

# **TOWN OF SCHROON**

ESSEX COUNTY

NEW YORK

## **ZONING ORDINANCE**

AS AMENDED

ADOPTED: JUNE 29, 1971

AMENDED: DECEMBER 15, 1980  
APRIL 24, 1986  
FEBRUARY 08, 1988  
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**Section 100.**

An ordinance regulating and restricting the location, construction and use of buildings, structures, and the use of land in the Town of Schroon, and for said purposes dividing the Town into districts.

101. The Town Board of the Town of Schroon in the County of Essex, under the authority of the Town Laws of the State of New York, hereby ordains, enacts and publishes as follows:

101.01 For the purpose of promoting the health, safety, morals and general welfare of the Town of Schroon, AN ORDINANCE to regulate and restrict the height, number of stories and size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence and other purposes throughout the Town of Schroon.

**Section 200. DISTRICTS**

201. For the purpose of promoting the public health, safety, morals and general welfare of the Town of Schroon, the town is hereby divided into the following types of districts or zones:

- Shorefront Residential .....R-20
- Rural Residential .....R-80
- Rural Residential .....R-40
- Rural Residential.....R-40A (amend. 02/13/89)
- General Residential .....R-20
- General Residential .....R-10
- Resort Business .....B-2
- Resort Business.....B-2A (amend. 12/15/80)
- General Business .....B-1
- General Business .....I-1

202. The boundaries of these districts (zones) are established in accordance with the attached district or zone maps of the Town of Schroon, which said maps are hereby adopted and declared to be part of this ordinance.

202.01 Where district boundaries are indicated as approximately following the outline of streets or highways, such center lines shall be construed to be such boundaries; and where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries; and where district boundaries are so indicated that they are approximately parallel to the center lines of streets, such district boundaries shall be construed as being parallel thereto and at such distance there from so indicated on the zoning map; and if no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map; and where the boundary of the district follows a stream, lake or other body of water, said boundary line shall be deemed to be the limit of the jurisdiction of the Town unless otherwise indicated.

**Section 300. GENERAL REGULATIONS**

301. Except as hereinafter specified, no building, structure or premises or part thereof shall hereafter be used, constructed, raised, moved, reconstructed, extended, enlarged or substantially altered in its construction or use.

302. An existing structure or use not conforming to this ordinance may be extended or enlarged on lot as the same existed upon the date of the adoption of this ordinance, provided such structural extension or enlargement adheres to all yard requirements, and provided said structure adheres to coverage requirements prescribed for the district in which it is located. A non-conforming use may not be changed to a less conforming use. (amend. 04/24/86)

303. A non-conforming use, if once discontinued in the district in which it is located, shall never be changed back to a non-conforming use.
- 303.01 Discontinuances shall be defined as (a) vacancy of a building originally designed or arranged for the non-conforming use for a continuous period of two years, (b) vacancy of land for a period of ninety days, (c) vacancy of any building other than in (a) for a period of six months, or (d) clear intent on the part of the owner to abandon the non-conforming use.
304. Nothing herein shall prevent the restoration of a wall or other structural member of a building which shall have been declared unsafe by any official authorized to make such determination, or an engineer, architect or builder authorized by the Town Board to examine and pass on the same.
305. Nothing in this Ordinance shall prevent the restoration or the resumption of the use of a building destroyed by explosion, act of God, or act of the public enemy, subsequent to the passing of this Ordinance, provided that the restoration and resumption shall take place within the time allowed as defined in discontinuance under Section 303.01 above commencing with the time of such destruction.
306. A building or structure may be constructed on any lot of record which does not meet lot area and width requirements, provided said lot was separate in ownership from any adjoining lot or tract of land prior to the effective date of the Ordinance. For the purpose of this Ordinance, a lot is defined as a parcel of ground under one sale or undivided ownership separate from that of any adjoining lots.
307. No trade, industry or purpose is permitted which, when conducted under proper and adequate conditions and safeguards, may create toxic or noisome fumes, gas, smoke or odors, or obnoxious vapor or wastes, or offensive noise or vibrations detrimental to the public health, safety, morals or general welfare.
308. It is not intended by this Ordinance to interfere with or abrogate, or annul any easement, restriction or other agreement valid and subsisting between parties, provided, however, that when this Ordinance imposes a greater restriction on the use of buildings or structures, or land, or a greater restriction on building or structures that may be imposed or required by any other ordinance, rule, regulations, or by any easement, covenant, restriction or agreement, the provisions of this Ordinance shall control.
309. Deleted (amend. 02/08/88)
- 309.01 Dwelling unit means one room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, sanitary and sleeping facilities. It shall include sectional homes and modular units provided these units meet the standards of the local building code but shall not include mobile home, motel, hotel, lodging house or similar structures. (amend. 02/08/88)
- 309.02 One family dwelling means any detached building containing one dwelling unit, not including a mobile home. (amend. 02/08/88)
- 309.03 Multiple family dwelling means any apartment, town house, condominium, co-operative or similar building, including the conversion of an existing single family dwelling, designed for occupancy in separate dwelling units therein by more than one family. (amend. 02/08/88)

309.04 Principal building means any one of the following:

- a) a single family dwelling constitutes one principal building;
- b) a mobile home constitutes one principal building;
- c) a tourist cabin or similar structure for rent or hire involving four hundred square feet or more of floor space constitutes one principal building;
- d) each dwelling unit of a multiple family dwelling constitutes one principal building;
- e) each motel unit, hotel unit or similar tourist accommodation unit which is attached to a similar unit by a party wall, each accommodation unit of a tourist home or similar structure, and each tourist cabin or similar structure for rent or hire involving less than four hundred square feet of floor space, constitutes one-tenth of a principal building;
- f) each commercial use structure and each industrial use structure in excess of four hundred square feet constitutes one principal building, except that for a commercial use structure which involves the retail sale or rental or distribution of goods, services or commodities, each eleven thousand square feet of floor space, or portion thereof, of such commercial use structures constitutes one principal building;
- g) all agricultural use structures and single family dwellings or mobile homes occupied by a farmer of land in agricultural use, his employees engaged in such use and members of their respective immediate families, will together constitute and count as a single principal building;
- h) any other structure which exceeds twelve hundred fifty feet of floor space constitutes one principal building;
- i) a structure containing a commercial use which is also used as a single family dwelling constitutes one principal building.

An accessory structure does not constitute a principal building. (amend. 02/08/88)

310. Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure" the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied".

311. Pursuant to Section 281 of the Town Law, the Planning Board is empowered to modify the minimum lot area, the minimum lot width, the minimum front, side, rear yard and maximum coverage requirements of this ordinance in order to enable and encourage flexibility of design and development of land in such manner as to promote the most appropriate use of land, to facilitate the adequate and economic use of streets and utilities and to preserve the natural and scenic qualities of open lands in accordance with the following standards:

- a) The Planning Board may make such modifications in all zoning districts.
- b) No such modification by the Planning Board shall result in a greater overall density of lots, dwelling units or principal buildings than is permitted in the zoning district wherein such lands lie, as specified in this zoning ordinance and as shown on the official zoning map.
- c) This provision shall not be deemed to authorize a change in the permissible use of such lands as provided in this zoning ordinance.
- d) In order to insure compliance with the overall density of lots or dwelling units that is permitted in the zoning district wherein such lands lie, the Planning Board, as a condition for approval, may establish in the case of lands for park, recreation or other municipal purpose, such conditions on the ownership, use, and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes, and may further, in the case of lands to be retained in open space, require that such lands be restricted by deed restriction, restrictive covenant, conveyance of a scenic easement or other conservation restriction to the town or other appropriate means against any development or land use inconsistent with their retention in open space.
- e) Any subdivision plat approved by the Planning Board which utilizes the provisions of this section shall be filed with the town clerk, who shall make appropriate notation and reference thereto on the town zoning map. (amend. 02/08/88)

312. Any lot having more than one principal building as defined in Section 309.04. hereof shall be increased in size in direct proportion to the number of principal buildings to be located on the lot. (amend. 02/08/88)
313. Multiple family dwellings are allowed in all districts when approved by the Planning Board in accordance with the provisions of Section 311. (amend. 02/08/88)
314. All lots fronting on any body of water (including their inlets and outlets) within the Town of Schroon with the exception Schroon Lake, Paradox Lake and Schroon River shall be on lots of 50,000 or more square feet having a minimum shore line frontage of 125 feet, a minimum front yard (shore side) of 50 feet and minimum side and rear yards of 20 feet, covering a maximum of 15% of a lot. Only lots having separate and distinct ownership are allowed (no deeded or contractual access lots to bodies of water are allowed). (amend. 02/08/88)

#### **Section 400. DISTRICT USES**

401. In any district, no building, structure or premises shall be used or arranged or designed to be used in any part for other than one or more of the following permitted uses:
- 401.01 Shorefront Residential District SR-20 uses:
- 401.02 Permitted principal uses:
- 1) One Family Dwelling
  - 2) Churches and similar places of worship and related buildings as rectories, convents and church schools
  - 3) Public schools, parks and playgrounds
  - 4) Forests or tree farms
  - 5) Public buildings
- 401.03 Permitted accessory uses located on the same lot with the permitted principal use:
- 1) Private garage
  - 2) Home occupations, including the offices of doctors, dentists, architects, engineers and other professionals and persons in occupations such as realtor, insurance agent, beautician, (and others customarily accepted in the area) residing on the premises, provided that such home occupations shall be incidental to the main use of the building for dwelling purposes and does not change the character thereof.
  - 3) Other customary accessory uses and buildings, provided such uses are clearly incidental to the principal use and do not include any activity commonly conducted as a business.
  - 4) Storage of unoccupied recreational vehicles or equipment.
- 402.01 Rural Residential Districts R-80 and R-40 uses:
- 402.02 Permitted principal uses: Same as SR-20.
- 402.03 Permitted accessory uses located on the same lot with the permitted principal use:
- 1) Private garage
  - 2) Home occupations, as defined above
  - 3) Other customary accessory uses and buildings provided such uses are clearly incidental to the principal use and do not include any activity commonly conducted as a business.
  - 4) Temporary storage of one mobile home not to exceed 60 days. (Mobile home shall not be connected to sewage, water or gas.)

402.04 Uses permitted upon issuance of a Special Permit as provided in Section 800.

- 1) Boarding, Lodging and Rooming Houses and Tourist Homes
- 2) Permanent Mobile Home
- 3) Camp Area (Private)
- 4) Mining, quarrying and removal of natural deposits
- 5) Mobile Home Park

402.05 Rural Residential District R-40A uses: (amend. 02/13/89)

402.06 Permitted principal uses: (amend. 02/13/89)

- 1) One Family Dwelling
- 2) Churches and similar places of worship and related buildings as rectories, convents and church schools
- 3) Public or private facilities with associated buildings and structures for the use of guests and patrons with accommodations including uses such as conference and meeting areas, dining and refreshment areas, golf course and recreation areas, health and fitness centers, court and game areas, parks and playgrounds
- 4) Forests or tree farms

402.07 Permitted accessory uses located on the same lot with the permitted principal use:  
(amend. 02/13/89)

- 1) Private garage
- 2) Home occupations, as defined above
- 3) Other customary accessory uses and buildings provided such uses are clearly incidental to the principal use
- 4) Storage of unoccupied recreational vehicles or equipment

402.08 Uses permitted upon issuance of a Special Permit as provided in Section 800: (amend. 02/13/89)

- 1) Boat storage excluding sales
- 2) Mining, quarrying and removal of natural deposits

403.01 General Residential District R-20 and R-10 uses:

403.02 Permitted principal uses: Same as SR-20

403.03 Permitted accessory uses located on the same lot with the permitted principal use:

Same as R-80 and R-40

403.04 Uses permitted upon issuance of a Special Permit as provided in Section 800:

- 1) Boarding Lodging and Rooming Houses and Tourist Homes
- 2) Permanent Mobile Homes
- 3) Mining, quarrying and removal of natural deposits

404.01 Resort Business District B-2 uses:

404.02 Uses Permitted:

- 1) All principal and accessory uses permitted in residential district SR-20, provided area, yard, height and coverage provisions of resident district SR-20 are adhered to for dwellings
- 2) Guest cottages and/or cabins
- 3) Inns, motels, motor hotels, lodges, tourist homes and similar places offering accommodations to transient guests, tourists and vacationers, including accessory uses such as dining and refreshment areas, swimming pools, beach areas, docks, boats and limited court and game areas for use of guests or patrons of the establishment
- 4) Restaurants
- 5) Marina, excluding boat storage and sales

404.03 Uses permitted upon issuance of a Special Permit as provided in Section 800:

- 1) Camp area

404.04 Resort Business District B-2A uses: (amend. 12/15/80)

404.05 Uses Permitted: (amend. 12/15/80)

- 1) All principal and accessory uses permitted in residential district R-10 provided area, yard, height and coverage provisions of resident district R-10 are adhered to for dwellings.
- 2) Guest cottages and/or cabins.
- 3) Inns, motels, motor hotels, lodges, tourist homes and similar places offering accommodations to transient guests, tourists and vacationers, including accessory uses such as dining and refreshment areas, swimming pools, beach areas, docks, boats, and limited court and game areas for use of guests or patrons of the establishment.
- 4) Restaurants.
- 5) Marina, excluding boat storage and sales.

405.01 General Business District B-1 uses:

405.02 Uses Permitted:

- 1) All principal and accessory uses permitted in any residential or B-2 district provided area, yard, height and coverage provisions of resident district R-10 are adhered to for dwellings.
- 2) Stores or shops for conducting any retail business
- 3) Personal Service shops
- 4) Banks, theaters, offices, restaurants and similar community services
- 5) Gasoline filling stations or garages, together with accessory open car lots provided that building and equipment are so laid out that no vehicles encroach upon the public right-of-way while being served

406.01 General Industrial District I-1 uses:

406.02 Uses permitted:

- 1) All principal and accessory uses permitted in any residential, B-1 and B-2 district, provided area, yard, height and coverage provisions of residential district R-20 are adhered to for dwellings
- 2) Commercial garaging or storing
- 3) Distribution or manufacturing activities as steam laundries, building supplies, lumber yards
- 4) Light processing, machine shops and manufacturing laboratories, millwork
- 5) Wholesale and storage warehousing
- 6) Restaurants



406.03 Uses permitted upon issuance of Special Permit as provided in Section 800:

- 1) Camp area
- 2) Mobile Home Park
- 3) Mining, quarrying or removal of natural deposits

**Section 500. HEIGHT, FRONTAGE, AREA, YARD and COVERAGE requirement:**

501. The height of a building or structure shall be measured from the ground level within 10 feet of the building up to the average level of the highest main roof thereof.

502. No residential buildings or structure may exceed 2 1/2 stories or 40 feet in height.

503. Retail business buildings may not exceed three stories or 40 feet in height.

504. The provisions of this Ordinance with respect to height shall not apply to church spires, belfries, cupolas, chimneys, flag poles, telephone or television aerials or their supports if not occupying an area greater than 25% on the lot area, domes, ornamental towers, observation towers, water tanks, scenery lofts or elevator shafts.

504.01 Any buildings exceeding these height requirements shall require a special permit.

505. The minimum street frontage of any lot shall be 20 feet.

506. Lot area (square feet) minimum lot width at the building line (in feet) and maximum coverage of lot requirements are as follows:

507.01 Resident District, R-80.

Buildings or structures shall be on lots of 80,000 or more square feet, having a minimum lot width at the building line of 200 feet, minimum front yard of 50 feet and minimum side and rear yards of 30 feet, covering a maximum of 10% of a lot.

507.02 Resident District, R-40 and Residential District, R-40A. (amend.02/13/89)

Buildings or structures shall be on lots of 40,000 or more square feet, having a minimum lot width at the building line of 160 feet, a minimum front yard of 40 feet and minimum side and rear yards of 20 feet, covering a maximum of 15% of a lot.

507.03 Shorefront Resident District, SR-20 and General Resident District, R-20.

Buildings or structures shall be on lots of 20,000 or more square feet having a minimum lot width at the building line of 100 feet minimum front yard of 20 feet and a minimum side and rear yards of 15 feet covering a maximum of 20% of a lot.

507.04 General Resident District, R-10.

Buildings or structures shall be on lots of 10,000 or more square feet having a minimum lot width at the building line of 75 feet, minimum front yard of 20 feet and minimum side and rear yards of 10 feet, covering a maximum of 50% of a lot.

507.05 General Business, B-1; Resort Business, B-2; Resort Business, B-2A (amend. 12/15/80) and General Industrial, I-1.

Buildings or structures shall be on lots of 2,000 or more square feet, except where used for dwelling purposes, and cover a maximum of 70% of the lot.

- 507.06 In R-20, B-2 and I-1 Districts, all dwelling types including mobile home, motel, hotel, lodging house or similar structures may be on lots of 10,000 or more square feet provided the lot has both off-lot water and sewage disposal (central sewage collection and water distribution systems).  
(amend. 02/08/88)
508. The building line shall be a line drawn parallel or concentric to any street line or natural body of water and through the point at which a building is nearest to a street or natural body of water if the building is so designed as to front on a natural body of water. The building line is further defined as that line beyond which the foundation wall and/or enclosed porches, exclusive of steps, shall not project.
509. Coverage refers to that percentage of the lot area covered by the ground floor area of all buildings measured to the outside of the exterior walls.

**Section 600. REQUIRED OFF-STREET PARKING and LOADING**

- 601.01 Dust free parking spaces, computed at 180 square feet each, and loading berths, computed at 480 square feet each, together with adequate driveways and turnarounds shall be provided in districts or zones for indicated uses as follows:
- 601.02 Rooming houses and tourist houses, one parking space per each guest room.
- 601.03 Schools (private or public), one parking space per each 12 seats.
- 601.04 Inns, motels, motor hotels, lodges, guest cottages and/or cabins, one parking space for each guest unit.
- 601.05 Retail Business buildings or structures shall have one square foot parking space per each two square feet of gross floor area. Gross floor area is defined as the area of ground or first floor area. Gross floor area is defined as the area of the ground or first floor level measured to the outside of the exterior walls.
- 601.06 Retail Business lots less than 5,000 feet in area may satisfy the area requirements for parking by a front yard or rear yard setback equal to one-third (33 1/3%) of the average lot depth and the area so provided shall be utilized for parking except that driveways and turnarounds shall not be required.
- 601.07 Retail Business buildings or structures in floor area in excess of 5,000 square feet shall have one Loading Berth.
- 601.08 General Industrial buildings and structures in floor area in excess of 10,000 square feet shall have one parking space per each employee and one loading berth per 10,000 square feet of building floor area.
- 601.09 Places of public assembly shall have one parking space per each four of seating capacity.
602. Parking requirements may be satisfied by the owner demonstrating the provision of equivalent parking space on adjacent or neighboring property within 1,000 feet of the premises in question.

**Section 700. ENFORCEMENT**

701. This ordinance shall be enforced by an administrative official charged with its enforcement. Such official shall not possess any discretionary authority and whenever there is any doubt as to the interpretation of this ordinance, such doubts shall be referred as a question to the Board of Appeals.
702. Any certificate and/or permit for any building, structure or use issued by any department, officer or employee of the Town of Schroon authorized to issue such certificate or permit shall be in conformity with at least the minimum requirements of this ordinance and except as provided in Section 300, any certificate or permit issued in conflict or at variance with the provisions of this ordinance shall be null and void.
703. Except as hereinafter provided, no building or structure, including accessory buildings, shall be erected, moved, enlarged, or extended nor shall any land or building be used, nor shall any excavation for any building or structure or for the removal of natural deposits be begun unless and until a zoning certificate therefore has been issued by the administrative official charged with the enforcement of this ordinance.
- 703.01 Zoning Certificates shall not be required for accessory use or for a home occupation permitted in accordance with the provisions of these regulations provided that said use or home occupation does not require the enlargement, extension or structural alteration of any building or structure. (amend. 04/24/86)
- 703.02 In cases where a public water supply and distribution system and a public sewage system are not available to serve the building or use for which a zoning certificate is sought, no zoning certificate shall be used until the proposed method of water supply and sewage disposal has been approved by the official charged with the administration and enforcement of the Town of Schroon Regulation for Individual Sewage Disposal Systems. (amend. 04/24/86)
704. Applications for a zoning certificate shall be filed on forms provided therefore, obtainable at the Town office. Each application for a permit shall be accompanied by such information as may be necessary to establish full compliance with the provisions of this ordinance and all other regulations currently in effect.
- 704.01 Each application shall be accompanied by two copies of a drawing, approximately to scale showing, but not limited to the following: The lot upon which the building or structure is proposed to be erected, moved, enlarged, or extended or for which a change in use is proposed; lot dimensions, deed number; name and width of abutting streets and roads; locations, dimensions and use of existing buildings, driveways, wells and septic tanks, if any; location, dimensions and intended use of proposed building or structure, including proposed off-street parking areas, driveways, wells, septic tanks, if any, or the proposed use of the lot if there is no building; distances of proposed building or structure from edge of right of way or center line of travel way of existing front and side street, if any, and distances from bounding lot lines.
705. No non-conforming use shall be renewed, changed or extended without a zoning certificate having first been issued by the administrative official charged with the enforcement of this ordinance.
706. Applications for a zoning certificate may be filed by an owner of a building and/or lot lawfully existing and/or used at the time of enactment of this ordinance. Upon review of the application and supporting documents, the administrative official charged with the enforcement of this ordinance shall issue a zoning certificate for such building and/or lot indicating the use and the extent to which the same conform or are non-conforming to this ordinance.
707. The administrative official charged with the enforcement of this ordinance shall maintain files of applications for permits and zoning certificates and the issuance of same which files shall be open to public inspection at the office of the Town Clerk. He shall keep a record of every identifiable

complaint of a violation of any of the provisions of this ordinance, and of the disposition of each such complaint, which records shall be public records in like manner. He shall file a report quarterly to the Town Board on the operations of this office. A copy of such reports shall be filed with the Planning Office.

708. A schedule of fees and charges to be made in connection with the application and issuance of zoning certificates shall be established by the Town Board.

## **Section 800. BOARD OF APPEALS**

801. A Board of Appeals is hereby created. Said board shall consist of five members, each of whom shall be a resident of the Town of Schroon. Members of the board and the chairman thereof shall be appointed, and their terms of office, succession, removal and filling of vacancies shall be as prescribed by law.

802. The powers and duties of the Board of Appeals, in addition to such powers and duties as do or may belong to said Board of Appeals otherwise by law and this ordinance, are more particularly specified as follows:

### 803. INTERPRETATION

803.01 Upon appeal from a decision by an administrative official to decide any question involving the interpretation of any provision of this ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

803.02 Determination of whether or not a particular proposed use is a use prohibited in any district.

803.03 Determination of whether a non-conforming use proposed to replace another is more or less non-conforming than the latter.

### 804. VARIANCES

804.01 The Board of Appeals shall have the power to grant **use variances** on appeal from the determination or decision of the administrative official charged with the enforcement of the zoning ordinance. Use variances shall mean the authorization by the Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the local zoning regulations. (amend. 05/13/02)

804.02 No such use variance shall be granted by the Board of Appeals without a showing by the applicant that the 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 use under the zoning regulations for the particular district where the property is located:

- 1) the applicant cannot realize a reasonable rate of return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- 2) 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;
- 3) that the requested use variance, if granted, will not alter the essential character of the neighborhood;
- 4) that the alleged hardship has not been self-created. (amend. 05/13/02)

804.03 The Board of Appeals shall have the power to grant **area variances** on appeal from the determination or decision of the administrative official charged with the enforcement of the zoning ordinance. Area variance shall mean the authorization by the Board of Appeals for the use of land

in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations. (amend. 05/13/02)

804.04 In making its determination for an area variance the Board of Appeals shall balance the interests of the applicant, if the variance is granted, against any detriment to the health, safety and welfare of the community.

In making such determination the board shall also consider:

- 1) 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 variance;
- 2) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant other than an area variance;
- 3) whether the requested area variance is substantial;
- 4) whether the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district; and
- 5) 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. (amend. 05/13/02)

804.05 For both use and area variances the Board of Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and further 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. (amend. 05/13/02)

804.06 The Board of Appeals shall prescribe any conditions that it deemed to be necessary or desirable.

805. Each appeal or application for a variance shall be considered by the board on its own merits. No use variance shall be granted on any allegation of hardship resulting from the act of the applicant subsequent to the adoption of this ordinance, whether or not in violation of the provisions thereof. (amend. 05/13/02)

## 806. SPECIAL PERMITS

### 806.01 General.

After public hearing held pursuant to the provisions of this ordinance, the Board of Appeals may grant a special permit for any of the special permit uses listed in this ordinance and in any other case set forth in this ordinance wherein a special permit is required, provided such special permit use complies with the general standards herein set forth and any special standards, if enumerated in the special permit provision in question, as may be applicable to the particular special permit use in the district specified. An application for such special permit shall be made to the Board of Appeals.

### 806.02 General Standards.

- a) Each special permit use shall be of such character, intensity, size and location that in general it will be in harmony with the orderly development of the district in which the property concerned is situated and will not be detrimental to the orderly development of adjacent district.
- b) Each special permit use sought in a district shall be so located on a lot involved that it shall not impair the use, enjoyment and value of adjacent residential properties.
- c) The nature and intensity of a special permit use sought in a district and the traffic generated by it shall not be hazardous or detrimental to the prevailing character of the area in which it is sought.
- d) Each special permit use in a district shall be harmonious with the district in which its location is sought, shall not create undue pedestrian or vehicular traffic hazards, and shall not include any display of signs, noise, fumes or lights that will hinder normal development of the district or impair the use, enjoyment and value of adjacent land and buildings.

- 806.03 Board of Appeals may impose further conditions.  
Upon finding that such general standards and special standards if any, have been fully met, the Board of Appeals may grant such special permit, and in so doing may impose any conditions that it may deem necessary to accomplish the reasonable application of such standards. The Board of Appeals may deny any application for a special permit which is in its judgment is not in accordance with said general or special standards. Said Board may require, as a condition of the granting of any special permit, that it shall be periodically renewed or said Board may grant a temporary special permit subject to adequate guaranties that the use covered will be terminated at the end of the period specified or such extension thereof as may be granted by said Board, provided that any such renewal or extension shall be subject to the same procedure as specified herein for the original granting of the special permit involved and in conformity with the aforesaid general and special standards.
- 806.04 Pre-existing uses deemed to be conforming.  
Any lawful use, existing at the time of the effective date of this ordinance or any amendment thereof, which if newly created under this ordinance would require a special permit in the district in which it is situated, may be continued and shall be deemed to be a conforming use, but any modification, change or extension thereof shall be subject to the granting of a special permit as provided in this ordinance.
- 806.05 Mobile Homes Permanent - permitted subject to the following conditions:
- 806.06 No Mobile Homes shall be located permanently on any lot fronting on any Federal, State or County road, nor any lot in any approved subdivision which has in part been developed with conventional dwellings.
- 806.07 Each mobile home shall be located on a permanent, continuous, masonry foundation and not on posts or blocks, and shall be situated on a lot meeting the same requirements in respect to area, setbacks and width as provided for one family dwellings in the district in which such mobile home is proposed to be located and not more than one mobile home shall be located on a lot.
- 806.08 Any mobile home (except in approved mobile home parks, or mobile homes stored on a lot in accordance with the requirements of this ordinance) shall, after 60 days, be required to comply with the foregoing provisions or shall immediately be re-located in an approved mobile home park.
- 806.09 Mobile Home Parks (including trailer coach parks, trailer parks, trailer camps or however designated) permitted subject to the following conditions:
- 806.10 The lot is at least three acres in area and is at least 100 feet from any existing dwelling fronting on the same road or highway as the proposed mobile home park.
- 806.11 The lot shall have at least 100 feet frontage on a Federal, State or County road or on a secondary road having convenient access thereto.
- 806.12 Not more than six mobile home sites per acre of lot area shall be permitted.
- 806.13 Each mobile home site shall have an area of 5,000 square feet and the site shall be so designed that minimum distance between mobile homes shall be 25 feet.
- 806.14 Portable water supply and sewerage, laundries, garbage and other sanitary waste and service facilities meeting the requirements of the New York State Department of Health shall be provided.
- 806.15 No mobile home nor any building or structure within a mobile home park shall be located within 50 feet of any bounding road or within 30 feet of any side or rear property line.

- 806.16 Existing natural screening, (trees, shrubs, etc.) shall be maintained along the boundaries of the mobile home park and supplemented with additional plant material or other screening, when, in the opinion of the Board it is necessary to provide such screening to protect the adjacent residential areas from a view of the mobile home park.
- 806.17 Prior to consideration by the Board of Appeals, the applicant shall file with the Town Clerk a license bond in the amount of one thousand dollars to guarantee compliance with the terms of the ordinance and an accompanying application setting forth:
- 1) Name and address of the applicant, and of the owner of the land, and operator of the mobile home park, if they be different.
  - 2) A legal description of the premises proposed to be used for the park; and
  - 3) A plan for the mobile home park showing the layout, mobile home sites, access road, water and sewage connections or method of disposal, waste and sanitary facilities, landscaping, buffer planting, distances from adjacent properties and other critical distances; and such other information as may assist the Board in making a determination.
- 806.18 In considering the location of the mobile home park, the Board shall not issue a special permit until it has in hand a favorable report from the State Department of Health, the Planning Board and such officials who may be assigned by the Town Board to review matters concerned with public safety and shall issue a permit only if it finds that the proposed use will not constitute a nuisance because of noise, sanitary conditions or traffic and will not adversely affect the present character of future development of the surrounding community.
- 806.19 Mining and Quarrying, including and limited to removal of sand, gravel, clay, rock or extraction of other natural mineral deposits permitted provided that:
- a) The area within one thousand feet from the boundary of the subject property is undeveloped;
  - b) There shall be adequate control of noise, dust or other undesirable features of the operation by natural screening with vegetation and the area shall be enclosed within a slightly wall or fence at least six feet in height when such is deemed necessary by the Board of Appeals.
  - c) The area shall be left suitable for development purposes, and the removal of material shall not go below the grade of any bounding streets or in cases where the operator agrees to backfill excavations with other suitable material on a slope no steeper than eight to one.
  - d) Notwithstanding the foregoing, there shall be no excavation below grade within 100 feet of any bounding street or lot line.
  - e) No rock crusher, cement plant or other crushing, grinding, polishing or cutting machinery or other physical or chemical process for treating the product of such quarry shall be permitted.
  - f) Special permits shall be limited to a period not exceeding five years. If, at the expiration of the five year period, the area is predominantly undeveloped for a distance of 1000 feet from the boundary of the subject property, the special permit may be renewed for a successive three year period.
  - g) All applications for special permits shall be accompanied by a map or plot showing the area proposed to be included in the pit or quarry and an estimate of the time required for the removal of the material.
  - h) No such permit shall be granted except by unanimous vote of all members of the Board of Appeals.
- 806.20 Boarding and Rooming Houses and Tourist Homes are permitted provided that:
- 1) The lot proposed for such use conforms to the minimum area, height and set-backs required for the zone.
  - 2) Adequate off-street parking space shall be provided to an extent of one space for each room offered for rent in addition to off-street parking space required for regular occupants of the premises.
  - 3) In case of a structure having two or more stories, fire or supplementary exists shall be provided and a Fire Underwriters approved sprinkler system shall be provided.

- 806.21 Camp Areas (excluding mobile homes, trailer parks, etc.) are permitted, provided:
- a) The lot shall have at least five acres in area and be at least 100 feet from any dwelling fronting on the same road or highway as the proposed camp area;
  - b) The lot shall have at least 100 feet of frontage on a Federal, State or County road or on a secondary road having convenient access thereto and, if shorefront property, shall have at least 10 feet of additional shorefront and 1000 additional square feet of lot area for each camp site or family accommodation in excess of ten and up to and including twenty, plus 5 feet additional shorefront and 500 square feet of additional lot area for each campsite or family accommodation in excess of twenty included within any single camp area.
  - c) Not more than 10 campsites or other family accommodations per acre of lot area and not less than 3500 square feet per campsite shall be permitted; provided that if a motor vehicle parking area is provided separate from the site may be not less than 3,200 square feet;
  - d) Adequate portable water supply and sewage disposal systems and toilets, showers, laundries and other sanitary and service facilities meeting the requirements of the New York State Department of Health shall be provided for each camp area.
  - e) No campsite or other building or structure within a camp area shall be located within 50 feet of any bounding road, street or property line.
  - f) Existing natural screening as trees and shrubs shall be maintained along the boundaries of the property and supplemented with additional plant material or other screening when, in the opinion of the Board of Appeals, it is necessary to provide screening to protect adjacent residential areas from a view of the camp area.
  - g) Prior to consideration by the Board of Appeals, the applicant shall file with the Town Clerk a license bond in the amount of one thousand dollars to guarantee compliance with the terms of this ordinance and an accompanying application setting forth:
    - 1) The name and address of the applicant and of the owner of the land and operator of the camp, if they are different.
    - 2) A legal description of the premises proposed to be used for the camp area.
    - 3) A plan for the camp area showing layout, campsites, access roads, water and sewerage connections or method of disposal, landscaping, buffer planting, distances from adjacent properties and other critical distances; and such other information as may assist the Board of Appeals in making a determination.
  - h) In considering the location of camp areas, the Board of Appeals shall not issue a special permit until it has in hand a favorable report from the State Health Department and such officials who may be assigned by the Town Board to review matters concerned with public safety, and shall issue a permit only if it finds that the proposed use will not constitute a nuisance because of noise, sanitary conditions or traffic and will not affect adversely the present character of future development of the surrounding community.

## 807. PROCEDURE

807.01 The Board of Appeals shall act in strict accordance with the procedure specified by law and by this ordinance. All appeals and applications made to the Board shall be in writing, on the forms prescribed by the Board. Every appeal or application shall refer to the specific provision of the ordinance involved, and shall exactly set forth the interpretation that is claimed, the use for which the special permit is sought, or the details of the variance should be granted, as the case may be.

807.02 Applications for appeal and/or special permit shall be accompanied by a fee in an amount determined by the Town Board to cover the cost of advertising and processing.

807.03 At least 15 days before the date of the hearing required by law on an application or appeal to the Board of Appeals, the secretary of said Board shall transmit to the Planning Board a copy of said application or appeal, together with a copy of the notice of the aforesaid hearing and shall request that the Planning Board submit to the Board of Appeals its opinion on said application or appeal, and the Planning Board shall submit a report of such advisory opinion prior to the date of said hearing. Upon failure to submit such report, the Planning Board shall be deemed to have approved the application or appeal.



807.04 (A) A public hearing should be held by the Board of Appeals on every appeal and application made to it. The deliberations of the Board shall be conducted publicly. 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.

(B) A notice of such hearing and of the substance of the appeal or application, including applications for special permits, shall be given by publication in the official newspaper of the Town at least ten (10) days before the date of such hearing. A notice of such hearing shall also be transmitted to the applicant. The applicant must notify any adjacent property owner of any boundary of the property which is the subject of an application for a special permit or an appeal for a variance to permit a use or change in use or any other application. Such notice shall be mailed not less than seven (7) days before the date of public hearing and the applicant shall file with the Board a affidavit duly sworn to that such property owners were so notified not less than three (3) days prior to the date of public hearing.

(C) Unless work is commenced and diligently prosecuted within one (1) year of the date of the granting of a variance or special permits, such variance or special permits shall become null and void.

After having been decided and determined, no appeal or other matter presented to the Board of Appeals shall again be presented to or entertained by said Board within a period of one year from the date of such decision or determination or, if renewed by the courts, within the same period after the final adjudication thereof, except upon a showing by the applicant or appellant that there has been a material change in the circumstances under consideration in the original proceeding; and the applicant or appellant so presenting a second appeal or application shall have the burden of establishing upon such new appeal or application the existence of such material change of circumstances.

## **Section 900. AMENDMENT**

901. The Town Board may from time to time on its own motion, or on petition, or on recommendation of the Planning Board, amend, supplement or repeal the regulations and provision of this ordinance after public notice and hearing.

902. All private petitions to amend, supplement, or change these regulations or district (zones) or appeals or applications to the Board of Appeals shall be on a standard form prescribed by the Town Board and shall be accompanied by a fee in an amount determined by the Town Board to cover the cost of advertising and processing.

903. Every such proposed amendment or change whether initiated by the Town Board or by petition shall be referred to the Planning Board for report thereon before the public hearing hereinafter provided for. The Town Board by resolution adopted at a stated meeting shall fix the time and place of a public hearing on the proposed amendments and cause notice to be given as follows:

903.01 By publishing a notice of the time and place of such hearing at least ten days prior to such hearing in such paper of general circulation in the Town.

903.02 A written notice of any proposed change or amendment affecting property within 500 feet of the boundaries of any State Park shall be given to the regional State Park Commission having jurisdiction over such State Park at least 10 days prior to the date of such public hearing.

903.03 A written notice of any proposed change or amendment affecting property within 500 feet of the boundaries of any Town or County, shall be given to the Clerk of such municipality and to the Clerk of the Board of Supervisors at least 10 days prior to the date of such hearing.

903.04 In case, however, of a protest against such change signed by the owners of twenty percent or more of the area of land included in such proposed change or of that immediately adjacent

extending 100 feet there from or of that directly opposite thereto, extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of at least four members of the Town Board.

**Section 1000. VIOLATIONS AND PENALTIES**

1001. Whenever a violation of this ordinance occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the enforcing officer, who shall properly record such complaint and immediately investigate and report thereon to the Town Board and the complainant.
1002. A violation of this ordinance is hereby declared to be an offense, punishable by a fine not to exceed fifty dollars. Each week's continued violation shall constitute a separate additional violation.

**Section 1100. VALIDITY**

1001. Should any section or provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

**Section 1200. SHORT TITLE**

1201. This ordinance shall be known and may be cited as the "Town of Schroon, N.Y. Zoning Ordinance".

**Section 1300. EFFECTIVE DATE**

1301. This ordinance shall take effect ten days after publication and posting as required by law, but it shall take effect from the date of its service as against a person served personally with a copy thereof, certified by the Town Clerk under the corporate seal of the Town and showing the date of its passage and entry in the minutes.

## Summary of Amendments

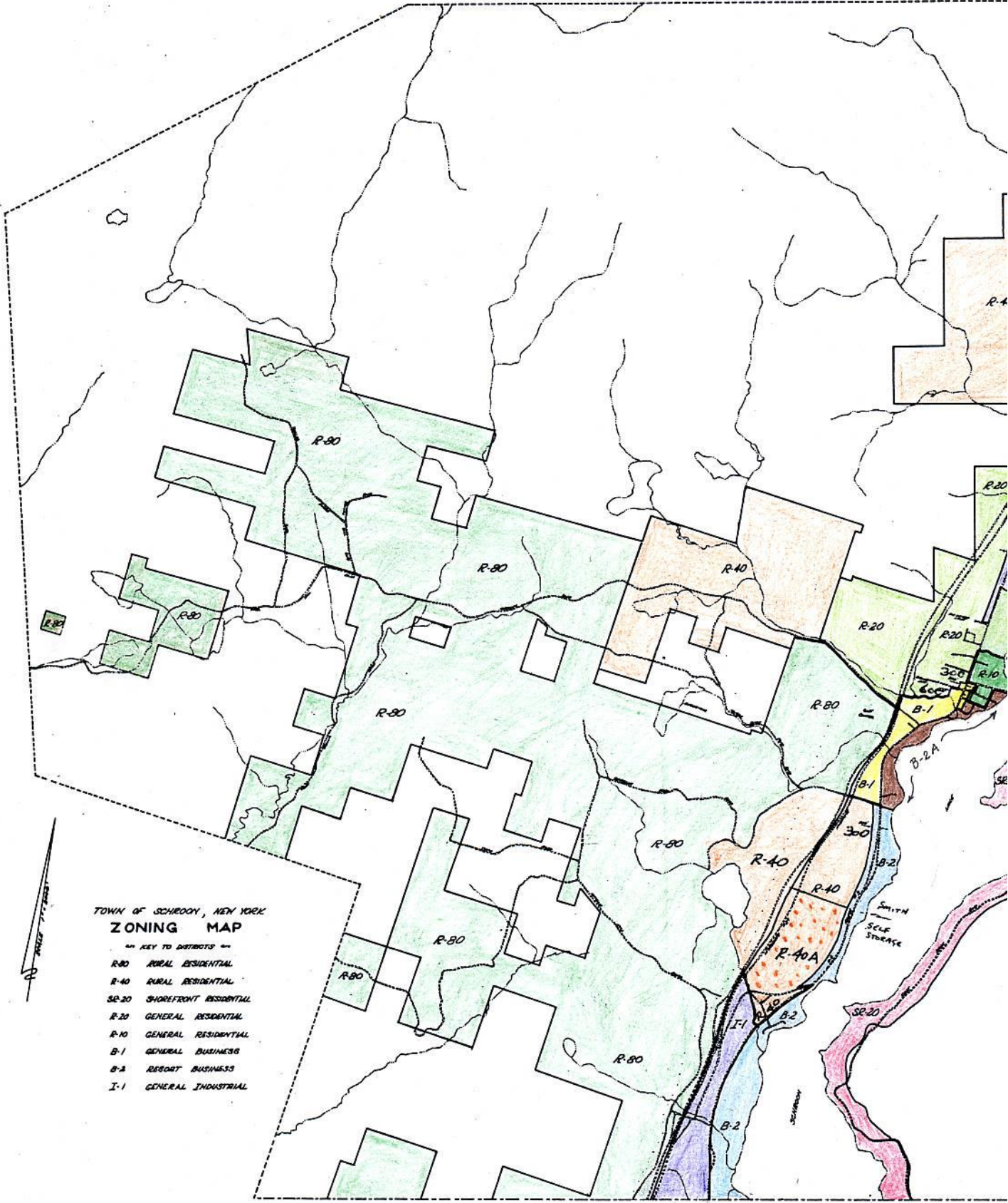
Adopted 06/29/71

### Zoning Ordinance:

- 1) 12/15/80 - Added District "B-2A"
- 2) 04/24/86 - Permits - Compatible with County System
- 3) 02/08/88 - Cluster Development & Multiple Dwelling Provision  
Shoreline restrictions - ponds & streams
- 4) 02/13/89 - Added District "R-40A"
- 5) 05/13/02 – Variances - Amended Section 804 and Section 805

### Zoning Map:

- 1) 12/15/80 - Add District "B-2A"
- 2) 02/08/88 - Change R-80 to R-40 - Vicinity Forest Trails Sub.
- 3) 02/13/89 - Add District "R-40A"





**Notes:**