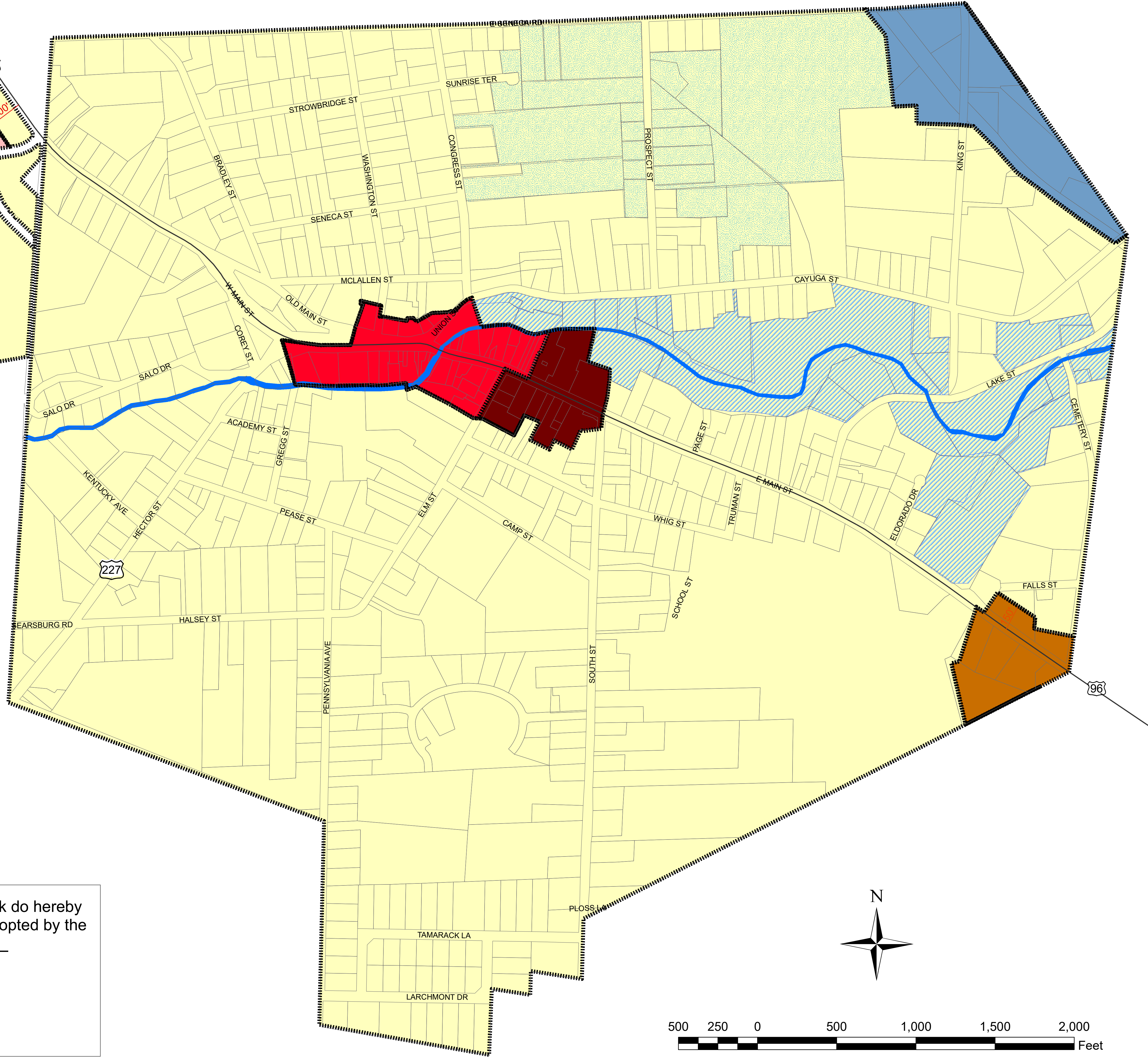
#### Legend

-  Tax Parcels 2022
  -  Wetlands Overlay
  -  Stream Buffer Overlay
  -  Residential
  -  Downtown Commercial East
  -  Downtown Commercial West
  -  East Gateway Mixed Use
  -  West Gateway Commercial
  -  Commercial Industrial
  -  Mixed Use Industrial
-  Intermittent Streams
-  Perennial Streams

I, JESSICA GILES, Clerk of the Village of Trumansburg, New York do hereby certify that the foregoing is a true copy of the zoning map duly adopted by the Village Board of the Village of Turmansburg on \_\_\_\_\_

\_\_\_\_\_  
Jessica Giles  
Village Clerk

Dated: \_\_\_\_\_





September 7, 2023

Hon. Rordan Hart, Mayor  
Village of Trumansburg  
56 East Main Street  
Trumansburg, NY 14886

**RE: PROPOSAL FOR PROFESSIONAL SERVICES  
VILLAGE OF TRUMANSBURG – NON-POINT SOURCE STREAMBANK STABILIZATION  
ENGINEERING REPORT  
NON-POINT SOURCE GRANT AWARD T01469GG**

Dear Rordan:

Congratulations on the grant award for the Streambank Stabilization Engineering Design Report near the terminus of Gregg Street along Trumansburg Creek (Class C Stream). We are pleased to submit this proposal to complete the Engineering Design Report for the streambank(s) that have been documented to be eroding in various locations along Trumansburg Creek near Gregg Street terminus.

## **I. Background**

MRB Group has performed field investigations over multiple years, providing an understanding of existing village-wide stormwater infrastructure. During the field investigations, multiple outlet points to Trumansburg Creek were located at the terminus of Gregg Street where a pedestrian bridge traverses Trumansburg Creek connecting the southern portion of the village with Main Street.

Upstream of the pedestrian bridge, visual inspections indicate that the bank is eroding which has caused several sections of the stacked stone gravity retaining wall to fail. The bank is in need of stabilization improvements to protect private properties and to better protect downstream water quality from additional erosion/sedimentation.

On June 28, 2023 the Village was notified of receiving a grant from New York State Department of Environmental Conservation (NYSDEC) Non-Agricultural Nonpoint Source Planning Grant Program.

The grant requires the Village to provide 10% in matching funds and/or in-kind services. The in-kind services are defined as services performed by capable and qualified employees of the grant recipient for technical and administrative force accounts that are directly related to and in support of the development of the Engineering Report and are deemed reasonable.

## **II. Scope of Services and Compensation**

MRB Group will provide the following scope of services necessary to complete the Streambank Stabilization Engineering Report in accordance with the NYS DEC Requirements.

1. Site visit to visually observe and document existing conditions.
2. Determine Drainage areas using USGS mapping. Drainage areas as well as corresponding Federal Emergency Management Agency (FEMA) designed flood elevations will be used to assist in design evaluations.
3. Evaluate the existing conditions against required Engineering Design Report outline provided as guidance by NYSDEC for Nonpoint Source Planning Grant.
4. Provide an alternative analysis with associated cost estimates for incorporation into an overall recommended project.
5. Develop conceptual figures or details outlining proposed improvements.
6. Preparation of an Engineering Design Report in accordance with the DEC Nonpoint Source Planning Grant requirements for Streambank/Shoreline Stabilization.
7. The Engineering Report will be formatted and distributed as follows:
  - a. MRB Group will prepare the report and format it in accordance with the DEC's recommended report layout.
  - b. MRB Group will perform one (1) visit to the Village to review a DRAFT summary of the report. Village comments will be

incorporated into the DRAFT report and finalized for submission to reviewing agencies.

- c. MRB Group will provide three (3) copies and an electronic PDF copy of the final report to the Village for their use.
- d. MRB Group will present findings of the report at a Village Board Meeting

**Total Compensation ..... \$24,900.00**

*The cost figures shown above represent our lump sum amount. Any additional work beyond this fee and outside the scope of this proposal would be reviewed with the Client. MRB Group shall submit monthly statements for services rendered during each invoicing period based on the efforts performed during that period. MRB Group Standard Rates are subject to annual adjustment.*

### **III. Additional Services**

The following items, not included in the above services can be provided on a personnel time-charge basis, but would only be performed upon receipt of your authorization.

- A. Preparation of additional grant funding applications or finance applications above and beyond services provided for this Engineering Report.
- B. Grant Administration for this program (approved by Village under separate proposal on 8/15/2023)
- C. SEQR documentation/coordination.
- D. Geotechnical Investigation
- E. Archaeological Investigation
- F. Topographical Survey
- G. Wetland/biological investigation.
- H. Regulatory Permitting (Joint Application, US Army Corp of Engineers, etc.)
- I. Stormwater Pollution Prevention Plan (SWPPP).
- J. Design or preparation of construction documents.

**IV. Commencement of Work**

Upon receipt of the signed proposal, MRB Group will begin work on the project.

**V. Standard Terms and Conditions**

Attached hereto and made part of this Agreement is MRB Group's *Standard Terms and Conditions*.

If this proposal is acceptable to you, please sign where indicated and return one copy to our office. Thank you for your consideration of our firm. We look forward to working with you on this project.

Sincerely,



William Davis  
Director of Water Resources Engineering



James J. Oberst P.E., LEED AP  
Executive Vice President/C.O.O.

[https://mrbgrou365.sharepoint.com/sites/Proposals/Shared Documents/\\_Letter Proposals/2023/mrm - Trumansburg Streambank Stabilization.docx](https://mrbgrou365.sharepoint.com/sites/Proposals/Shared Documents/_Letter Proposals/2023/mrm - Trumansburg Streambank Stabilization.docx)

Enclosure

**PROPOSAL ACCEPTED FOR THE \_\_\_\_\_ BY:**

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Title*

\_\_\_\_\_  
*Date*



**MRB GROUP, ENGINEERING, ARCHITECTURE, SURVEYING, D.P.C.  
AGREEMENT FOR PROFESSIONAL SERVICES  
STANDARD TERMS AND CONDITIONS**

**A. TERMINATION**

This Agreement may be terminated by either party with seven days' written notice in the event of substantial failure to perform in accordance with the terms hereof by one party through no fault of the other party. If this Agreement is so terminated, the Professional Services Organization (hereinafter referred to as P.S.O.) shall be paid for services performed on the basis of his reasonable estimate for the portion of work completed prior to termination. In the event of any termination, the P.S.O. shall be paid all terminal expenses resulting therefrom, plus payment for additional services then due. Any primary payment made shall be credited toward any terminal payment due the P.S.O. If, prior to termination of this Agreement, any work designed or specified by the P.S.O. during any phase of the work is abandoned, after written notice from the client, the P.S.O. shall be paid for services performed on account of it prior to receipt of such notice from the client.

**B. OWNERSHIP OF DOCUMENTS**

All reports, drawings, specifications, computer files, field data and other documents prepared by the P.S.O. are instruments of service and shall remain the property of the P.S.O. The client shall not reuse or make any modification to the instruments of service without the written permission of the P.S.O. The client agrees to defend, indemnify and hold harmless the P.S.O. from all claims, damages, liabilities and costs, including attorneys' fees, arising from reuse or modification of the instruments of service by the client or any person or entity that acquires or obtains the instruments of service from or through the client.

**C. ESTIMATES**

Since the P.S.O. has no control over the cost of labor and materials, or over competitive bidding and market conditions, the estimates of construction cost provided for herein are to be made on the basis of his experience and qualifications, but the P.S.O. does not guarantee the accuracy of such estimates as compared to the Contractor's bid or the project construction cost.

**D. INSURANCE**

The P.S.O. agrees to procure and maintain insurance at the P.S.O.'s expense, such insurance as will protect him and the client from claims under the Workmen's Compensation Act and from claims for bodily injury, death or property damage which may arise from the negligent performance by the P.S.O. or his representative.

**E. INDEPENDENT CONTRACTOR**

The P.S.O. agrees that in accordance with its status as an independent contractor, it will conduct itself with such status, that it will neither hold itself out as nor claim to be an officer or employee of the client, by reason hereof, and that it will not by reason hereof make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the client, including, but not limited to, Workmen's Compensation coverage, unemployment insurance benefits or Social Security coverage.

**F. SUCCESSORS AND ASSIGNS**

The client and the P.S.O. each binds himself and his partners, successors, executors, administrators and assigns to the other party of this Agreement and to the partners, successors, executors, administrators and assigns of such other party, in respect to all covenants of this Agreement; except as above, neither the client nor the P.S.O. shall assign, submit or transfer his interest in this Agreement without the written consent of the other.

**G. P.S.O. NOT RESPONSIBLE FOR SAFETY PROVISIONS**

The P.S.O. is not responsible for construction means, methods, techniques, sequences or procedures, time of performance, programs, or for any safety precautions in connection with the construction work. The P.S.O. is not responsible for the Contractor's failure to execute the work in accordance with the Contract Drawings and/or Specifications.

**H. INVOICES AND PAYMENT**

Client will pay MRB Group, Engineering, Architecture, Surveying, D.P.C. for services in respect of the period during which Services are performed in accordance with the fee structure and work estimate set forth in the proposal. Invoices will be submitted on a periodic basis, or upon completion of Services, as indicated in the proposal or contract. All invoices are due upon receipt. Any invoice remaining unpaid after 30 days will bear interest from such date at 1.5 percent per month or at the maximum lawful interest rate, if such lawful rate is less than 1.5 percent per month. If client fails to pay any invoice when due, MRB may, at any time, and without waiving any other rights or claims against Client and without thereby incurring any liability to Client, elect to terminate performance of Services upon ten (10) days prior written notice by MRB to client. Notwithstanding any termination of Services by MRB for non-payment of Invoices, Client shall pay MRB in full for all Services rendered by MRB to the date of termination of Services plus all interest and termination costs and expenses incurred by MRB that are related to such termination. Client shall be liable to reimburse MRB for all costs and expenses of collection, including reasonable attorney's fees.

**I. FEES REQUIRED FROM JURISDICTIONAL AGENCIES**

MRB Group, D.P.C. is not responsible for nor does the Compensation Schedule established in the Agreement include fees or payments required of jurisdictional agencies. The client herein agrees to pay all application, entrance, recording and/or service fees required by said agencies.

**J. P.S.O. NOT AN EMPLOYEE**

The P.S.O. agrees not to hold himself out as an officer, employee or agent of the Owner, nor shall he make any claim against the Owner as an officer, employee or agent thereof for such benefits accruing to said officers, employees or agents.

**K. INDEMNITY**

The Owner will require any Contractor and Subcontractors performing the work to hold it harmless and indemnify and defend the Owner and P.S.O., their officers, employees and agents from all claims resulting from the Contractor's negligence in the performance of the work.