



# VILLAGE OF RIVERSIDE ZONING AND SUBDIVISION LAW

Enacted 1983, Revised 2018

Draft

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## Article 1 Enactment and Intent

### §160-1 Authority

This Chapter, which shall be known as the Village of Riverside Zoning Law, is enacted under the authority of Section 10 of the New York State Municipal Home Rule Law. The Village of Riverside hereby exercises its authority under said Municipal Home Rule to specifically supersede the following provisions of New York State Village Law:

- A. Section 7-708 of the New York State Village Law is superseded to permit the Village Board to classify unlisted uses, as provided under § 160-8 hereof, without resorting to a zoning amendment.
- B. Section 7-725 of the New York State Village law is superseded by § 160-51.E hereof.
- C. Sections 7-725-a of the New York State Village law are superseded by § 160-49 hereof.

### §160-2 Intent

It is the legislative intent of this Zoning Law to provide for the orderly and desirable development and use of land within the Village of Riverside. This Zoning Law serves to implement the Comprehensive Plan for the Village of Riverside. Both the Comprehensive Plan and Zoning Law are expected to evolve over time to meet the changing needs of the Village and its residents. Specific purposes include the following:

- A. Facilitating the adequate and efficient provision of public facilities and services.
- B. Protecting the character of residential areas and ensuring privacy for families.
- C. Providing adequate and safe methods of traveling throughout the Village.
- D. Providing adequate sidewalks and parking so commercial areas can accommodate vehicular and pedestrian traffic and creating strong pedestrian links between recreational areas and commercial districts.
- E. Accommodating new development in ways that maintain and enhance quality of life and desirable aesthetic qualities of the Village.
- F. Assuring adequate sites for commercial, industrial and residential uses.
- G. Encouraging flexibility in the design and development of land, facilitate the adequate and economical provision of streets and utilities.
- H. Providing for recreation and pedestrian connections as community facilities and economic assets to the Village.
- I. Maintaining attractive gateways into the Village and residential areas.
- J. Creating an overall community appearance that reflects the urban core of the Greater Corning Valley in the commercial areas of the Village.
- K. Promoting businesses in the Village.

- L. Ensuring the commercial zones along Route 415 are configured as compact, street-fronted, pedestrian-friendly groupings of business that encourage residents and shoppers to park and walk to several shops, rather than zones that lead to standardized “strip development.”
- M. Ensure a continued supply of affordable quality housing within the Village, including a range of housing types to meet the needs of young couples, traditional families and senior citizens.
- N. Providing for the increased presence of telecommuters, home-based businesses and small businesses.
- O. Ensuring existing businesses are able to expand with as little costs as possible, providing such expansions do not disrupt other nearby uses.
- P. Reasonably reduce Greenhouse Gas Emissions (GHG’s).
- Q. Bring all areas of the Village up to the new standard within 5-15 years.
- R. Minimize the visual and ecological impact of parking spaces in the Village (roadside and in lots).
- S. Promotion of walking and biking in and through the Village, especially the installation of safe bicycle lanes.

#### §160-3 Applicability of Regulations

Whenever any owner or occupant of any property in the Village of Riverside shall, for any purpose or in any manner:

- A. establish a new use,
- B. commercially clear, excavate or grade more than 10,000 square feet of land or any land for purposes of making permanent structural improvements to a property that would otherwise require a permit hereunder,
- C. change an existing use,
- D. make permanent structural improvements to a property that would require a permit under the New York State Building Code,
- E. erect a new building,
- F. move, alter, add to or enlarge any existing land use or building;

such owner or occupant shall first comply with the requirements of this Law and obtain any approvals and permits required hereunder, unless specifically exempted from such requirements by this Law.

#### §160-4 Severability of Zoning Ordinance

If any provision of this ordinance is held to be unconstitutional, preempted by federal law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

## Article 2 Definitions

### §160-5 Word Usage

- A. Unless otherwise listed below, the numbers, abbreviations, terms and words used herein shall have the meanings of common usage as set forth in the latest edition of the Merriam-Webster Dictionary.
- B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the singular include the plural; words used in the plural include the singular; the word "herein" means in this law; the word "requirements" means the minimum requirements necessary for the purposes set forth in Article 1; and the words "this law" shall mean this local law and the schedules and maps included herein as enacted or subsequently amended.
- C. The word "person" as used in this chapter, shall be defined to include, but not be limited to, an individual, a partnership, a joint venture, a corporation, an unincorporated association, a firm or any other form or entity, contractors, subcontractors, or journeymen.
- D. The word "lot" includes the word "plot" and "parcel."
- E. The term "occupied" or "used", as applied to any land or building, shall be construed to include the words "intended", "arranged", or "designed to be occupied or used."
- F. "Shall" is always mandatory, except when applied to public officials, in which event "shall" is directory. Time requirements shall, nevertheless, be considered mandatory.
- G. Those terms related to building and land use that have not been defined herein shall have the meaning given to them under the New York State Uniform Fire Prevention and Building Code.

### §160-6 Specific Definitions

Accessory Use, Building or Structure - A subordinate use, building or structure customarily incidental to and located on the same lot occupied by the main use, building or structure.

Adult Use - A business that provides sexual entertainment to customers, including but not limited to Adult Bookstores, Adult Cabarets, Adult Massage Parlors, or Adult Motion Picture Theaters, or combinations thereof.

Agriculture - An enterprise in which activities include the cultivation of food, fiber or horticultural crops or the raising of livestock or poultry. See also Urban Agriculture

Agriculture (non-animal) - An enterprise in which activities include the cultivation of food, fiber or horticultural crops.

Alley - A vehicular drive located to the rear of lots providing access to service areas, parking, ancillary structures, or containing utility easements.

Alteration - A change, enlargement or rearrangement in the structural parts of a structure, whether by extending on a side or by increasing in height; or moving from one location or position to another.



Animal Hospital or Veterinary Clinic - A facility for the medical or surgical care and treatment of animals, including shelters and like facilities, other than animal kennels as described herein.

Animal Kennel - Any place at which there are kept four or more domestic animals more than four months of age or any number of animals that are kept for the primarily commercial purposes of sale or for the boarding, care or breeding for which a fee is charged or paid.

Automotive Service Station - Any use of land, including any buildings or structures thereon, that is used for the supply of gasoline, oil or other fuel for the propulsion of motor vehicles and/or activities related to the maintenance of automobiles or other vehicles or equipment, including but not limited to polishing, greasing, waxing, washing, servicing, equipping or repairing of motor vehicles.

Basement - That space of a building that is partly below grade which has more than half of its height, measured from floor to ceiling, above the average established curb level or finished grade of the ground adjoining the building.

Bed and Breakfast - A dwelling that provides temporary lodging for compensation in guest rooms with no in-room cooking facilities. A bed and breakfast may include dining facilities and meeting rooms.

Buffer - Designated portion of a site with noninvasive landscape plantings, fences, and/or manmade materials to provide a continuous physical screen preventing visual access, reducing noise, to mitigate impacts of use or development on an adjacent area as may be required by code and/or district regulations or the Planning Board in connection with Site Plan Review.

Building - Any structure having a roof supported by such things as columns, posts, piers or walls and intended for the shelter, business, housing or enclosing of persons, animals, property or other materials, including any combination of materials forming any construction. The term "building" shall include the term "structure," as well as the following:

- A. Signs
- B. Walls and retaining walls.
- C. Radio, television and microwave antennas, except for such antennas installed on the roof of a "building" and extending not more than 10 feet above the highest level of the roof of such "building."
- D. Porches, decks, outdoor bins and other similar structures.
- E. Fixed awnings.
- F. Swimming pools.
- G. Transmission or wind-energy generation towers.
- H. A structure requiring a subsurface support or base, such as a footing or sleeve for a flagpole or sign.

Building Height - The vertical distance measured from the average elevation of the proposed finished grade to the highest point of the roof for flat roofs; to the decline of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Clubhouse - An organization catering exclusively to members and their guests, which is not conducted primarily for gain, provided they do not include any vending stands, merchandising or commercial activities except as required generally for the membership and purposes of such club. Accessory uses and/or structures may include such subordinate purposes as administration, operation, accommodations, and the sale of food and drink primarily to members and their guests.

Code Enforcement Officer - The person charged by the Village Board with responsibility for administration and enforcement of this Law.

Commercial Recreation Facility - An indoor or outdoor privately-run business involving playing fields, courts, arenas or halls designed to accommodate sports and recreational activities, such as but not limited to billiards, bowling, dance halls, gymnasiums, health spas, skating rinks, tennis courts, swimming pools, team sports and golf courses.

Curb Cut - A driveway or other entranceway to a public highway requiring a break in the curb line or shoulder.

Day Care - Daytime care or instruction of three or more persons away from their own homes for more than three but less than 24 hours per day, by an individual, association, corporation, institution or agency, whether or not for compensation or reward. This includes family day care, group family day care, and school-age child care requiring compliance with State laws and regulations under 18 NYCRR Parts 414, 416, and 417, respectively, that relate to licensing and adequacy of the facility.

Dwelling Unit - A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space (other than vestibules, entrances or other hallways or porches) or cooking or sanitary facilities in common with any other "dwelling unit." The rental units/rooms in a boardinghouse, dormitory, motel, inn, nursing home or other similar building shall not be deemed to constitute "dwelling units."

Dwelling, Multi-unit - A structure containing more than two dwelling units.

Dwelling, Single - A detached building designed or occupied exclusively by one family and having two side yards, erected on a permanent foundation, with/without basement and equipped for year-round occupancy.

Dwelling, Duplex - A structure containing two dwelling units.

Electronic Message Center - An electrically-activated display that utilizes computer-generated messages or other electronic means of changing sign copy to present variable messages and/or graphic presentations. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

Family - Persons living together as a single, permanent and stable nonprofit housekeeping unit, using all rooms in the dwelling and housekeeping facilities in common and having such meals as they may eat at home generally prepared and eaten together with sharing of food, rent, utilities or other household expenses. Households of related individuals shall be presumed to be a family. Twelve or more non-related persons living together shall not be considered families for purposes of this Law unless affirmative evidence is presented to indicate to the satisfaction of the Code Enforcement Officer that the household or group meets the other criteria contained herein.

Floor Area, Gross - The sum of the area of all floors of a building as measured from the exterior walls.

Garage, Private - An enclosed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a nonresident of the premises. Garage space is not classed as living area even when part of a dwelling. Detached garages for residences are accessory structures under this Code.

Hazardous Material- Any substance, solution, or mixture which, because of its quality, concentration, physical, chemical, or infectious characteristics may present a potential hazard to human health, drinking water or food supply quality if discharged to the land, air, or waters, of the Village of Riverside.

Home Occupation - An accessory use which is clearly incidental to or secondary to the residential use of a dwelling unit and does not change the character thereof, and is carried on wholly within the enclosed walls of a dwelling unit or accessory building by the proprietor of such use and other occupants of such dwelling unit and in which not more than one person not residing in such dwelling is employed. For the purposes of this ordinance any occupation that produces offensive noise, vibration, smoke, dust, odors, heat or glare shall not be considered to be a home occupation.

Hospital- An institution for the care and treatment of sick and injured, equipped with technical facilities, medical, nursing and other professional and technical personnel necessary for diagnosis and treatment of persons suffering from sickness or injury which requires bed care as defined in New York Public Health Law Section 2801.

Hotel - A building in which lodging is provided in guest units and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office, supervised by a person in charge at all hours. The guest unit shall consist of a room arranged or designed to be available for use as sleeping quarters for transient guests on a daily or weekly basis. The term "hotel" does not include bed and breakfast establishments.

Industrial Park - A tract of land providing for more than one industrial use, as defined under "light industrial," designed, maintained and operated as a unit in single ownership or control and sharing certain facilities in common, such as driveways, parking areas, drainage, utilities and screening.

Industrial Uses - Uses involving manufacturing or processing involving changing the nature, size, or shape of substances of raw materials, or recombining raw materials. Industrial uses may involve the use of chemical applications, heat, pressure or other mechanical processing methods.

Junkyard - An area of land with or without buildings used for or occupied by a deposit, collection or storage, outside a completely enclosed building, of used or discarded materials, such as waste paper, rags or scrap metal; or used building materials, house furnishing, machinery, or parts thereof; with or without dismantling, processing, salvage, sale or use or disposition of same.

Kennel - (See "Animal Kennel").

Light Industrial - Industrial uses such as manufacturing, processing and assemblage that are of a non-polluting nature, particularly in regard to reservoir and ground water resources, and in regard to ambient air quality, noise and light radiation.

Light Trespass- Illumination crossing onto one parcel from a light fixture on another parcel.

Lot - A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

A. Conforming - a lot having not less than minimum area and dimensions required by this law for a lot in the district in which such land is situated, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of State law to be adequate as a condition of the issuance of a building permit for a building on such land.

B. Non-conforming - a parcel of land owned individually and separately, and separated in ownership from any adjoining tracts of land, which has a total area and/or dimensions less than prescribed by this law for a lot in the district in which such land is situated.

Lot, Corner - A lot at the junction of, or abutting on, two or more intersecting streets.

Lot Coverage - The percentage of the plot or lot area covered by the building area and all impervious surface. Parking areas, regardless of how surfaced, shall be considered impervious.

Lot, Flag - A lot located in such a position that it is to the rear of a lot fronting on the same street with or without a shared curb cut.

Lot Depth - The average distance from the street line of a lot to the rear lot line of such lot, not to include the street or road right of way.

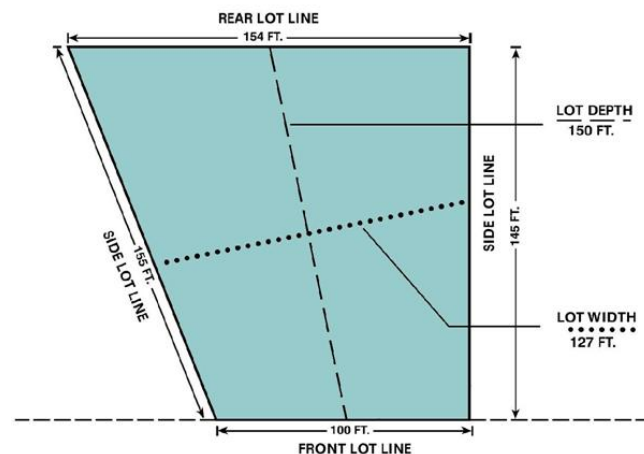
Lot Line - The edge of the street right-of-way in the case of the front of any lot; the property boundary generally opposite the street on which a parcel fronts in the case of the rear of any lot; and the property boundaries in the case of the sides of any lots.

Lot Width - The average of the distance between side lot lines.

Lot Line, Rear - The lot line generally opposite the street line.

Machinery - Farm, earth-moving and excavating equipment.

Medical Clinic - A facility for physicians, dentists, chiropractors, physical therapists, alternative medical practitioners, or other licensed healthcare practitioners to examine and treat persons on an outpatient basis.



Mineral - Any naturally formed solid material of commercial value located on or below the surface of the earth. For purposes of this chapter, peat and top soil shall be considered "minerals."

Mobile/Manufactured Home - A structure, transportable in one or more sections, that is built on a permanent chassis and designed to be used as a dwelling unit when affixed to a permanent foundation or placed on a concrete slab and connected to the required utilities.

Mobile Home/Manufactured Home Park - An area of land under single ownership which has been planned and improved for the placement of two or more mobile homes for dwelling purposes.

Modular Home - Factory-manufactured housing, subject to the requirements and regulations of the New York State Building Code, in which prefabricated components assembled at the plant are sent to a housing site in two or more pieces, depending on the size and style of said housing, to be joined together to form a complete house on a permanent foundation.

Motel - A building or group of buildings, whether detached or in connected units, containing living and sleeping accommodations used primarily for transient occupancy and which has individual entrances, from outside the building, to serve each guest unit. The guest unit shall consist of a room arranged or designed to be available for use as sleeping quarters for transient guests on a daily or weekly fee basis. The term "motel" includes buildings designated as tourist courts, motor lodges, auto courts and similar appellations, but does not include boardinghouses.

Neighborhood Store - A retail establishment of less than 10,000 square feet in floor area.

New York State Building Code - The New York State Uniform Fire Prevention and Building Code as the same be amended from time to time.

Nursery - A place where trees, shrubs, vines and/or flower and vegetable plants are propagated or grown for a period of at least six months and/or where flowers and vegetables of an annual variety are germinated before being offered for sale and transplanting. (Such definitions shall not encompass those retail establishments that buy the majority of their horticulture stock wholesale, not propagating it themselves.)

Nuisance – A condition where the general welfare of a community or a specific resident is impacted by unlawful actions on a parcel in the Village.

Permitted Use - A specific main use of a building, structure, lot or land, or part thereof, which this Law provides for in a particular district as a matter of right. Any use which is not listed as a Permitted, Special Use or Accessory Use shall be considered a Prohibited Use.

Personal Service Businesses - An establishment primarily engaged in providing services involving the care of a person or personal apparel, such as a beauty parlor, barber shop, health and fitness center, tailor, or custom cleaning services.

Place of Worship - A building or premises used for regular public worship by members or representatives of a religious sect or organization as defined by State statute.

Principal Structure - A building in which is conducted the main or principal use of the lot on which it is located.

Professional Office - A facility for the processing, manipulation, or application of business information or professional expertise, and which may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, or engaged in the repair of products or retail services. Professional offices may include government offices.

Public Buildings and Uses - Structures and uses operated by a governmental agency (whether municipal, county, regional, state or federal) in the proper exercise of their jurisdiction.

Research, Design and Development Laboratory - A building for experimentation in pure or applied research, design, development and production of prototype machines or of new products, and uses accessory thereto, wherein products are not manufactured for wholesale or retail sale, wherein commercial servicing or repair of commercial products is not performed, and wherein there is no outside display of any materials or products.

Residential Care Facility - A licensed care facility that provides 24-hour medical or non-medical care to persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. Residential care facilities include nursing homes, independent living, assisted living, continuum of care, and hospice facilities.

Restaurant - Any premises where food and/or beverages are commercially sold for on-premises consumption to patrons seated at tables or counters and where table service is provided. Any facility without table service or providing parking lot service to cars where the food is to be eaten outside of the structure and/or off the premises shall not be considered a "restaurant" for the purposes of this chapter and shall be deemed to be a "fast food restaurant."

Restaurant, Fast Food - A business enterprise primarily engaged in the sale of quickly prepared food and beverages selected by patrons from a limited line of prepared specialized items such as hamburgers, chicken, pizza, tacos, ice cream and hot dogs, for take-out and/or on-premises consumption (in the latter case, where orders are placed at a counter as opposed to table service via a waiter/waitress, in a facility where the floor area available for dining is less than one-half (1/2) of the gross floor area, and a major portion of the sales to the public is at a drive-in or stand-up type counter. The term "Fast Food Restaurant" shall not include bakeries, delicatessens, or similar types of retail establishments. See also "Restaurant".

Retail Establishments - Stores and shops where goods are sold primarily at retail. Such sales are primarily made directly to the consumer and include, but are not limited to, goods such as food and beverages; florists; shoes and clothing; hardware, paint and wallpaper; carpeting; hobby and crafts; books; furniture; antiques; art supplies; music; pharmacies; jewelry; photographic supplies; pets; gifts; stationery; sporting goods; fabrics; optical goods; launderette/laundromat, and appliances; but excluding lumber yards, restaurants and fast-foot restaurants.

School, Private - An institution, not owned by a public agency, which offers to its students formal education and is chartered by the Board of Regents of the University of State of New York.

School, Public - An institution under the jurisdiction of a school district or other public agency and legally constituted by the State of New York to offer free formal education to residents of the district

Screening - See Buffer

Site Plan - proposed conditions of the lot(s) including maps and all necessary supporting material, showing the proposed land development project or proposed new land use

Special Use - A use which requires individual consideration by the Planning Board pursuant to Section 7-275-B of the Village Law.

Street - A right-of-way, typically publicly-owned, serving primarily as a means of vehicular and pedestrian travel, shown on the official map and recorded in the office of the Village Clerk, which

provides access to abutting properties and is suitably improved, and which may also be used to provide space for bicycle facilities, stormwater management facilities, shade trees, and utilities. Alleys and passages are not considered streets.

Structure - A combination of materials constructed or erected on the ground or upon another structure or building. Structures include, among other things: buildings, stadiums, platforms, sheds, unroofed porches, roofless storage bins, radio towers, telecommunications facilities, and signs. "Structure" also includes anything that is constructed or erected underground and projects up to the ground surface or above, or anything that is constructed or erected wholly underground other than utility lines, septic and water systems, or other similar types of underground construction wholly ancillary to a principal building or structure on the premises. "Structure" also includes constructed parking spaces.

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 water more than 24 inches (610 mm) deep at any point. This includes in-ground, above-ground and on-ground pools; indoor pools; hot tubs; spas; and fixed-in-place wading pools.

Travel Trailer or Recreational Vehicle - A registered vehicle which is used or designed to be used for seasonal and/or temporary living or sleeping purposes, and which is mounted on wheels and movable or propelled either by its own power or drawn by another power vehicle built on a chassis. A recreational vehicle (RV) is also considered a travel trailer.

Truck Terminal - An area and building where cargo is stored and where trucks load and unload cargo on a regular basis with or without truck maintenance and repair facilities.

Urban Agriculture – cultivation of plants for personal use on property in the Village.

Use, Mixed - A building or structure containing at least one residential use and one nonresidential use, both of which are primary uses and neither of which is subordinate to the other. Residential structures containing home occupations are not "mixed uses."

Utility Area - An area, the principal use of which is to house plumbing, heating, mechanical and/or ventilating equipment. Such space within a dwelling unit may not be counted toward the minimum square footage of living area.

Vehicle - Any device on wheels, treads or runners, self-propelled or towed, including but not limited to automobiles, trucks, motorcycles, trailers of all types and snowmobiles.

Vehicle and Equipment Sales - A building and/or area arranged, intended or designed to be used for the rental, lease, sale and/or resale of motor vehicles, new or used; boats or trailers; and other equipment. A selection of motor vehicles, boats or trailers or other equipment may be displayed within a totally enclosed building but still others may require an outdoor area for their storage.

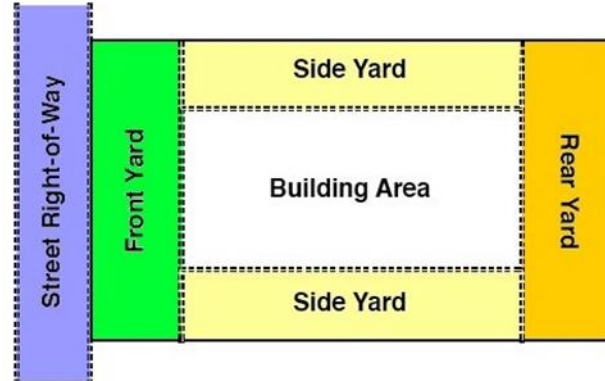
Warehouse - A building, or part of a building, for storing of goods, wares, and merchandise whether for the owner or for others, and whether it is public or private warehouse.

Warehouse, Mini - A structure or group of structures for the dead storage of customers' goods and wares where individual stalls or lockers are rented out to different tenants for storage and where one or more stalls or lockers have less than five hundred (500) square feet of floor area.

Worship, Place of - A structure and accessories used for religious observances, such as churches and synagogues.

Yard - A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitation and requirements limiting obstruction of visibility. See illustration on next page.

Yard, Front - A yard extending between side lot lines across the front of a lot adjoining a public street. In the case of through lots or corner lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Front yards shall be measured from the edge of pavement.



Yard, Rear - A yard extending across the rear of the lot between inner side yard lines. In the case of through lots, there will be no rear yard, but only front and side yards.

Yard, Side - A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of required front yards. In the case of corner lots, one of the yards remaining after the designation of front yards shall be considered the side yard, and the other the rear yard.



# Article 3 Basic District Regulations

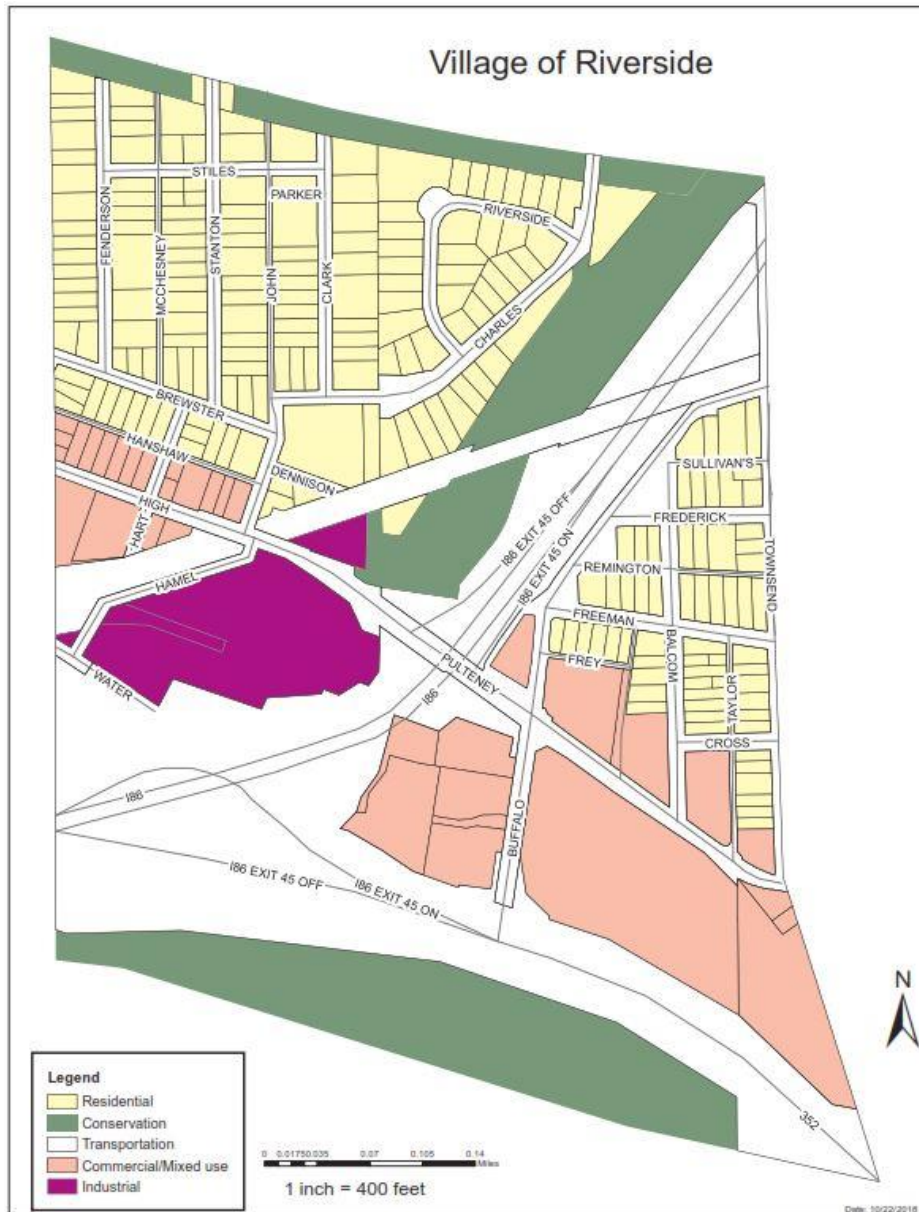
## §160-7 Enumeration of Districts

The Village of Riverside is hereby divided into the following districts:

- |             |                      |          |              |
|-------------|----------------------|----------|--------------|
| <b>R-1</b>  | Residential          | <b>C</b> | Conservation |
| <b>B/MU</b> | Business / Mixed Use | <b>I</b> | Industrial   |

## §160-8 Zoning Map

The location and boundaries of said districts are hereby established as shown on the Official Zoning Map of the Village of Riverside, as may be amended, which is attached hereto and made a part of this law.



§160-8 Interpretation of District Boundaries

- A. Zoning district boundary lines are intended generally to follow or connect the center lines of rights-of- way; existing lot lines; the mean water level of rivers, streams and other waterways; or Village boundary lines, all as shown on the Zoning Map; but where a district boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension or relationship to such a line.
- B. In case of a split lot, in which a zone boundary line runs through a lot, zone standards are applied separately to each portion of the lot.
- C. When the specific location of a zoning district boundary line cannot be ascertained, the Code Enforcement Officer shall request the Planning Board to render an interpretation which shall then be used as the basis for applying zoning standards.

§160-10 Schedule of District Regulations (Use Table)

Land use and development standards are set forth in the following Schedule of District Regulations which is supplemented by other parts of this Law and other laws of the Village of Riverside. A use identified as a Principal Permitted Use shall be permitted as a matter of right upon application to the Code Enforcement Officer, provided it complies with these regulations.

Residential Uses	Residential	Mixed Use Commercial	Industrial	Conservation
Single Unit Dwelling	P			
Two Unit dwelling	P	P		
Three or More Unit dwelling		P		
Mobile Home Park	P			
Bed and Breakfast	S	S		
Inn		S		
Boarding House		S		
Dwelling Above First Floor Business		P		

Accessory Uses	Residential	Mixed Use Commercial	Industrial	Conservation
Home Business	S	P		
Home Occupation	P	P		
Accessory Use/ Structure	P	P	P	P
Urban Agriculture	P	S		S
Care Provider (Childcare, Eldercare, etc.)	P	P		
Small-Scale Energy Generation	P	P	P	P

General Uses	Residential	Mixed Use Commercial	Industrial	Conservation
Hotel or Motel		P		
Health Clinic (inc. dental, blood draw station, & Similar)		P		
Place of Worship	S	P		
School	S	P		
Museum		P		
Public Park or Playground	P			P
Open Space	P			P
Historic Markers or Monuments	P	P	P	P
Public or Government Use	P	P	P	P
Public Utility	P	P	P	P
Wireless Telecommunication Facility on Existing Structure		P	P	
Large Scale Energy Generation		S	S	
Roadside Stand				
Antenna, Tower		S	S	
Funeral Home		P		
Cemetery				
Membership Club	S	P		
Daycare Center / Nursery School	S	P		
Nursing Convalescent Home	S	S		
Drive - Through Uses	S	S	S	

Industrial Uses	Residential	Mixed Use Commercial	Industrial	Conservation
Manufacturing, Fabrication, and Processing of Material / Product		S	P	
Warehousing, Wholesale, and Retail Distribution Centers, including offices			P	
Wholesale Food Production and Assoc. Industries		S	P	
Trucking Terminals				
Research Facilities		P	P	
Manufacture, Fabrication, Assembly, and other Materials Handling, inc. offices and Showrooms			P	
Fuel Storage terminal				
Extraction (soil, gravel mining)				
Contractors Equipment Storage/ Maintenance			P	

Storage of Objectionable Materials (Garbage, Waste, Rawhide, Junk, Scrap, and Similar)				
--	--	--	--	--

Business Uses	Residential	Mixed Use Commercial	Industrial	Conservation
Bank				
Retail Store with Incidental Manufacturing		P		
Retail Sales and Display		P		
Fitness Center		P		
Car Wash		P		
Vehicle Repair		P	P	
Vehicle Sales		P	P	
Vehicle Sales & Repair - Heavy Equipment		P	P	
Veterinary Hospital / Clinic		P		
Kennel	S	S		
Adult Uses			P	
Governmental Offices	S	P	S	
Theatre		P		
Tattoo Parlor		P		
Specialized Repair		P		
Self- Service Laundry		P		
Retail other than Listed		P		
Photo Studio		P		
Professional Office	S	P		
Personal Service and / or Repair		P		
Gallery		P		
Restaurant		P		
Restaurant, Fast Food		S		
Bar / Nightclub		P		
Bowling Alley / Video Arcade / Indoor Recreation		P		
Print Shop / Newspaper Related		P		
Uses with the Same General Character as Above, with approval from the ZBA		P		

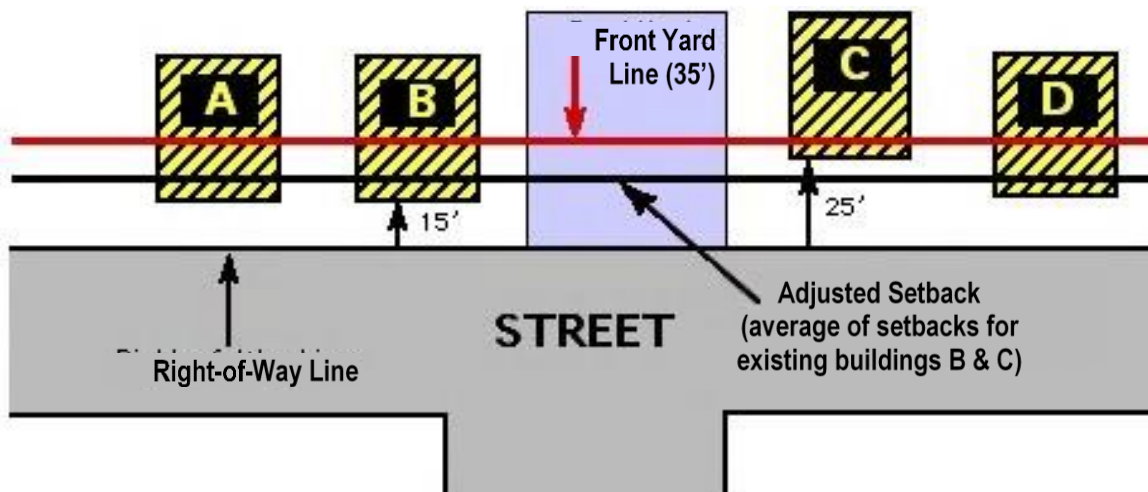
## §160-11 Bulk Density Requirements (Setback Table)

### §160-11-1 Height- General application

- a. No building or structure shall exceed in building three (3) stories as permitted in the Schedule of District Regulations for the district where such building or structure is located.
- b. Permitted exceptions. Height limitations stipulated elsewhere in this law shall not apply to church spires, belfries, cupolas, domes, monuments, water towers, chimneys, smokestacks, flagpoles, radio and transmission towers, or similar non-inhabited structures under 150 feet in height. Structures over 150 feet in height may be permitted provided they are sufficiently setback from adjoining properties to avoid any safety hazard connected therewith and meet all State and Federal air safety and electronic communications standards. Other height exceptions may also be granted where fire-fighting capacity will not be threatened and buffers and setbacks are also proportionally greater.

### §160-11-2 Yard regulations

- c. Side yard exception. Where the side wall of a building is not parallel with the side lot line or is irregular, the side yard may be varied at the discretion of the Planning Board. In such case, the average width of the side yard shall not be less than the otherwise required minimum width; provided, however, that such yard shall not be narrower at any point than one-half (1/2) the otherwise required minimum width.
- d. Front yard exception. When an unimproved lot is situated adjacent to or between improved lots already having a principal building within the required front yard, the front yard for the unimproved lot may be reduced to match the depth of the front yard of either of the two nearest adjoining improved lots.



- e. Provision of yard or other open space. No yard or other open space provided about any buildings to comply with the provisions of the law shall be considered as providing a yard or open space for any other building, and no yard or other open space on another lot shall be considered as providing a yard or open space for a building on any other lot.

§160-11-3 Setback Table

Dimension	R-1	C/MU	I	C
Height	Not more than 2 stories	Not more than 3 stories	Not more than 3 stories	0'
Minimum Lot Frontage	50'	100'	100'	
Front Yard	10'	5'	0'	
Side Yard	5'	15'	Adequate for buffering	
Rear Yard	0'	15'		
Lot Coverage	Not more than 25%			
Signage See Article 7 Sign Regulations for more detail	4 Sq. Ft.	3 sq. ft per 1 linear foot of 'street facing' building frontage		4 Sq. Ft. / sign
Gross Floor Area	900 Sq. Ft.	N/A	N/A	

§160-12 Lot Development Standards

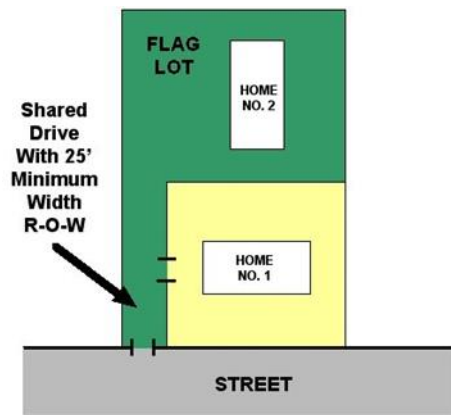
A. Minimum development standards. The development standards contained herein are minimums. These standards shall, in the case of dwellings, apply to each individual dwelling unit unless otherwise specifically provided. ~~A two-family dwelling shall, for example, require the equivalent of two minimum sized lots insofar as lot area, as will any two dwelling units on the same property.~~

B. Minimum lot frontage. All residential lots shall have a front lot line, along the right-of-way, with a minimum length of 50 feet. Flag lots are not permitted.

C. Regulations applicable where a residential district abuts a nonresidential district.

(1) Ingress or egress to business and industrial sites. A business structure erected in a business district (C/MU or I) shall front and have the building entrances upon the street set aside for business purposes. All means of ingress to or egress from the site shall be approved by the Planning Board.

(2) Garages entrances. No commercial garage for more than five motor vehicles shall have an entrance or exit for the same vehicles within 50 feet of a residential district.



D. Single-family dwellings, including manufactured (mobile) homes, shall have a minimum of 900 square feet of livable floor area.

#### §160-13 Accessory Structure and Use Standards

The location, limitation and coverage of accessory buildings shall be as follows:

A. No permitted accessory building shall be placed in any required side or front yard except as provided herein.

B. The aggregate ground area covered by any accessory buildings in any rear yard shall not exceed fifty percent (50%) of the rear yard area.

C. Accessory structures not attached to a principal structure shall:

(1) Be located not less than 10 feet from any side or rear lot line or in such a fashion as to prevent emergency firefighting access or to shade a residential structure on an adjoining lot.

(2) Be no closer to the street than any principal structure on the lot. Accessory buildings to principal structures located more than 100 feet from a lot line shall be exempt. Accessory structures may, in these situations, be located in front of residences but not in required front yard areas.

D. Railroad cars, storage trailers and bulk containers shall not be used for purposes of accessory structures. Mobile home units and recreational vehicles shall be only be used on a temporary basis (seasonally) with prior Site Plan review and approval of the Planning Board.

E. Swimming pools.

(1) Swimming pools, whether permanent or portable, that are accessory to single-family dwellings, shall be located not closer than 8 feet to a side or rear or within 20 feet of any residence on an adjoining lot line, and not in any required front yard. These regulations shall not apply to portable pools that do not exceed two feet in height or six inches in depth.

(2) Swimming pools that are part of a non-residential use, whether commercial or non-commercial, such as hotels, motels, clubs, campgrounds, day-use recreational facilities or institutions shall be of permanent construction and shall be located not closer than 100 feet from any lot line or within 120 feet from any residence on an adjoining lot.

(3) All fencing associated with swimming pools shall comply with the New York State Building Code requirements for the same.

F. Fences and walls. Except as otherwise required herein or approved by the Planning Board, fences and walls;

- (1) shall not exceed six feet in height when erected in required side or rear yards and shall not exceed four feet in height when erected in the required front yard,
- (2) shall conform to corner lot requirements contained herein,
- (3) shall be measured from the ground level at the base of the fence or wall, excepting that where there is a retaining wall the height shall be measured from the average of the ground levels at each end of the retaining wall, and
- (4) in the case of front fences or retaining walls over four feet high shall require Site Plan Review by the Planning Board and a building permit.
- (5) shall not block the view of the street/ sidewalk for drivers using adjacent driveways.

G. Garages and storage of recreation vehicles in residential zones.

- (1) Garage accessory to single-family detached dwelling. Garages accessory to a single-family detached dwelling used for vehicle storage shall not exceed 25 by 50 feet in area with a maximum wall height of 12 feet.
- (2) Garage accessory to two-family or multifamily dwellings. Garages accessory to two-family or multifamily dwellings used for vehicle storage shall not exceed 25 by 50 feet in area with a maximum wall height of 12 feet. Garage space may be provided for each family for which such residence is arranged. Space in a garage accessory to a multifamily residence shall be used solely by occupants of the premises.
- (3) Storage of recreation vehicles. The outdoor storage of one operable State inspected recreation vehicle (motor home or travel trailer) or one operable boat of more than 15 feet in length is permitted for every 10,000 square feet of lot area, provided that such trailer or boat is unoccupied and not stored between the street line and the front building line, except that one such vehicle or boat may be stored in a driveway. Under no circumstance may such a vehicle or boat be stored within 15 feet of a street line or closer to a property line than the minimum distance permitted for an accessory structure.
- (4) Storage and parking of commercial vehicles. No more than one commercial vehicle under 18,000 pounds and none over that size shall be permitted on a continuing basis (more than seven days in any given month) within any R-1 District. Outdoor storage of more than one commercial vehicle is allowed with Site Plan Review approval in commercial and Industrial Zones. Commercial vehicles or auxiliary engines may not be left running in residential zones.

[§160-14 Stormwater Drainage, and Erosion Control Regulations.](#)

[§160-14-1 Stormwater](#)

All applications made hereunder shall fully comply with New York State Department of Environmental Conservation (DEC) requirements pertaining to erosion and sedimentation control and storm water management in compliance with the State Pollution Elimination Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity. All Site Plan Review applications



shall be accompanied by a Storm Water Pollution Prevention Plan meeting DEC standards and, where applicable, be subject to review thereunder. Notwithstanding requirements for DEC review, if any, the Village may require review of such plans by the Village Engineer or a Professional Engineer employed on a consulting basis by the Village. Any costs associated therewith shall be reimbursed by the applicant.

#### §160-14-2 Floodplain

See the Village of Riverside's Local Law for Flood Damage Prevention (Local Law No. 1 of 1989).

#### §160-14-3 Drainage Systems.

The following standards are intended to ensure that storm water runoff is safely conveyed through a development site, to minimize streambank erosion, and to reduce flooding related to land development and urbanization. The standards for storm water drainage systems are as follows:

- A. Any alteration of the hydrology of the site shall be minimized and/or mitigated so as to minimize the impact on water quality, peak discharge, groundwater recharge, and drainage patterns. To the extent possible, the quantity, quality, and timing of stormwater runoff during and after development shall not be substantially altered from pre-development conditions. The recommended technical standards for the design of post-construction structures are detailed in the "New York State Stormwater Management Design Manual," as revised.
- B. Priority should be given to maintaining natural drainage systems, including perennial and intermittent streams, swales and drainage ditches.
- C. Any existing storm water management system including a swale, ditch, basin, pond, drywell, catch basin, stream or other system component shall be maintained in such a manner as to be functional.
- D. No building or structure shall be erected, or altered within any drainage course, including a swale, ditch, or stream.
- E. When a land development project is within or adjacent to any area with known flooding problems or known high ground water, the elevations of buildings should be above the observed, anticipated or computed water levels. The effect of such development on upstream and downstream reaches of the watercourse and adjacent properties shall be considered and adequate protective measures shall be implemented.
- F. Utilizing the drainage guidelines outlined above, the Planning Board may require the developer to submit the following:
  - (1) Stormwater Pollution Prevention Plan, the contents of which are specified in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity.
  - (2) A statement of the proposed stormwater management objectives.
  - (3) The soil types in all areas that will be disturbed. If those soils have limitations applicable to the proposed development (as indicated on tables in the "Soil Survey of Steuben County, New York") the developer should indicate how the project would overcome those limitations.

(4) A description of the proposed structural and vegetative stormwater measures that will be utilized to ensure that the quantity, temporal distribution and quality of stormwater runoff during and after development are not substantially altered from pre-development conditions. This will include appropriate plans, design data, calculations, and other information.

(5) A maintenance plan, which describes the type and frequency of maintenance required by the stormwater management facilities utilized and the arrangements that will be made to ensure long-term maintenance of these facilities. Operation, maintenance, and any necessary repairs are the responsibility of the property owner or his/her designee. Storm water management facilities shall have adequate easements to permit the Village to inspect and, if necessary, to take corrective action should the owner fail to properly maintain the system. If corrective action by the Village is required, incurred costs are the responsibility of the property owner.

G. The Village shall inspect drainage systems and drainage structures before, during and after construction to assure that all Village specifications and requirements are met. The applicant shall promptly correct any portion of the work that does not comply.

#### §160-14-4 Erosion and Sediment Control.

The goals for erosion and sediment control are (1) to minimize the opportunity for soil to be moved by wind, precipitation and runoff and (2) to contain sediment that does move close to its place of origin and thus prevent it from reaching a water body or damaging other lands. In order to ensure that the land will be developed with a minimum amount of soil erosion and to protect the natural character of on-site and off-site water bodies, the Planning Board shall require the developer to follow certain erosion control practices. The standards for erosion and sediment control are as follows:

A. Erosion and sediment control practices shall be consistent with requirements of the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity. A permit is generally required for construction activities that disturb one or more acre of land.

B. The Planning Board may require the developer to submit an erosion and sediment control plan, the contents of which are specified in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity.

C. The recommended technical standards for erosion and sedimentation control are detailed in the "New York Standards and Specifications for Erosion and Sediment Control."

D. The development plan should be consistent with the topography, soils, and other physical characteristics of the site so as to minimize the erosion potential and avoid disturbance of environmentally sensitive areas.

E. Existing vegetation on the project site should be retained and protected as much as possible to minimize soil loss from the project site. (This will also minimize erosion and sediment control costs.)

F. Erosion and sediment control measures should be constructed prior to beginning any land disturbances. All runoff from disturbed areas should be directed to the sediment control devices. These devices should not be removed until the disturbed land areas are stabilized.

G. The timing and sequence of construction activities shall expose the smallest practical area of land at any one time during the development. Temporary vegetation and/or mulching should be used to protect critical areas. Permanent vegetation shall be established as soon as practicable. Construction will not be considered complete until all disturbed areas are successfully seeded or stabilized with erosion control materials.

H. The off-site impacts of erosion and sedimentation from the development site should not be any greater during and following land disturbance activities than under pre-development conditions.

I. Sediment laden runoff should not be allowed to enter the roadside drainage system or any water body in such quantity that would result in deposition on the bottom of the water body, degrade its natural biological functions, or be harmful to the classified usage of the water.

J. Water in streams on-site and downstream of construction areas should not have substantial visible contrast relative to color, taste, odor, turbidity and sediment deposition from upstream of the construction area.

K. The Village shall inspect erosion and sediment control practices during and after construction to assure that all Village specifications and requirements are met. The applicant shall promptly correct any portion of the work that does not comply.

#### §160-14-5 Off-site drainage and sediment control facilities.

The Village may allow storm water runoff or sediment leaving the site to exceed the Town's/Village's/City's performance standards if the runoff is discharged into storm water management facilities off the site and all of the following conditions are met:

A. It is not practicable to completely manage runoff on-site in a manner that meets the Town's/Village's/City's performance standards.

B. The off-site drainage facilities and channels leading to them are designed, constructed and maintained in accordance with all Village specifications and requirements.

C. Adverse environmental impacts on the site of development will be minimized.

D. A request to use off-site storm water management facilities and relevant information about to the proposed off-site facilities shall be submitted to the Planning Board.

#### § 160-15 Large Project Provision

Any proposed development in the Village of more than 1 acre, or resulting from aggregating 3 or more parcels, should follow the best practices of the Smart Growth America recommendations and guidance from Steuben County and project consultants. In the case of large projects, fees for a Village-selected consultant will be paid in advance by the applicant.

#### §160-16 through §160-20 Reserved

## Article 4            General Supplementary Regulations

### §160-21        Site Plan Review Procedures.

The Village of Riverside Planning Board is authorized, in accordance with the New York State Village Law, to review and approve, approve with modifications or disapprove site plans connected therewith. Site Plan Review shall be required for all new non-residential uses, non-agricultural changes of use and such other uses as the Village Board may from time to time designate by local law. The purpose of Site Plan Review is to provide for the review and approval of development plans to ensure that land development occurs in harmony with surrounding uses without adversely impacting neighboring parcels, property values, public facilities, infrastructure, or the natural environment. Site Plan Review allows for discretionary review of the site configuration and architectural design of projects which, due to their magnitude, are more likely to have significant impacts on their surroundings. The following procedures shall apply:

#### § 160-22-1    Preliminary Site Plan.

An applicant may submit a preliminary site plan for review and advice by the Planning Board. Such a preliminary site plan should provide locations and dimensions of the proposed use in relation to the property boundaries and adjacent uses. It should also indicate all accesses and improvements both existing and proposed and any site features which could have a bearing on the project including the general topography and existing ground cover. Should such preliminary site plan involve one-time additions of less than 10% and 200 square feet in floor area or accessory uses or structures, the Village Code Enforcement Officer may review and approve the site plan on its own. If these thresholds are exceeded, however, the site plan shall be referred to to the Planning Board. If referred to the Planning Board, this preliminary plan shall be used by such Board as a basis for advising the applicant regarding information it shall require on the site plan before it conducts a public hearing or takes any action with respect to the plan. The Planning Board shall give no approval or disapproval regarding any preliminary site plan but may use it to schedule a public hearing if sufficient data is available, determine if any provisions of this article should be waived or begin its review of the application under the New York State Environmental Quality Review Act ("SEQRA").

#### § 160-21-2    Application and Site Plan Required.

The Planning Board shall be under no obligation to schedule a public hearing or take any action with respect to a Site Plan Review application until formal application has been made on forms provided by the Board and a detailed site plan providing the following information has been submitted:

- A. The location of all existing watercourses, wooded areas, rights-of-way, roads, structures or any other significant man-made or natural feature, if such feature has an effect upon the use of said property.
- B. The location, use and floor or ground area of each proposed building, structure or any other land use, including sewage disposal and water supply systems.

- C. The location of all significant landscaping and ground cover features, both existing and proposed, including detailed planting plans and a visual depiction or rendering of the final appearance of the property after all landscaping and other physical improvements are completed.
- D. The location, dimensions and capacity of any proposed roads, off-street parking areas or loading berths, including typical cross-sections for all paving or regrading involved.
- E. The location and treatment of proposed entrances and exits to public rights-of-way, including traffic signals, channelizations, acceleration and deceleration lanes, widenings or any other measure having an impact on traffic safety conditions.
- F. The location and identification of proposed open spaces, parks or other recreation areas.
- G. The location and design of buffer areas and screening devices to be maintained.
- H. The location of trails, walkways and all other areas proposed to be devoted to pedestrian use.
- I. The location of public and private utilities, including maintenance facilities.
- J. The specific locations of all signs existing and proposed, including a visual depiction of the latter.
- K. Preliminary architectural plans for the proposed buildings or structures, indicating typical floor plans, elevations, height and general design or architectural styling.
- L. A completed SEQR Environmental Assessment form.
- M. Any other information required by the Planning Board which is clearly necessary to ascertain compliance with the provisions of this law and limited to such information.

§ 160-21-3 Waivers.

The Village of Riverside Planning Board shall, pursuant to the aforementioned Village Law, have the right to waive, when reasonable, any of the requirements of this article for the approval, approval with modifications or disapproval of and site plans submitted for approval. This waiver authority may be exercised in the event any such requirements are found not to be requisite in the interest of the public health, safety, or general welfare or are inappropriate to a particular site plan. Any such waiver shall be subject to the following conditions:

- A. No waiver shall result in allowing a use not permitted within the applicable Zoning District.
- B. No waiver shall be given with respect to standards outside the scope of this article which would otherwise require a variance from the Zoning Board of Appeals.
- C. Waivers shall be limited to those situations where the full application of the requirements contained herein would generate unnecessary data and create unnecessary costs with regard to deciding the matter at hand, due to the scope or nature of the project involved. The proposed enclosure of a deck or a simple change of use with no significant structural modifications in the case of a commercial property, for example, might not require typical cross-sections for proposed regrading or water supply data.

D. An applicant for site plan approval who desires to seek a waiver of certain of the above-referenced requirements pertaining to such applications shall submit a preliminary site plan as provided above. The Planning Board shall review the preliminary site plan, advise the applicant as to potential problems and concerns and determine if any additional site plan information is required. The Planning Board shall consider such site plan as adequate when, in its judgment, the information submitted is sufficient to make a determination of compliance with the development standards contained herein and the intent of Site Plan Review criteria found below.

E. The Village of Riverside Planning Board, following a public hearing in conjunction with other matters before the Board, shall be permitted to modify the standards of this law to the extent of 10% of the stated criteria where the circumstances otherwise meet the tests for an area variance as set forth herein.

F. Nothing herein shall authorize the Planning Board to waive State Environmental Quality Review requirements.

#### § 160-21-4 Hearing and Decision.

The Planning Board shall fix a time, within 62 days from the day an application for a Special Use permit or site plan approval is made, for the hearing of any matter referred to under this section. It shall give public notice of such hearing at least five days prior to it in a newspaper of general circulation in the Village and decide upon the application within 62 days after such hearing. It shall not, however, grant approval before a decision has been made with respect to environmental impacts pursuant to SEQR. The decision of the Planning Board shall be filed in the office of the Village Clerk and a copy thereof mailed to the applicant within five business days after such decision is rendered.

#### § 160-21-5 Conditions.

The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental the proposed or site plan. Upon approval of said permit and/or plan, any such conditions shall be met prior to the actual issuance of permits by the Village. These conditions may include requirements of the applicant to provide parkland or to provide fees in lieu thereof pursuant to Section 7-725-a(6) of the New York State Village Law. The Planning Board shall also be authorized to require financial guarantees to ensure applicant performance with respect to any conditions of Site Plan Review or Subdivision approval. Such financial guarantees shall comply with applicable provisions of the New York State Village Law and be subject to review by the Village Attorney and approval by the Village Board. The preferred form of such guarantees shall be a letter of credit.

#### § 160-21-6 Referrals.

The Planning Board is authorized to refer site plans to other agencies, groups or professionals employed or used by the Village for review and comment and to charge the applicant fees for any reasonable expenses connected therewith. The Board shall, in particular, ensure that the requirements of Sections 239-m and 239-nn of the General Municipal Law regarding review by the Steuben County Planning

Department and adjoining communities are met. It shall also comply with all requirements of the New York State Environmental Quality Review Act.

§ 160-21-7 Effect of Site Plan Approval.

The site plan as approved by the Planning Board shall be binding upon the applicant. Any changes from the approved plan shall require resubmission and reapproval by the Planning Board. The site plan shall remain effective, as an authorization to establish the use, for a maximum of two years from the date of approval unless the Planning Board shall have granted an extension in writing.

§160-22 Parking, Loading, Access, and Traffic Standards.

A. Off-street parking, loading and unloading facilities shall be provided as necessary in connection with every use. One-family residential uses shall be provided with two off-street parking spaces per dwelling unit. Two-Family and Multi-family residences shall require 1.5 parking spaces per dwelling unit (subject to reductions based on criteria in section 2 below). Parking needs with respect to all other uses shall be determined in conjunction with Site Plan Review.

(1) The following parking standards shall set the maximum number of new off-street parking spaces for all new, expanded or modified land uses, and apply cumulatively in the case of mixed-use projects such as resorts, provided that adjustments may be made by the Planning Board to reflect the likelihood of shared parking within the project:

Basic Parking Requirements	
Land Use	Parking Maximum
Home-occupations	1 space per 200 sq. ft. of floor area devoted to use
Hotels/motels	1 space per rental room plus 1 for each 4
Industrial uses	1 space per 400 sq. ft. floor area
Commercial uses	1 space per 175 sq. ft. floor area
Places of public assembly	1 space per 4 seats
Offices	1 space per 200 sq. ft. floor area
Restaurants	1 space per 50 sq. ft. floor area
Vehicle service	4 spaces plus 1 per employee

Commercial uses, for purposes of this section shall mean retail and service uses, excluding vehicle service establishments, other auto-related uses, offices, restaurants and hotels/motels. Places of public assembly shall be churches, halls, movie theaters, schools and other places where large numbers of individuals are seated for purposes of events. Vehicle service establishments, automotive service stations, vehicles and equipment sales, and any other vehicle-related use including sales lots, repair garages and gasoline stations. When a vehicle service establishment includes vehicle and equipment sales, the spaces allowed hereby shall be in addition to whatever space is required for outdoor display of vehicles or pieces of equipment for sale. Under no circumstances shall vehicles or pieces of equipment for sale be parked in any public right-of-way or on any landscaped surface.

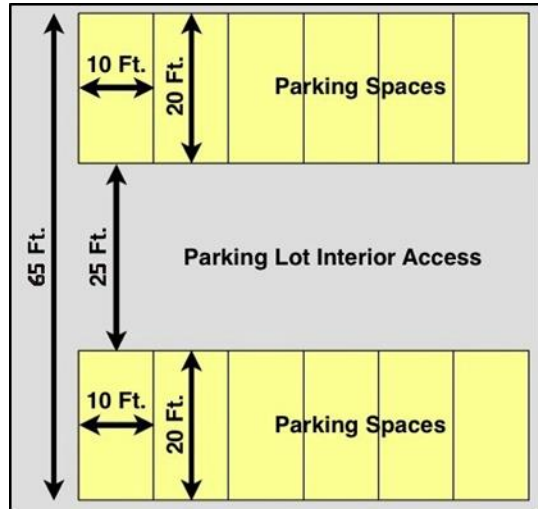
(2) The Planning Board and building permit applicants shall determine a reasonable number, if any, of required off-street parking spaces for any new building or use based upon the following criteria:

- (a) Industry studies of parking needs for the type of use proposed or actual case-study comparisons for projects of similar character. The Planning Board may require the developer or applicant to gather and submit such data in support of its proposed parking provisions. The National Parking Association, the Victoria Transport Policy Institute, and the Urban Land Institute are examples of such industry sources.
- (b) The characteristics of the proposed customers, residents, occupants or visitors to a given facility. Housing for the elderly would, for example, require fewer spaces per dwelling unit than time-shared recreational units, even though the number of dwelling units is the same.
- (c) Expected occupancy rates, traffic levels and numbers of employees in connection with any enterprise and the degree to which these directly relate to parking requirements.
- (d) Recommendations, if any, from Village consultants, other public agencies or information sources that suggest, based on experience, the appropriate amount of parking in connection with a given use.
- (e) The likelihood parking will be shared with adjoining facilities, the impact of daily peak visitation or use periods on demand and the hours of operation as compared to other neighborhood activities.
- (f) The availability of reserve areas designated on the site plan for future parking development in the event of demonstrated need, as determined and directed by the Code Enforcement Officer or Planning Board.
- (g) The availability of on-street parking or other parking arrangements (e.g. agreements with nearby property owners to make spaces available) that would satisfy parking demand during the hours the affected use is in operation.

B. Offsite parking lots are not permitted in the Village. Parking areas will be located on the same or on adjacent parcels.



C. Garages, carports, and driveways not in the public right-of-way may be considered parking spaces. Parking spaces shall be a minimum of 10 feet wide and 20 feet deep. Perpendicular parking spaces shall be accessed by an interior drive of no less than 25 feet in width for turning purposes (see illustration). This distance may be reduced to 20 feet for 60 degree angle parking, 15 feet for 45 degree angle parking and 13 feet for 30 degree angle parking.



D. Any lighting used to illuminate any off-street parking shall be so shielded as to deflect the light away from adjoining premises and public right-of-ways and avoid light spillage onto adjacent properties.

E. All parking areas which are designed to accommodate 12 or more vehicles or lots abutting a street or sidewalk, shall be landscaped using materials of sufficient growth and height to aesthetically balance the impact of the open paved area and provide effective stormwater control, as shall be determined by the Planning Board.

F. Any building erected, converted or enlarged for commercial, office, manufacturing, wholesale, institutional or similar uses shall, in addition to the off-street parking space required above, provide adequate off-street areas for loading and unloading of vehicles. Public rights-of-way shall, under no circumstance, be used for loading or unloading of materials. The minimum size loading space shall be 60 feet in depth and 12 feet in width, with an overhead clearance of 14 feet. It shall be accessible by driving in and not require backing in from off the public right-of-way.

G. Access to and from all non-residential off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:

- (1) Access drives shall comply with all requirements of the Village of Riverside. Access drives onto State and County highways shall be subject to New York Department of Transportation and Steuben County standards, as the case may be.
- (2) Each entrance and exit shall be clearly defined with curbing, fencing or vegetative screening so as to prevent access to the area from other than the defined entrance and exits.
- (3) All access drives shall be subject to the requirement of obtaining a driveway permit from the Village of Riverside Board, Steuben County or the New York State Department of Transportation, as the case may be, and approval of any permits hereunder may be conditioned upon the application for and/or receipt of such permits from these authorities.
- (4) The Village of Riverside Planning Board may, in conjunction with Site Plan Review, establish additional requirements pertaining to highway access permits on County and State roads, providing such additional requirements do not conflict with County or State requirements. The Planning Board shall be specifically authorized to require any on-site or off-site road improvements demanded to mitigate traffic impacts where the existing Level of

Service is LOS D or worse or the project would result in LOS D conditions, per the Highway Traffic Manual.

(5) For reasons of traffic and pedestrian safety, both on and off the street, as well as to provide for possible future road widening or other improvements, all new driveways and sidewalk crossings entering onto any street shall comply with all the requirements of this chapter, including but not limited to obtaining the appropriate permits and the payment of any and all fees for said permits, and shall be subject to the approval of the Village Board, except where such are part of a use subject to site development plan approval, in which case they shall also be subject to Planning Board approval.

(6) Clear visibility shall be provided in both directions at all exit points so that the driver of an automobile stopped on the platform portion of any new driveway will have an unobstructed view of the roadway for a reasonable distance (commensurate with the speed and volume of traffic on such highway) and so that there is a similar view of the automobile in the driveway.

(7) Driveway grades shall be reasonable and will not contribute to stormwater flooding.

#### §160-23 Home Business and Occupation Regulations.

A. Home occupations, as defined herein, shall be permitted in Residential and Commercial/Mixed Use districts as Accessory Uses, provided:

- 1) there are no more than 3 employees working on the premises other than family members;
- 2) there is no outside storage of equipment, vehicles or materials used in the business other than an automobile for personal transportation; and
- 3) there is no regular traffic to the site for other than mail service and occasional (e.g. semi-weekly) deliveries and client/customer visits.

B. Home businesses shall be permitted, with Site Plan Review by the Planning Board, within Residential and Commercial/Mixed Use districts, provided they do not detract from the residential character, appearance, or make-up of the neighborhood in which the business is located. The following review criteria shall be used to determine if this standard will be met:

- (1) Extent of the business - whether or not the residential use will be the primary use of the property. Factors that shall be used to determine the primary use of the property shall include, but are not limited to, the area of the home or property used for the business (limited to a maximum of 35%), the number of non-resident employees (limited to 3) and the amount of time the business will be open to the public on a daily basis (limited to 10 hours).
- (2) Appearance from an adjacent street - whether or not the use of the property as a business is distinguishable from an adjacent street. Except for a non-illuminated, permanent identification sign no larger than two (2) square feet in size attached to the principle structure, there shall be nothing that occurs on the property that can be observed from adjacent streets that make it readily

apparent that a business is being operated on the premises. Factors for evaluating this standard shall be that the residential dwelling not be altered to change its residential appearance. No activity related to the conduct of the home-based business shall be permitted to occur in such a manner as to be obtrusive to the neighborhood, attract undue attention to the business or adversely impact the residential character of the neighborhood.

(3) Impact on the neighborhood - whether or not the business activity will cause a nuisance to surrounding property owners; adversely impact the peace, health, or safety of neighborhood residents; and/or create a deviation from the residential character of the neighborhood. Factors for evaluating this standard shall be:

(a) Traffic - whether or not the business will generate traffic that is excessive and/or detrimental to the neighborhood. A business will be allowed to generate a maximum of sixteen (16) vehicle trips per average weekday, Saturday and Sunday. However, based on the characteristics of a specific neighborhood, these amounts may be lowered or raised. The factors to be used for such a determination shall include, but are not limited to, pertinent characteristics of the neighborhood such as width of properties, width of the streets, hills, curves, the number of children present and existing traffic levels on the adjacent street.

(b) Nuisance - whether or not the business activity would cause a nuisance to surrounding property owners. Existing property maintenance codes, fire codes, building codes, environmental and safety codes and other related local laws shall be the primary basis for evaluating the potential for creating such a nuisance.

C. No home business or occupation, having once been permitted or established, shall be added to, expanded, enlarged or otherwise increased or changed substantially in character without complying with this law. Such permission or establishment shall not be a basis for a later application to establish a principal commercial use. Moreover, the conversion of a residence with a home business or occupation to a commercial use by the abandonment of the residence or sale, rent or transfer of the business to a party which does not reside on-site is strictly prohibited unless the business is then moved off-site.

#### [§160-24 General Non-Residential Standards \(C/MU and I Districts\).](#)

Wherever commercial, manufacturing or other non-residential uses or improvements and changes to such uses with the exception of home occupations, are proposed, the following performance standards shall apply. The Code Enforcement Officer shall ensure these standards are met prior to issuing Certificates of Occupancy for such uses and may require the applicant(s) to provide documentation of compliance.

A. A three dimensional (3-D) rendering of the proposed project will be presented to the Planning board with each application.

B. Where a commercial or manufacturing use is contiguous to an existing residential use in any District (including those situated on the opposite side of a highway) or any approved residential lot in a residential district, the Planning Board may require that the minimum front, side and rear yards be increased by up to fifty percent (50%). The Board may also require, for purposes of separating incompatible activities or shielding the residence from negative impacts, that a buffer consisting of a

solid fence of wood and/or a 20 feet wide dense evergreen planting not less than six feet high be maintained, unless the properties are in the same ownership or the full width of the yard is already wooded. See also the landscaping standards contained herein.

C. Burning of waste materials in open fires is prohibited. Details of the potential hazards and planned safety and accident response actions shall be provided by the applicant upon the Planning Board’s request. The Planning Board may require greater yards and/or fencing to mitigate impacts.

D. No activities shall be permitted which emit dangerous radioactivity, electrical, light, or sound disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

E. Noise.

(1) No land use shall generate sound levels, at or beyond any lot line, that exceeds the ambient noise level by more than 10 decibels. Any sound of 5 to 10 decibels above the ambient noise level shall be attenuated or mitigated to the maximum degree practical, as shall be determined by the Planning Board during Site Plan Review. The ambient noise level shall be determined for all lot lines of any the site where the project is to take place and any other locations as shall be specified by the Planning Board. It shall be measured on an equivalent sound level basis, as defined by the New York State Department of Environmental Conservation (see Assessing and Mitigating Noise Impacts Program Policy) over a 12 hour period, 7:00 AM – 7:00 PM, on a Sunday at the site of the proposed project.

(2) Regardless of the ambient noise level, the maximum sound pressure level radiated by any use or facility, at or beyond any lot line, shall, in addition not exceed the maximum values in the designated octave bands listed below:

Maximum Noise Limits	
Frequency Band (cycles per second)	Sound Pressure level (decibels)
20 – 75	69
76 – 150	60
151 – 300	56
301 – 600	51
601 – 1,200	42
1,201 – 2,400	40
2,401 – 4,800	38
4,801 – 10,000	35

These minimum standards apply to any noise radiated continuously from any facility or activity between the hours of 7:00 PM and 7:00 AM. If the noise is not radiated between the hours of 7:00 PM and 7:00 AM the above decibel level limits may be increased by 5 decibels. Such limits shall be reduced by 5 decibels, however, for any noise of an impulsive or periodic character (hammering, screech, etc.). These standards shall also apply to amplified loudspeakers, compressors and similar devices outside B/MU and I Districts.

(3) The sound pressure level shall be measured with a Sound Level Meter and associated Octave Band Analyzer conforming to standards prescribed by the American Standards Association, Inc.

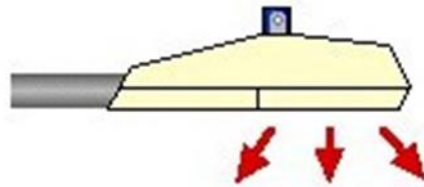
(ANSI). The Planning Board may, as a condition of Site Plan Review, require additional setbacks, buffers and fencing, or limit the hours of operation to mitigate any potential noise impacts.

(4) The maximum permissible sound levels of this section shall not apply to emergency or security alarms, repair or construction work to provide public utilities, construction operations between the hours of 7:00 AM and 9:00 PM, emergency repairs, motor vehicles used on public streets in accord with state regulations, government authorized public celebrations, unamplified human voices or routine ringing of bells or chimes by a place of worship or similar facility.

F. No vibration shall be permitted on a regular or continuing basis that is detectable without instruments at the property line.

G. Lighting.

(1) Lighting for all commercial, residential, institutional and industrial uses shall be shielded to prevent glare and light trespass onto adjoining properties.



(2) All lighting shall be designed so as to avoid unnecessary or unsafe spillover of light and glare onto operators of motor vehicles, pedestrians and land uses in proximity to the light source.

(3) No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or other sources, so as to be visible at the property line on a regular or continuing basis, shall be permitted.

(4) Lighting contours shall be required on site plans for purposes of determining compliance with this section. Average foot-candles at the property line shall be less than 1.0 except at site entrances.

(5) Globe lights shall not be permitted.

(6) Light pole heights shall not exceed building heights and none shall exceed 25 feet in height.

(7) All lighting over 2,000 lumens in strength shall meet the full cut-off standard of the Illuminating Engineering Society of North America (IESNA).

(8) All site activity areas, including parking lots and walkways, shall meet minimum IESNA standards and exceed those standards by no more than 25%.

(9) All gasoline canopy lighting shall be fully recessed and the average light level under the vehicular canopy shall not exceed 20 horizontal maintained foot candles.

H. No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted on a regular or continuing basis which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling.

I. All activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination. Details of the potential hazards (including

the groundwater characteristics of the area in which the use is proposed) and planned safety devices and contamination response actions shall be provided by the developer.

J. Whenever a vehicle and equipment sales, mechanical and body repair use is proposed as a Special Use as an expansion of an existing non-conforming use, the following additional performance standards shall apply:

- (1) All mechanical and body repair work shall be performed within buildings.
- (2) All automobile or vehicle parts, new or used, shall be stored within buildings.
- (3) Vehicles which are temporarily on the property awaiting to be repaired, shall be stored in an area which meets the minimum yard and buffer requirements applicable for the district and the use.

K. All industrial uses, processing and storage shall be within fully enclosed structures, and no tanks, cupolas, vents or other apparatus peculiar to the processing shall be visible outside the approved buildings. The facade of buildings and structures in industrial uses shall be compatible with adjacent development and shall be fully landscaped in accordance with the requirements therefore that are contained herein.

#### §160-25 Landscaping, Screening, and Buffer Regulations.

A. Purpose. The following standards are intended to enhance the appearance and natural beauty of the Village and to protect property values through preservation and planting of vegetation, screening and landscaping material. Specifically, these standards are intended to enhance the appearance of major travel corridors and business areas; to reduce excessive heat, glare and accumulation of dust; to provide privacy from noise and visual intrusion; and to prevent the erosion of the soil, excessive stormwater runoff, to prevent and mitigate the creation of mud-pits near Village roads, and/or the pollution of water bodies.

B. General requirements. The following provisions shall apply to any use in all zoning districts:

- (1) Vegetative Cover: All lots shall be graded and seeded and all other applicable requirements of these landscaping regulations imposed by the Planning Board shall be fully met prior to the Code Enforcement Officer granting a Certificate of Occupancy for a new building or use subject to these regulations. An irrevocable letter of credit or cash bond shall be posted in an amount sufficient to cover the cost of such grading and seeding when the applicant cannot perform this work due to seasonal impracticalities.
- (2) Landscaping, trees and plants required by these regulations shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees and plants which are in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season. An irrevocable letter of credit or cash bond shall be posted in an amount sufficient to cover

the cost of such landscaping when the applicant cannot perform this work due to seasonal impracticalities.

(3) A screening fence or wall required by these regulations shall be maintained by the property owner in good condition throughout the period of the use of the lot subject to the following conditions: Any land that is or has been designated or required to be screening area, buffer area or paved area pursuant to an approval by the Village Board, Planning Board or Zoning Board of Appeals of any grant of an application for a change of zone, variance, , subdivision of site plan approval or which is required by ordinance or local law must be maintained by the owner of the property or any of the owners, successors in the interest or assignees.

(4) Where required by the Planning Board, all landscaping, trees and planting material adjacent to parking areas, loading areas or driveways shall be protected by barriers, curbs or other means from damage by vehicles and from stormwater runoff.

(5) The preservation of mature shade trees and unique site features shall be required to the maximum practical extent. These, however, may be used to meet requirements of this section provided the Code Enforcement Officer or Planning Board, as the case may be, determines the purpose of this section is achieved.

(6) Where lot size and shape or existing structures make it infeasible to comply with the requirements for a front landscaped area or landscaped parking area, the Planning Board may approve planters, plant boxes or pots containing trees, shrubs and/or flowers to comply with the intent of these regulations.

(7) Buffer area. A buffer area shall be required along all boundaries of a non-residentially zoned or utilized lot abutting any lot in a residential district. The regulations shall also apply when the non-residentially zoned lot and the lot in the residential district are separated by a road. Such buffer area shall be located within the boundaries of the subject property or owned or controlled by the same property. The minimum width and content of buffer areas shall be determined by the Planning Board.

C. Front gardens. Landscaped edges (along front lot lines) and well-maintained small garden areas/beds are encouraged along all road frontage in the Village

D. Landscaped parking area. In addition to front yard landscape areas and buffer area requirements, parking areas shall comply with the following minimum standards:

(1) All uses required to provide 20 or more off-street parking spaces shall have at least 10 square feet of interior landscaping within the paved portion of the parking area for each parking space and at least one tree with a minimum two-and-one-half-inch caliper for every 10 parking spaces or fraction thereof.

(2) Each separate landscaped area shall contain a minimum of one hundred (100) square feet, shall be planted with grass or shrubs and shall include at least one tree of not less than two- and-one-half-inch caliper.

(3) A landscape area shall be provided along the perimeter of any parking area except that portion of the parking area which provides access.

E. Planning. The Planning Board may require a landscape plan be prepared as part of any Site Plan/Special Use or Site Plan Review application. Such a plan may also be required whenever any non-residential use is proposed in any district so as to buffer parking areas and buildings from the highway, each other and other uses. Where it is determined that a proposed use would not have a significant impact on the natural environment, adjoining landowners or the view from a public highway, these requirements may be appropriately modified or waived by the Planning Board. The landscape plan, if required, shall specify locations of all mature shade trees or other species of six inch caliper or greater and indicate existing vegetation to be removed or preserved. It shall demonstrate how building materials, colors, and textures will be blended with the natural and man-made landscape. It shall also include visual depictions of the proposed landscape from the perspective of persons who will view the site from the highway or adjoining properties. Specific locations, varieties, sizes, winter hardiness, and schedules for all proposed plantings shall, too, be provided as part of the plan. The Planning Board, in reviewing a landscape plan, may employ the assistance of design professionals. The Planning Board shall also specifically consider the following before approving, approving with modifications or disapproving the Site Plan:

- (1) The plan should promote attractive development, preserve existing vegetation to the maximum extent possible, enhance the appearance of the property and complement the character of the surrounding area.
- (2) The plan should use landscaping to delineate or define vehicular and pedestrian ways and open space.
- (3) The plant material selected should be of complementary character to buildings, structures and native plant species and be of sufficient size and quality to accomplish its intended purposes.
- (4) The plan should effectively buffer the activity from adjoining land uses as may be necessary and soften the impact of other site development as contrasted with the natural environment.
- (5) The plan should be realistic in terms of maintenance and use materials which, as a minimum, are winter hardy to Zone 4.

§160-26 through §160-29

Reserved



## Article 5 Supplemental Regulations Applicable to Particular Uses

### § 160-30 Manufactured (Mobile) Homes and Parks.

Any existing manufactured (mobile) home may be retained on its current site, but may not be removed to a different site (except within an allowed manufactured home park) or added on to. An existing manufactured (mobile) home may be replaced with a new manufactured (mobile) home provided such home complies with the requirements of subsection J below. The Planning Board shall, in reviewing and acting upon such Site Plan applications for manufactured (mobile) home parks, apply the following standards and review criteria:

- A. The location of the park shall be one suitable for such use as determined by the Planning Board, considering report offered by the Board's consultants, with proper drainage and provisions for stormwater control such that the peak flow rate of water leaving the site after development shall not be greater than prior to development.
- B. There shall be documentation of the availability and adequate capacity of all utility providers to service the park. Off-site or centralized water facilities shall be provided.
- C. The park shall meet the following design standards:
  - (1) The park shall be large enough for at three (3) or more mobile homes.
  - (2) All manufactured homes shall be parked or otherwise be located a minimum of:
    - (a) 20 feet from an adjacent manufactured home.
    - (b) 10 feet from an adjacent property line or right-of-way line of a public street or highway.
  - (3) Two off-street parking spaces shall be provided on each manufactured home lot.
- D. Provisions shall be made for outside storage space and these shall not in any way interfere with emergency access.
- E. Provisions shall be made to control potential nuisance situations such as accumulation of unused materials or vehicles.
- F. The management and operations plan for the park shall provide for maintenance of all common facilities and ensure the purposes and requirements of this law are met. It shall also provide for limitation of occupancy to mobile homes meeting U.S. Department of Housing Urban Development regulations under the Manufactured Housing Act.
- G. Mixed-use residential developments wherein manufactured (mobile) homes and other one-family detached dwellings are both provided shall be encouraged where the other criteria contained herein can be met. All other one-family detached development, however, shall comply with the subdivision requirements of this Law.
- H. Manufactured (mobile) homes shall:
  - 1) be no more than 10 years old at the time of their placement,
  - 2) possess a manufactured peaked shingled roof,
  - 3) be placed on a monolithic concrete slab with concrete block wall skirting, or permanent

foundation, and  
4) be anchored appropriately.

#### § 160-31 Multi-Family Dwelling Projects over 10,000 sqft.

A. Application for approval of multi-family dwelling projects over 10,000 sqft shall include all information required for Site Plan Review plus, where applicable, the following additional data;

(1) An application for approval on a form to be supplied by the Village or, in the absence of such form, by a letter or brief from the developer or his or her representative indicating how the development will specifically comply with or meet the criteria set forth herein.

(2) A proposed plot plan showing the approximate (generally within five feet) locations of all buildings and improvements including parking areas, planting strips (if any), signs, storm drainage facilities, water supply, sewage treatment and collection systems and the specific areas provided as open space in connection with the requirements of this Law. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas (apart from the open space referenced below), lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in Village of Riverside. Setbacks from property lines, improvements and other buildings shall also be indicated.

(3) A schedule or plan and proposed agreement(s) either with the Village or a home owners' association for the purpose of dedicating, in perpetuity, the use and/or ownership of the recreation area and open space required by this Law to the prospective dwelling owners or occupants. Such agreement may be incorporated in the applicant's proposed covenants and restrictions, but shall in any event, provide to the satisfaction of the Village that maintenance and use of the property, regardless of ownership, be restricted to either; (1) activities intended for the sole benefit of the occupants of the particular project proposed or, (2) permanent open space as hereinafter provided.

B. No building permit shall be issued to the applicant, however, until all conditions attached to the approval of any site plan, shall have been satisfied. Nothing herein shall be construed as permitting the issuance of a building permit prior to Site Plan Review approval and the filing of such financial guarantees as may be required. This requirement notwithstanding, the building permit application shall be made with the site plan and shall, if granted, be valid for a period equal to that for Site Plan Review approval. If the site plan shall be rejected no building permit shall be granted.

C. Following Site Plan Review approval, the developer shall provide for the installation and/or financial guarantee using a letter of credit, of required or proposed improvements including but not limited to streets, parking areas, storm drainage facilities, recreational facilities and lighting. No Certificate of Occupancy shall be issued until such time as all buildings and improvements required to serve those buildings have been completed and inspected by the Village Code Enforcement Officer.

D. Complete final building plans shall also be submitted as part of the Site Plan Review application.

E. No person shall sell, transfer, lease or agree or enter into an agreement to sell or lease any land and/or buildings or interests in the individual dwelling units to be created, or erect any building thereon

except in accord with the provisions of this Law, unless and until Site Plan Review approval shall have been granted and all improvements installed and inspected or financially guaranteed.

F. All multi-family dwelling projects shall be served with municipal water, sewer, and utilities.

G. The following design criteria shall apply to multi-family dwelling projects;

(1) No more than sixty (60) parking spaces shall be provided in one lot, nor more than fifteen (15) in a continuous row without being interrupted by landscaping. All off-street parking shall be adequately lighted and so arranged as to direct lighting away from residences.

(2) Multi-family dwelling projects shall be subject to the stormwater management requirements of New York State Law. All such planning shall also be subject to review and approval by the Village Planning Board on the advice of the Village Engineer.

(3) All electrical and other utilities shall be placed underground and buried to a depth determined by the Village Engineer as sufficient for safety purposes.

(4) In addition to the standards for landscaping set forth herein, the ground and vicinity of buildings shall be provided with decorative landscape materials subject to approval by the Planning Board.

(5) Exterior lighting along walks and near buildings shall be provided utilizing architectural grade equipment and shall not create glare on adjoining units or adjoining properties.

(6) Walks shall be provided throughout the development area to ensure that roads shall not be required for pedestrian circulation.

(7) The Fire Chief of the fire district in which the development is proposed shall review the development plans to ensure adequate access for emergency vehicles.

(8) The side yard applicable to a multi-family structure shall be increased by ten (10) feet for each dwelling unit over two within the structure.

H. Maintenance of a multi-family dwelling project shall be vested in (1) an association or other legal entity organized prior to the offering of the first unit for occupancy, or (2) a manager, who may be the developer, or a person designated by the developer before the developer offers a unit for occupancy, or (3) the owners or occupants of units themselves if the total number of owners or occupants within the development is not more than five (5). If the developer shall opt to manage the project or designate a manager, the preliminary application shall include financial statements, a description of previous management experience and other data sufficient for the Planning Board to ascertain the financial responsibility of the manager.

I. The association or manager, as the case may be, shall be responsible for maintenance, repair and replacement of the common areas of the development including buildings and, if applicable, the furniture, fixtures and equipment within the units. The project instruments shall specify the expenses that the maintenance organization may incur and collect from purchasers as a maintenance fee and secure maintenance of the project and enforcement of applicable covenants and restrictions in perpetuity. The Planning Board may require that a Certified Public Accountant review such financial data to determine proposed fees are, in fact, adequate to secure maintenance on a continuing basis.

J. The developer shall, in filing a Site Plan Review application, provide a narrative description of how responsibility for maintenance and care of the units and common areas will be assured and a pro forma operating budget for the maintenance organization including a breakdown of the common expense to be borne by the maintenance organization and a separation of long-term maintenance costs from on-going routine maintenance costs. There shall also be provided a narrative description of how the developer proposes to assure maintenance of the units and common facilities during any sales program. The Planning Board may require additional temporary facilities to accommodate service demands. Copies of all applicable instruments shall be provided, for purposes of determining that long-term arrangements for maintenance of common facilities have, in fact, been made by the developer.

K. Any developer who proposes to construct multi-family dwellings and convey the common elements of said multi-family dwelling project, including recreation areas, to an association of purchasers of units therein shall submit a maintenance bond or other performance guarantee acceptable to the Village Board and Village Attorney ensuring long-term maintenance and repair of said common elements. Such maintenance bond or other guarantee shall;

(1) Be for a period of not less than fifteen (15) years from the date of the final approval of said multi-family dwelling project by the Village;

(2) Be in an amount equal to the amount collected or to be collected for long-term maintenance (as indicated in the budget referenced above) by the developer or other responsible parties from each purchaser during the first year after sales to such purchases begin, multiplied by the total number of expected purchasers.

L. If the multi-family dwelling project shall be subject to the New York State statutes governing the sale of real property used for multi-family occupancy, the developer shall certify as to his or her compliance with said statutes. To the extent the provisions of such statutes conflict with this subsection such certification shall suffice as to conformance with these requirements.

M. Conversions of existing structures to multi-family dwelling use regardless of whether such conversions involve structural alterations, shall be subject to the provisions of this Law to the extent applicable, as shall be determined by the Planning Board. If the proposed project does involve structural alterations, the site plan shall include a certification of a registered architect or engineer to the effect that the existing building is structurally sound and that the proposed conversion will not impair structural soundness. However, the conversion of an existing one-family detached dwelling or single family semi-detached dwelling into not more than three residential units shall be exempt from these requirements, unless such units are intended to be a condominium. This shall not, however, exempt an owner from any requirements of the State Building Code or the Village Zoning Law as they may pertain to such activities.

#### § 160-32 Adult Uses.

Adult Uses will be completely indistinguishable from an industrial building, in the Industrial zone.

A. Purpose. In the development and execution of this Section, it is recognized that there are some adult uses which, because of their very nature, are recognized as having serious objectionable characteristics.

B. Separation Requirements Applicable to Adult Uses. Adult uses shall be limited to existing Industrial districts. They shall be subject to Site Plan Review. Because adult uses can lend themselves to ancillary unlawful and unhealthy activities, they shall also be separated from other uses that could be severely impacted by their presence or that, in combination with the adult uses, accentuate the negative impacts on the area. These distances shall be measured in a straight line, without regard to intervening obstacles, from the nearest portion of the structure incorporating any aspect of the adult use to the nearest property line of the of the premises incorporating any of the above listed uses.

(1) No adult use shall be located within a 200 foot radius of any other residential or commercial zoning district or another adult use.

(2) No adult use shall be located outside an Industrial District or within a 500 foot radius of the property of any residence, residential facility, institution, health facility, child care center, church, synagogue, other place of religious worship, school, public or semi-public use, public park or recreation facility, youth oriented center, playground or playing field, cemetery or any establishment that sells alcoholic beverages.

C. Exterior Display Prohibited. No adult use shall be conducted in any manner that allows the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas from any public way. This provision shall apply to any display, decoration, sign, show window or other opening.

D. Nonconforming Buildings. No nonconforming building or lot shall be used for an adult use.

E. Prohibited Activities: The following activities are prohibited in the Village of Riverside to protect the health and safety of all people in the Village.

(1) Public appearance by a person knowingly or intentionally engaged in specified sexual activities.

(2) The knowing and intentional public appearance of a person in a state of nudity.

(3) Touching of patrons or the performance by any entertainer in an adult use facility within six feet of the nearest patron.

(4) Sale of alcoholic beverages.

I. Loudspeakers. No loudspeaker or similar audio equipment used to describe or discuss specified anatomical areas or specified sexual activities shall be audible beyond the exterior of the structure in which it is located.

§160-33 through §160-39

Reserved

## Article 6 Nonconforming Uses and Structures

### §160-40 Rights to Continue Nonconforming Uses.

- A. A use, building, lot or structure lawfully in existence and in use as of the effective date this law and non-conforming with it or any subsequent amendment may be continued, except as otherwise provided herein with respect to specific uses. Upon request, the Code Enforcement Officer may issue Certificates of Non-Conformance to owners or operators of bona fide non-conforming uses, buildings or structures who desire confirmation of their rights hereunder.
- B. It is the purpose of this Article to limit the injurious impact of non-conforming uses, buildings, lots and structures on other adjacent properties within a particular district and the community as a whole, while recognizing that alterations, continuations and extensions of non-conforming uses, buildings or structures may not be contrary to the public interest or the general purpose of this Zoning Law, when failure to allow such alteration, continuation or extension would itself lead to neighborhood or district deterioration.
- C. It is further the purpose of this Article to set forth those standards which are to be applied by the Village in determining the reasonableness of proposals to alter, continue or extend a non-conforming use and to establish when Village review and approval shall be required for such actions.
- D. The protections extended by this Article to existing non-conforming uses, buildings, lots or structures, commonly known as "grandfathering," shall not extend to any illegal or unapproved non-conforming activity occurring subsequent to the effective date of this law, as amended.
- E. If a nonconforming use becomes vacant, and is unoccupied/ unused for 12 months, the nonconforming status will be discontinued (see §160-45)

### § 160-414 Normal Maintenance and Repairs.

- A. Normal maintenance and repair activities, such as painting, replacing a roof or fixing gutters, shall be permitted. Also permitted are alterations, such as adding or removing windows, and interior renovations that do not structurally alter buildings, add living areas or result in extended or increased non-conforming use of a building, lot or structure.
- B. Increases in outside storage or display of retail or wholesale inventory, which in the ordinary course of business would be sold within one year, shall be permitted, provided they do not eliminate parking spaces, unoccupied open spaces or accesses required by this law. Notwithstanding this provision, however, the Planning Board, in reviewing any Site Plan review application for expansion or upon determining, with respect to any present use, that a condition exists which requires remedies, may establish limits on such storage or display or require removal of inventory (altogether or to another location on the site) to preserve adequate sight distances and residential buffers or otherwise protect public health, safety and welfare.

### § 160-42 Restoration, Reconstruction or Re-establishment.

- A. If less than 75% of the floor area of any non-conforming use, building or structure is damaged, it may be restored or reconstructed within 18 months of the date of the damage, with an extension in time allowable where proven necessary to the Planning Board.

B. A non-conforming use, building or structure may be re-established within a period of 12 months after it has been discontinued or vacated, with an extension of 12 months allowable where proven necessary to the Planning Board.

C. A non-conforming use, building or structure shall be considered abandoned under the following circumstances:

(1) The intent of the owner to discontinue the use is made obvious by the posting of signs, boarding up of windows, failure to pay taxes or assessments or other measures which demonstrate the enterprise is going out of business or the use is otherwise ending; or

(2) The building has not been occupied for 12 months or more; or

(3) The non-conforming use has been replaced by a conforming use or changed to another use under permit from the Village; or

(4) The equipment and furnishings used in furtherance of the non-conforming use have been removed from the premises.

D. The Code Enforcement Officer, on determining these circumstances exist, shall, by certified mail, so notify the property owner of record, informing the owner the use is considered abandoned and may not be re-established once a period of 12 additional months has expired. If an owner cannot be reached through the mail, the Village Clerk shall publish the notice once in a newspaper of general circulation in the Village and/or post the property and the owner shall be presumed to have been notified.

#### § 160-43 Changes and Additions.

A. There shall be no expansion in the amount of land area outside a non-conforming facility which is used for storage of materials, supplies and/or products, excepting with respect to those types of uses specifically provided herein.

B. Where the non-conforming activity is one which necessarily results in the storage of large quantities of material, supplies or products outside (such as a lumberyard), the Planning Board may require dense evergreen screening sufficient to shield all such materials from the view of adjacent landowners and/or the traveling public.

C. No addition, change or expansion of a non-conforming use shall further violate setback and/or height regulations of the district in which it is located in any material way. Moreover, no change of use shall be to one of less restrictive classification, as determined by the Planning Board. A non-conforming retail enterprise could be converted to a barber shop, for example, but not to an industrial use.

D. There shall be no increase in the amount of storm water runoff for the site over what was existing as of the date of the enactment of this law. The U.S.D.A. Soil Conservation Service, a Professional

Engineer or other appropriate professional may be relied upon to recommend appropriate measures to control storm water runoff. Such measures shall be attached as conditions of approval by the Planning Board.

E. In no case will a change, addition or extension of a non-conforming use be allowed which would result in a traffic increase which would decrease the Level of Service for the highway, the diversion of traffic closer to a nearby residence or a substantial modification of any of the parking and unloading requirements of this law. If the total number of parking spaces for the site is to be increased more than 25% over those available as of the date of this law, the Planning Board may require vegetative screening of the parking area from nearby residential areas.

F. The use may only be expanded or extended onto another property of record if; that property is immediately adjacent to the lot on which the original structure or use was located as of the effective date of this law or amendments hereto and the use is not one which has been altogether prohibited as a new use under this law.

G. Should the use proposed for expansion or extension be one which is specifically prohibited as a new use in the Village or is determined by the Planning Board to be one similar to such a use or of such a nature as to impose health, safety or welfare concerns which cannot be satisfied by the imposition of the conditions permitted under this law, the requested expansion or extension shall be denied.

#### § 160-44 Use of Existing Non-conforming Lots of Record.

A structure may be erected on any existing lot of record provided no yard is reduced to less than 50 percent of the requirement for the district in which it is located or 10 feet, whichever is greater.

§160-45 through §160-49 Reserved



## Article 7 Sign Regulations

### §160-50 General Sign Regulations

A. All signs shall comply with the standards provided below and in the Setback Table §160-11. All permanent signs shall require approval of the Planning Board and a sign permit issued by the Code Enforcement Officer.

B. An application for a permit to install or relocate a sign shall be submitted on a form obtained from the Code Enforcement Officer, together with the fee required. Every application shall include a graphic presentation of the placement and appearance of the proposed sign. This presentation shall depict the location of the sign in relation to buildings and property features, any method of illumination, the graphic design (including symbols, letter, materials and colors) and the visual message, text copy or content. Written consent of the property owner shall also be provided.

C. All applications not requiring Planning Board approval shall be acted upon by the Code Enforcement Officer within 15 days of receipt. All applications submitted to the Planning Board shall be acted upon within 62 days of receipt.

D. The Planning Board shall review sign applications relative to the appropriateness and compatibility of their design, shape, materials, colors, illumination, legibility, location and size. The Planning Board may, in conducting such reviews, apply the Design Guidelines attached hereto as Appendix 1, which document may be revised and updated from time to time by resolution of the Village Board. Such Design Guidelines may be modified or waived by the Planning Board for individual applications where the circumstances of such applications warrant. The Planning Board shall in such circumstances apply the tests otherwise applicable to area variances hereunder. The Planning Board may approve, approve with modifications, or disapprove signs based upon its review thereunder.

E. The following regulations shall apply to all signs:

(1) All signs shall be immediately removed when the reasons for their erection no longer apply.

(2) Signs other than official traffic signs shall comply with side yard setbacks as established for principal structures in the District where the sign is located.

(3) No sign, except a public sign, visible from a public street, shall use the words "stop," "danger," or any other word, phrase, symbol or character that could be interpreted by a motorist as being a public safety warning or traffic sign.

(4) No light shall be permitted that by reason of intensity, color, location, movement or directions of its beam may interfere with public safety.

(5) No sign or other advertising material or merchandise displayed for such purpose shall be attached to any tree, utility pole, public structure or other object not intended for such use.

(6) No sign will hang over a sidewalk or Right-of-Way.

(7) No sign shall exceed in height one-half its distance from the highway right-of-way, notwithstanding any other height limitation which may also be applicable.

(8) Signs shall not be permitted on the roof or above the roof line of the building to which they are attached.

F. Business and property owners are encouraged to submit Master Signage Plans for their properties, which plans shall specify the location, dimensions, type, design and number of all signs to be erected on the property now or in the future. Such plans shall be prepared by a landscape architect, architect, sign designer, engineer or other qualified professional and shall identify existing signs, signs proposed for installation, anticipated future sign locations, temporary sign locations and the design criteria which shall apply to all signs to be erected on the property. These plans shall be adopted by the property owners, who shall agree that all signs to be constructed by them or any of their tenants or occupants now or in the future shall comply with the standards therein. A Master Signage Plan may also be submitted for contiguous multiple properties.

G. All Master Signage Plans shall be submitted for approval to the Planning Board which shall be guided by the design review criteria provided above. The Board, in acting upon a Master Signage Plan, may waive any of the standards contained herein relating to numbers or sizes of any signs, provided it is satisfied the Master Signage Plan will meet the Design Guidelines attached hereto as Appendix 1 and the aggregate sign area for any business does not exceed 200 square feet or the ratio of 100 square feet of signage to 100 Linear feet of building-frontage in other circumstances. When the Board has approved such a Plan, no further permits will be required for any sign which is in compliance with the Plan.

H. The owner, lessee or occupant of any parcel of land in a C/MU, or I District may erect and maintain on such land not more than one free-standing sign or one free-standing sign per 200 linear feet of lot frontage up to a total of three signs, whichever shall be greater.

(1) If such signs are pole signs they shall not exceed 32 square feet each in surface area for both sides combined, shall not exceed 20 feet in height and shall be setback from the edge of the highway right-of-way line no less than 25 feet. All pole signs shall be separated by a distance of no less than 100 feet.

(2) If such signs are ground signs (as illustrated by free-standing sign illustration above) they shall be permitted provided they do not exceed 64 square feet in surface area each in surface area for both sides combined or six feet in height.

(3) Name plate signs identifying the name of a resident or owner shall be permitted on all lots provided they do not exceed two square feet in surface area or one in number per lot.



I. The signs physically attached to a business building and flush thereto or extending out no more than 18 inches from an exterior structural wall surface shall not be counted in the number of signs permitted hereunder but the total area of such signage shall not exceed 15% of any given exterior structural wall surface or more than 10% of all exterior structural wall surfaces combined. Wall signs covered by this provision shall include any material meeting the sign definition, including merchandise displayed with the purpose of advertising and signs in windows. They shall also include signage or merchandise displayed on, from or against other structures or vehicles for the purpose of advertising a message.

J. Signs within R-1, R-2 and B/MU Districts or in connection with any residence shall be limited to the following and nothing herein contained shall prevent the placement of the following signs in any other District:

(1) Signs bearing the words "sold" or "rented" or similar phrases, together with the name of the person effecting sale or rental. Such signs shall be removed within 14 days after the sale, rental or lease.

(2) Signs advertising the sale or development of the premises upon which they are erected, when erected by a building, contractor, developer or other person interested in such sale or development, provided:

(a) The size of such sign is not in excess of 32 square feet for both sides combined or 20 square feet for a single-sided sign;

(b) Not more than two signs are placed upon any property unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage;

(c) Such sign is not illuminated.

K. Window signs will not obscure more than 1/2 (50%) of window area. Window signs count toward the total square footage of signs permitted on each lot.

L. Except as otherwise permitted hereunder, signs within C/MU Districts shall be limited to the following:

(1) Two sandwich board or A-frame signs not in excess of 10 square feet placed no more than 10 feet from principal building entrance and limited to placement during business hours.

(2) Awning, canopy or marquee signs not in excess of 16 square feet each provided no more than 50% of awning, canopy or marquee is used for signage.

(3) One permanently mounted changeable letter or fuel price sign not in excess of 36 square feet.

(4) Non-governmental flags not in excess of 24 square feet.

(5) One additional freestanding sign not in excess of 32 square feet or more than 15 feet in height or one projecting sign not in excess of 32 square feet at least 10 feet above the sidewalk or the ground, for non-residential use identification purposes.

(6) All freestanding signs in aggregate shall not exceed 100 square feet of sign area or one square foot per one lineal foot of lot frontage (whichever is less). Additional free-standing signs may be permitted subject to this 100 square feet in aggregate limitation.

M. Portable signs, except for sandwich board signs as permitted hereunder, shall not be permitted except as temporary signs for use a maximum of 30 days per calendar year. See illustration to right for example.

N. Signs to provide for the normal and safe flow of traffic into and out of the place of business such as entrance, exit and parking signs shall be permitted in excess of the limitations provided herein. Such signs shall be of a size no greater than necessary for persons of normal vision to observe.



O. Special advertising signs or banners not exceeding 64 square feet in total surface area shall be permitted; including, but not limited to, signs announcing to the general public any special events such as commercial sales days, cultural or entertainment attractions or charitable activities. These shall be permitted for the length of the activity, but in no case exceeding 30 days before and after the event. Political signs shall be permitted on a similar basis.

P. Commercial directory signs may be permitted on any non-residential lot. Such signs shall consist of a combination, on a single structure not exceeding eight feet in height, of a sign identifying a business complex with other smaller uniform signs listing businesses on a property. Such signs shall replace freestanding signs which the advertisers would otherwise have rights to place on the property and use no more than 20 square feet in surface area on each side to identify a complex or more than 10 square feet on each side to identify a specific business or service. See illustration.



Q. Where permitted, signs shall be illuminated only by a steady non-flashing, stationary (excepting for indicators of time and temperature), shielded light source directed solely at the sign, without causing glare for motorists, pedestrians or neighboring premises. The illumination shall not make the sign resemble traffic signals or be excessively bright. Neon signs shall be limited to four square feet in surface area.

R. Existing non-conforming signs may be repaired or reconstructed on the same site, but shall not be relocated or increased in size. Any non-conforming sign abandoned for sign purposes for more than 90 days or damaged to the extent of 50% or more of the replacement cost value, shall be immediately removed.

S. No owner of any sign or lessee or owner of any land upon which the sign is located shall permit such sign to become unsightly or in disrepair so as to endanger the public or to become a public nuisance. S. In the event such a sign is not repaired or properly restored or removed within 30 days after written notice has been given to the owner of the sign or lessee of the land upon which the sign is located, the governing body may institute appropriate legal action to end the violation (including but not limited to removal and disposal of the damaged sign), abate the nuisance and assess the costs associated therewith to the violator.

§160-51 through §160-54      Reserved

## Article 8 Telecommunications and Tower Regulations

### §160-55 Communications Towers

#### GENERAL REFERENCES

Definitions -- See Ch. §160-6.

Fire prevention and building construction — See building code

Subdivision of land — See §160-60.

#### § 160-55-1 Review procedure.

A. No antenna or communications tower shall hereafter be used, erected, connected to, modified or replaced except pursuant to the following process:

(1) Village of Riverside Communications tower Committee Review and Recommendation, SEQRA Recommendation.

(a) The application information and support materials described in §160-xx and/or §160-xx shall first be submitted to the Village of Riverside Communications Tower Committee (the “CTC”) for evaluation prior to the proposed materials’ submission to and consideration by the Planning Board and/or the Zoning Board of Appeals.

(b) The CTC shall evaluate the proposed application materials for their completeness and accuracy. The CTC is authorized to request from the applicant any additional information that the CTC determines, in its absolute discretion, is necessary to further explain or describe the proposed application materials and their compliance with §160-xx and/or §160-xx.

(c) The CTC shall also render a recommendation to the Planning Board and the Zoning Board of Appeals as to the appropriate Lead Agency for the proposed PWS (Personal Wireless Services) facility’s review pursuant to SEQRA.

(d) Upon completing its evaluation, the CTC, in its discretion, may refer the proposed PWS facility’s application materials to the Planning Board for its review with a recommendation from the CTC as to the application’s compliance with §160-xx and/or §160-xx.

(2) Planning Board Pre-Application Review. Upon receiving the CTC referral described in §§160-xx 1(A)(1)(d), the Planning Board shall conduct a pre-application review as required by §160-xx which may, among other things, evaluate the proposed PWS facility’s application materials for their completeness and accuracy. The Planning Board is authorized to request from applicant any additional information that the Planning Board determines, in its absolute discretion, is necessary to further explain or describe the proposed PWS facility’s application materials and their compliance with §160-xx, §160-xx and §160-xx. Upon concluding the pre-application review to its sole satisfaction, the Planning Board may render a final determination that the proposed PWS facility’s

application is complete. The Planning Board shall confirm its final determination in writing to the applicant, which shall include the date upon which the application was deemed to be complete.

(3) Complete PWS Facility Application Determination Made, SEQRA Review.

(a) All proposed PWS facilities shall be SEQRA Type I Actions.

(b) Planning Board as SEQRA Lead Agency. Where the CTC has recommended and the Planning Board has concurred that the Planning Board is the proper Lead Agency for the proposed PWS facility's SEQRA review, the Planning Board shall comply with the provisions of Article 8 of the New York Environmental Conservation Law and its implementing regulations as codified in New York Code Rules and Regulations Title 6, Part 617.

(c) Zoning Board of Appeals as SEQRA Lead Agency. Where the CTC has recommended and the Zoning Board of Appeals has concurred that the Zoning Board of Appeals is the proper Lead Agency for the proposed PWS facility's SEQRA review, the Zoning Board of Appeals shall comply with the provisions of Article 8 of the New York Environmental Conservation Law and its implementing regulations as codified in New York Code Rules and Regulations Title 6, Part 617.

(4) Planning Board Review. All proposed PWS facilities shall be subject to Planning Board review and approval pursuant this chapter and the requirements and procedures of Article XX, Special Use Permit and Site Plan Approval.

(5) Zoning Board of Appeals Review. The Zoning Board of Appeals shall have the authority to review and approve, approve with modifications or deny Special Use Permits pursuant to this chapter and §160-xx, Variances.

(6) If a variance is required, the Zoning Board of Appeals shall comply with the provisions of Code of the Village of Riverside, §160-xx Ch.130.

[§160-55-2 Permitted districts, special requirements.](#)

A. Communications towers and antennas shall be permitted in those districts identified in Appendix A. Use Regulation Table.

B. Communications towers and antennas proposed in or within 750 feet of prohibited districts shall be subject to §160-xx, Variances. In addition to the information mandated by the foregoing provisions, applicant must demonstrate by or provide in the proposed PWS facility's application materials, as supported by substantive evidence:

(1) Signal strength measurements showing that the applicant would not be able to provide service to the area without locating in the described area.

(2) That collocation on existing communications towers would compromise the existing towers' structural integrity and that the tower(s) cannot be modified to support the proposed antenna(s).

(3) That collocation on an existing current structure, utility pole, building or a new communications tower within a permitted district is impossible due to surrounding topography or other land features, whether natural or manmade. The fact that additional cost may be incurred and additional antennas may be required is not conclusive of an inability to so collocate.

C. In the event the applicant meets the criteria of Subsections A and B above, subject to all other requirements of this chapter, a proposed PWS facility located outside a district zoned for towers or within 750 feet of a prohibited district must meet the following additional criteria:

(1) If the communications tower is less than 35 feet in height or the PWS antennas are to be located on a structure of less than 35 feet, the Planning Board in its discretion may require that the communications tower and/or antennas be completely camouflaged to blend with the surroundings, including but not limited to:

(a) The communications tower being made to look like a tree, silo or other alternative tower masking design selected by the Village in its sole discretion.

(b) Camouflage by artificial leaves, painting or other suitable method. Deteriorating camouflage or paint will be replaced at the Village's request, at the tower owner's expense.

(c) Enclosed with some modification to the structure or similar screening.

(2) If applicant has proven that a communications tower greater than 35 feet is needed to provide the required coverage, the Planning Board may require that more than one communications tower being 35 feet or less be built in lieu of a single taller communications tower in order to provide the required coverage. In such case, all of the criteria of this chapter must be fulfilled for each such communications tower.

(3) In all events of PWS facilities located in prohibited districts with a Zoning Board variance, the applicant must provide substantial foliage and landscaping within the vicinity of the communications tower as well as landscaped buffer areas, the adequacy of which shall be determined by the Planning Board pursuant to §160-xx, Screening and the provisions of this chapter.

### [§160-55-3 Application materials and supporting documents.](#)

The following information shall be submitted in support of an application for a PWS facility. This information is required in addition to the information and documents mandated by Village of Riverside Zoning Law, Articles (Blank) and (blank), pertaining to site plan review, specific use permits or variances. This information is subject to CTC and Planning Board review processes.

A. A full application on a form supplied by the Village and the truthfulness attested to by a licensed professional engineer:

(1) A Long Form Environmental assessment form (EAF), including a site description that identifies and describes:

(a) The proposed PWS facility, including but not limited to:

(i) the type of service and facilities to be provided;

(ii) the size of applicant's trading area (overall network area) within the Village and five miles beyond as licensed by the FCC;

(iii) the size of the area to be served by the proposed PWS facility;

(iv) the general service improvements to applicant's customer base that will be achieved if the proposed PWS facility is permitted;

(v) the need for and/or improvements in emergency communications that will be achieved if the proposed PWS facility is permitted;

(vi) any upgrading of necessary infrastructure (if any) for business development within the proposed PWS facility's service area; and

(vii) the elimination of redundant facilities or equipment to be achieved if the proposed PWS facility is approved;

(b) Man-made topographical features at and within one (1) mile of the selected site;

(c) Environmental resources on or adjacent to the selected site, including but not limited to water bodies and wetlands;

(d) Surrounding vegetation (i.e. tree species) at the selected site;

(e) Fencing around the proposed PWS facility;

(f) Building materials for equipment sheds;

(g) Proposed visual impact mitigation measures and a description of applicant's efforts to minimize visual impacts. If this objective cannot be accomplished, applicant shall provide an explanation why the minimization of visual impacts is technically impossible, providing substantive evidence to support this claim. Increased costs associated with minimizing visual impacts shall not be considered sufficient support of a claim of impact mitigation infeasibility.

(h) Applicant's compliance with the National Environmental Policy Act of 1969 and the National Historic Preservation Act; and

(i) All SEQRA Involved Agency permits required, as applicable.

(2) The manufacturer's or applicant's design drawings pertaining to installation, stamped by a licensed professional engineer.

(3) The applicant's maintenance and inspection schedule.



(4) Site access, road alignment, road width, road surface type, proposed curb-cuts, anticipated construction and operation vehicular traffic to and from the site and construction parking and storage areas. Location of the curb cut is subject to DOT regulations or a Village (BLANK) work permit.

(5) Each application for installation of antennas shall include either a preliminary or a certified statement that the installation of the antennas, including reception and transmission functions, will not interfere with the radio or television service enjoyed by adjacent residential and nonresidential properties or with public safety telecommunications. In the event only a preliminary statement is submitted with the application, a final certified statement on noninterference will be provided and approved by the Village prior to the issuance of a permit. A Village-approved professional engineer shall prepare the statement.

(6) A safety analysis and certification by a licensed professional engineer that the proposed PWS facility will be in compliance with all applicable FAA and FCC laws and regulations.

(7) Proof of the site owner's consent, if the applicant is not the owner of the site on which the applicant seeks to locate a commercial PWS facility.

(8) The name of the operator, owner, lessee(s) to the application, with correct direct contact information for the same.

(9) A copy of applicant's FCC License.

(10) Names and addresses of adjacent property owners, as contained in public records.

(11) An inventory of applicant's existing sites. Each applicant shall provide a map showing applicant's FCC-licensed service area (within the municipality and five miles beyond) with a separate map showing applicant's inventory of its existing communications towers and antenna sites within the Village and within one mile of the Village's border including, for each such structure, specific information regarding the communications tower and/or antenna height and the location, street address, tax parcel, latitude and longitude and mean sea level height of the communications tower base.

(12) The location of any equipment or other facilities required by each of the three potential collocators or additional users, as provided for in §160-xx.4 of this chapter.

(13) A visual impacts study, generated by an appropriately licensed consultant that:

(a) Complies with the NYS Department of State Model Visual Impact Analysis methodology;

(b) Complies with §160-xx.9 and §160-xx.11;

(c) Describes the natural and manmade character of the area surrounding the proposed PWS facility's site, including identifying highways and residential and commercial streets and roads, vegetation, land use and visually sensitive sites including but not limited to parks, historic sites and public access facilities (such as trails and boat launches) within a five (5) mile radius of the proposed PWS facility's site;

(d) Includes a computer-imaged photograph of any proposed communications tower as it would appear on the site, including any proposed attachments, from at least three different angles selected by the Village and during all four seasons of the year;

(e) Includes a list of key viewer groups, including but not limited to residents, hikers, motorists, campers and boaters;

(f) Identifies key viewpoints, such as public roads, recreation areas and residential developments with a determination whether the viewpoints are stationary or moving and the view's duration;

(g) Describes the width of the field of view and the horizontal viewing angle;

(h) States whether the view is through vegetation or open area;

(h) Identifies the natural and manmade features that will be seen by the view in the foreground (0 to 0.5 mile), middle ground (0.5 to 3.5 miles) and background (3.5 to 5 miles) views;

(i) Includes a visual analysis map, line of sight profiles, and visual simulation photographs keyed to the site map consistent with visual analysis methodology;

(j) Demonstrates applicant's compliance with the National Environmental Policy Act of 1969 and the National Historic Preservation Act; and

(k) Includes a description of applicant's efforts to minimize visual impacts. If this objective cannot be accomplished, applicant shall provide an explanation why the minimization of visual impacts is technically impossible, providing substantive evidence to support this claim. The Village may consider these efforts and require additional efforts if there is a reasonable basis, in the Village's sole discretion, for such requirement.

(14) No fewer than three (3) alternative sites that meet the applicant's technical requirements and the Village's zoning/land use requirements. For each alternative, applicant must describe the proposed communications tower, antennas and support facilities as follows:

(a) Size (height above ground level to the top of the communications tower and to top of antennas, dimensions of all components, including base and top dimensions);

(b) Type (e.g. self-supporting monopole, guyed communications tower), materials and color of the communications tower);

(c) Configuration and sizes of each alternative communications tower's foundation and antenna supports;

(d) FAA-mandated lighting or striping for each alternative communications tower if required;

(e) The equipment shelter associated with each alternative communications tower; and

(f) A viewshed map for each alternative site that identifies those locations within five (5) miles of each proposed site where there is a relatively high probability that the proposed alternative PWS facility will be visible. The viewshed map shall be based on the proposed structure height at each location at an elevation of 2 feet above base flood elevation. The

viewshed map shall define the maximum area from which the tallest element of the completed PWS facility could potentially be seen within the study area (ignoring the screening effects of existing vegetation), with a delineation of foreground (0 to 0.5 mile), middle ground (0.5 to 3.5 miles) and background (3.5 to 5 miles).

(15) Applicant shall select a preferred alternative site based on the lowest potential visual impact and the preferred alternative site's technical and economic feasibility. Applicant shall provide the Village with:

(a) A signal propagation study for the preferred alternative site; and

(b) A detailed explanation supporting the preferred alternative site's selection that includes a demonstrated need for service supported by substantive evidence; environmental, visual and site impacts; initial development and life-cycle costs; and an explanation of why other alternative sites were not preferred.

(16) Additional submission requirements for communications towers include:

(a) Identification and description of an anti-climbing device.

(b) A report from a licensed professional engineer, which describes the communications tower, including its height and design, demonstrates the communications tower's compliance with applicable structural standards (including but not limited to foundation design, wind loading and guy wire plans) and describes the communications tower's capacity, including the number and types of antennas it can accommodate.

(c) A preliminary or a certified statement that the installation of the communications tower, will not interfere with the PWS services enjoyed by adjacent residential and nonresidential properties or with public safety telecommunications. In the event only a preliminary statement is submitted with the application, a final certified statement on noninterference will be provided and approved by the Village prior to the issuance of a permit. A Village-approved professional engineer shall prepare the statement.

(d) The site plan shall show distances between the proposed communications tower structure and structures on adjoining properties within 750 feet, together with the names and addresses of all property owners within 750 feet of the boundary of the property on which the communications tower is proposed, as contained in the public records.

(e) Identification and location of any PWS antennas located within one mile of the proposed communications tower, regardless of ownership.

(f) As-built drawings certified by a professional licensed engineer, within 60 days after completion of the construction.

(g) A demolition bond or other security acceptable to the Village for the purpose of removing the communications tower if the owner fails to do so upon the communications tower disuse for a period of six months, or has been ordered removed by the Village, because the communications tower is no longer necessary to achieve or facilitate the applicant's permitted use. Such bond or security shall be automatically renewable on each anniversary until advised by the Village of Riverside in writing that it is no longer needed.

B. Any application to the Planning Board shall include copies of the full application, if one is required, to the Zoning Board of Appeals.

#### § 160-55-4 Collocation requirements.

A. All antennas and communications towers erected, constructed or located within the Village shall comply with the following requirements:

(1) A proposal for a communications tower shall not be approved unless the Planning Board finds that the antenna planned for the proposed communications tower cannot be accommodated on an existing or approved communications tower or structure due to one or more of the following reasons:

(a) The antenna would exceed the structural capacity of the existing or approved communications tower or structure, as documented by a qualified professional engineer, and the existing or approved communications tower cannot be reinforced, modified or replaced to accommodate the planned or equivalent antenna. All reasonable costs of such modification or replacement of the communications tower or structure shall be presumed to be borne by the owner of the proposed antenna.

(b) The antenna would cause interference materially impacting the usability of other existing or planned antenna at the communications tower or building as documented by a qualified professional engineer and the interference cannot be prevented at a reasonable cost.

(c) Existing or approved communications towers and structures cannot accommodate the antenna at a height necessary to function reasonably, as documented by a qualified professional engineer, and cannot be modified or replaced as provided for in Subsection A(1)(a) above.

(d) Other unforeseen reasons that make it infeasible to locate the antenna upon an existing or approved communications tower or structure.

(2) Any proposed communications tower shall be designed, in all respects, to accommodate both the applicant's antennas and comparable antennas for three or more additional users. Communications towers must be designed to allow for future rearrangement of antennas upon the communications tower and to accept antennas mounted at varying heights. Additionally, the necessary land to accommodate the equipment of said additional users shall be under the control of the communications tower applicant. This control may be through ownership, lease or contract with a period of time no less than the control the applicant has over the land used for the equipment for subject communications tower application.

(3) The applicant shall submit to the Planning Board a letter of intent committing the applicant, and his/her successors in interest, to negotiate in good faith for shared use of the proposed communications tower or structure by other PWS providers in the future.

(4) Collocation on communications towers, structures or land encumbered by an antenna, structure or communications tower existing prior to July 2018.

Notwithstanding anything to the contrary herein, the collocation requirements of this chapter are intended to be enforceable as to existing antennas, communications towers and structures and/or land encumbered by antennas, structures or communications towers. Accordingly, upon a renewal, extension or exercise of option for a renewal term of an existing lease for land, structure or communications tower, a clause in any such lease, whether entered into prior to or after the enactment of this chapter, which provides for exclusivity as to the land, structure or communications tower in favor of one or more carriers shall not be enforceable against a carrier seeking collocation.

#### [§160-55-5 Adherence to local, state and federal standards; proof of compliance.](#)

All PWS facilities must meet or exceed all applicable federal, state and local laws, rules, standards or regulations of the FCC and the FAA. If such standards, rules, laws or regulations are changed or amended, at any time in the future, then the owners of such facilities shall bring those facilities into compliance with such revised regulations if such changes or amendments provide for existing communications towers and/or antennas to be brought into compliance.

#### [§160-55-6 Inspections and licenses.](#)

A. Communications towers shall be inspected every five years on behalf of the communications tower owner by a licensed professional engineer for structural integrity and continued compliance with these regulations. A copy of such inspection report, including findings and conclusions, shall be submitted to the Village Manager with the application for a license during the month of December every five years. This requirement shall be considered a condition to any specific use permit, variance or any other permit or license required by this chapter.

B. Operators shall obtain Village licenses for each communications tower and/or antenna operated pursuant to this chapter no later than January 31 of the sixth year from the year in which the communications tower or antenna initially becomes operational, and every five years thereafter. The license fee shall be set from time to time by the Village Board.

C. The operator of any PWS facility sited within the Village of Riverside shall submit certification every five years, signed by a New York State licensed professional engineer, verifying such facility is in compliance with all applicable federal, state and local radio frequency radiation emission standards. Such certification shall be delivered to the Village Manager with the application for a license during the month of December every five years. This requirement shall be considered a condition to any specific use permit, variance or other permit or license required by this chapter.

#### [§160-55-7 Performance standards.](#)

A. Antenna safety. Antennas shall be subject to state and federal regulations pertaining to nonionizing radiation and other health hazards related to such facilities. The owner shall submit evidence of compliance with the FCC General Population exposure standard every five years, with the application for a license, as provided for elsewhere in this chapter. If new, more restrictive standards are adopted, the antennas shall be made to comply or the Village may restrict continued operations. The cost of verification of compliance shall be borne by the owner and operator of the communications tower.

B. Random testing. The Village of Riverside, in its sole and reasonable discretion, reserves the right to randomly test any PWS facility at any time for FCC compliance, at the tower owner's expense.

C. Powering up. Once erected, the power output of any PWS facility or its antennas may not be increased without the prior express written consent from the Village Planning Board, and existing antennas may only be replaced with similar antennas, but in no event shall the new antennas emit higher levels of radio frequency (RF) radiations than the antennas being replaced.

D. Noncompliance. To the extent any PWS facilities and antennas are not FCC compliant as required by Subsections A and C hereof, the owner of such facilities or antennas shall have thirty (30) days to cure such non-compliance and bring its facilities or antennas to code. In the event such breach has not been corrected within thirty (30) days following written notification of non-compliance from the Village to the applicant, the Zoning Board of Appeals, in its sole discretion, reserves the right to (a) suspend or revoke any permits or approvals that had previously granted for the installation of such facilities or antennas or (b) request an immediate shut down of the respective facilities with no re-activation option unless, and until, a hearing is conducted before the appropriate local zoning authority. In the event of a permanent revocation and shut down, the removal of existing communications towers and attachments thereto shall be conducted at the owner's expense and in accordance with §160-xx.13 hereof.

E. Communications tower lighting. Communications towers shall be designed and sited to avoid the application of FAA lighting and painting requirements. Communications towers shall not be illuminated by artificial means and shall not display strobe lights unless the FAA or other federal or state authority for a particular communications tower specifically requires such lighting.

F. Signs and advertising on communications towers. The use of any portion of a communications tower for signs other than warning or equipment information signs is prohibited. Said signs shall not be larger than two square feet.

#### §160-55-8 Screening and security of communications towers and accessory structures.

A. Existing on-site vegetation shall be preserved to the maximum extent practicable, and applicant shall be required to comply with all applicable landscaping requirements for the district in which the proposed PWS facility is to be located.

B. The base of the communications tower and any accessory structures shall be landscaped and meet the required screening of the district. The equipment shed associated with the communications tower may be separated from the communications tower to maintain vegetation necessary to achieve maximum screening;

C. Communications towers and accessory structures shall be provided with Village-approved security fencing to prevent unauthorized entry.

#### §160-55-9 Design of antennas, communications towers, accessory structures and site.

A. Communications towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the FAA. Communications towers shall be a galvanized finish or painted grey above the surrounding tree line and painted grey, black or green below the surrounding tree lines. For communications towers on structures, every antenna and communications tower shall be of neutral colors that blend with the natural features, buildings and structures surrounding such antenna and structure; provided, however, that directional or panel antenna and omnidirectional or whip antennas located on the exterior of a building that will also serve as an antenna communications tower shall be of colors that match, and cause the antenna to blend with, the exterior of the building. Accessory structures will be designed to be architecturally compatible with principal structures on the site and adjoining sites. Applicant shall be responsible for the regular maintenance and upkeep of all said design elements.

B. The maximum height of a communications tower is limited to 100 feet above the ground upon which the antenna is placed.

C. The use of guyed communications towers is discouraged unless a demonstrated safety issue requires them. Communications towers should be self-supporting without the use of wires, cables, beams or other means. The preferred design should utilize a monopole configuration, unless the applicant can demonstrate through reports by a licensed professional engineer that an open framework construction is the only feasible method that will allow the provider to provide service to the area to be served and that a monopole will not allow for that service to be provided. In the event guys are allowed, all guy supports shall be sleeved and entirely fenced in to a height of 8 feet above the finished grade. Permanent platforms or structures exclusive of antennas that serve to increase off-site visibility are prohibited.

D. A driveway and an appropriate parking area will be provided to ensure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. As an occasionally used facility, all pavements shall be grass block or porous material, to minimize runoff and preserve natural vegetation. Location of road cut shall be approved by the planning board and will comply with the DOT and Village requirements.

#### §160-55-10 Communications tower setbacks and visibility.

A. A communications tower's setback may be altered in the sole discretion of the Zoning Board of Appeals to allow the integration of a communications tower into an existing or proposed structure such as a church steeple, light pole, power line or similar structure.

B. Communications towers shall not be located closer than 750 feet to the nearest prohibited district. In all other cases, communications towers shall be set back from adjoining properties a distance equal to 150% the communications tower height.

C. In addition to the requirements of §130-65.8 and §130-61:

(1) Communications towers and facilities shall avoid ridge lines where the communications tower will be silhouetted against the sky; and

(2) Communications towers and facilities shall be back-dropped by existing trees and topography.

D. It shall be demonstrated to the satisfaction of the Planning Board that the proposed facility is set back adequately to prevent damage or injury resulting from ice fall or debris resulting from the failure of a wireless telecommunications facility, or any part thereof and to avoid and minimize all other impacts upon adjoining properties, including but not limited to noise, lighting, traffic and storm water runoff.

#### [§160-55-11 Compliance with other agencies and governments.](#)

The operator of every PWS antenna shall submit to the Erwin Planning Board office copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of such antenna and shall maintain such licenses and permits and provide evidence of renewal or extension thereof when granted.

#### [§160-55-12 Assignment of permit.](#)

Every permit granting approval of an antenna or communications tower shall state that any assignment or transfer of the permit or any rights thereunder may be made only upon 60 days prior written notice of such transfer or assignment to the Village. In the event of non-compliance, the Village shall in its sole discretion revoke the assignment and such assignment shall become null and void effective immediately.

#### [§160-55-13 Removal of abandoned or unused communications towers.](#)

Abandoned or unused communications towers or portions of communications towers shall be removed as follows:

A. The applicant shall remove all abandoned or unused communications towers and associated facilities and subsurface features, within six months of the cessation of operations unless the Zoning Board of Appeals approves a time extension. If the applicant is not a landowner, a copy of the relevant portions of a signed lease which requires the applicant to remove the communications tower and associated facilities and subsurface features upon cessation of operations at the site shall be submitted at the time of application. In the event that a communications tower, associated facilities and subsurface features are not removed within six months of the cessation of operations at a site, the Village will utilize the funds held in the decommissioning bond required pursuant to §160-xx -15(B)(6) to remove the communications tower and associated facilities and subsurface features.

B. Unused portions of communications towers above a manufactured connection shall be removed within six months of the time of antenna relocation. The replacement of portions of a communications tower previously removed requires the issuance of a new specific use permit.



#### §160-55-14 Exemptions.

The Village of Riverside shall be exempt from this chapter, as shall any ambulance, emergency services, police or fire protection agencies.

#### §160-55-15 Fees.

An applicant for licenses, permits, site plan approval and specific use permit for a PWS facility shall submit an application fee that is established from time to time by resolution of the Village Board together with technical review fees for the costs of reviewing such applications.

B. The Village may retain technical consultants, at the expense of the applicant, as it deems necessary to provide assistance in the review of the site location alternatives analysis. These additional costs shall be limited to the consultant's review of the site location alternatives analysis, its report to the Planning Board, Zoning Board of Appeals and license application reviews.

§160-56 through §160-59                      Reserved

## Article 9 Subdivision Regulations

### §160-60 Subdivision Regulations.

A. The Village of Riverside Planning Board shall be authorized and empowered to approve preliminary and final plats of subdivisions showing lots, blocks, or sites, with or without streets or highways, within the Village of Riverside, pursuant to § 7-728 of the Village Law. It shall do so pursuant to the procedures of said Village Law and according to the standards contained herein. It shall be further authorized, for this purpose, to prepare and adopt additional regulations governing subdivisions, for Village Board approval.

B. The Planning Board shall be also authorized and empowered, to approve the development of those plats, filed in the office of the County Clerk prior to the effective date of this law, where twenty percent or more of the lots are unimproved unless existing conditions such as poor drainage have prevented their development.

C. The Planning Board shall be further authorized and empowered, pursuant to § 7-738 of the Village Law and simultaneously with the approval of a plat or plats, to modify applicable provisions of this Zoning and Subdivision Law, subject to the conditions set forth in § 7-738 of the Village Law.

D. Lot improvements shall be exempt from the requirements contained herein provided three (3) copies of a plan prepared by a licensed Land Surveyor or Professional Engineer have been submitted describing the conveyances involved by metes and bounds and in sufficient detail to determine the situation fits the criteria below. To qualify as a lot improvement, the parcels shall:

(1) Involve the addition of land to an existing parcel so as to:

- (a) Improve ability of that parcel to comply with setback or other building standards; or
- (b) Increase suitability of the parcel for building development; or
- (c) Add to the availability of open space; or
- (d) Resolve a boundary line dispute or produce a corrected deed.

(2) Not substantially reduce the ability of the lot, from which the lot improvement parcel is taken, to comply with the applicable standards of this Law.

(3) Include a map restriction to the effect the improvement parcel will never be considered a separate building lot apart from the tract to which it is being added.

The Planning Board shall, within ten (10) days of the receipt of the lot improvement plans, determine whether they comply with the exemption criteria found above. Should it fail to act in the provided time or find the plans do not meet the criteria, such plans shall be processed as a minor or major subdivision. If it finds they do qualify as a lot improvement, the Board shall sign the plans with the following notation: "These plans are acknowledged by the Village of Riverside, and for recording purposes only, to represent an exempt lot improvement in accord with Section 160-21.D of the Village of Riverside Zoning and Subdivision Law. No subdivision approval is required or given." No person shall record plans for any lot improvement without so first obtaining the Planning Board's clearance.

### §160-60-1 Declaration of Policy

- A. It is declared to be the policy of the Village Board of Trustees to direct the Planning Board to consider land Subdivision Plats as part of a plan for the orderly, efficient and economical development of the Village. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be laid out and sized in accordance with applicable zoning; that the proposed roads shall compose a convenient system properly related to the Village's Comprehensive Plan and shall be of such width, grade, and location as to accommodate the prospective traffic, to facilitate fire protection, and to provide access of fire-fighting equipment to buildings; and that proper provision shall be made for open spaces, parks, and playgrounds.
- B. Failure to notify the Code Enforcement Officer of any conveyance by subdivision shall be a violation of this law and will be enforced by both civil action and financial penalties inclusive of injunctive relief to the effect of terminating prior conveyances.

### §160-60-2 Applicability and Legal Effects

- A. The requirements of this Article shall apply to any division or combination of a lot into two (2) or more lots, whether new streets, public facilities, or municipal utility extensions are involved or not.
- B. Whenever any subdivision of land is proposed to be made and before any site modifications are made and before any permit for the erection of a structure in such proposed subdivision is granted, the subdivider or a duly authorized agent must apply for in writing and receive approval of the proposed subdivision in accordance with the requirements of this Article.
- C. Before any plat or licensed survey map of land in the Village to which the requirements of this Article apply is filed with the County Clerk, the plat or licensed survey map must be approved by the Code Enforcement Officer or the Planning Board, as applicable, in accordance with the procedures of this Article. No changes, erasures, modifications, or revisions shall be made in any plat or licensed survey map after approval has been given by the Code Enforcement Officer or Planning Board, as applicable, and endorsed in writing on the plat or licensed survey map, unless the plat or licensed survey map is first resubmitted to the Code Enforcement Officer or Planning Board and any modifications approved. In the event that any such plat or licensed survey map is recorded without complying with this requirement, it shall be considered null and void, and the Code Enforcement Officer may institute proceedings to have the plat or licensed survey map stricken from the records of the County Clerk.

### §160-60-3 Types of Subdivision

- A. This Article recognizes two types of subdivisions, which are subject to three different review and approval procedures:
- (1) Minor Subdivision: Review includes two required submissions by subdivider and may include a public hearing if considered desirable by the Planning Board.

(2) Major Subdivision: Review includes three required submissions by subdivider and at least one (1) public hearing by the Planning Board.

#### §160-60-4 Definitions

The following terms shall have the following definitions for purposes of this Article:

Cluster Development - A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas or agriculture.

Date of Submission - The Date of Submission of required materials shall be considered to be the date on which the materials for approval complete as determined by the Planning Board Chair or the Planning Board Chair's designee, and accompanied by the required fee, are accepted by the Planning Board Chair, or the designee.

Final Plat or Final Subdivision Plat - A licensed survey map in final form showing a proposed subdivision, containing all information and details required by state and local law, for submission to the Planning Board for purposes of review, public hearing and approval.

Major Subdivision – (i) A subdivision of land resulting in four (4) or more lots or the creation of a fourth lot from the same original lot; or (ii) Any subdivision that involves a new public right-of-way, municipal utility extension or other new public facility; or (iii) Any cluster subdivision or other subdivision which deviates from the zoning regulations or other development policy of the Village.

Minor Subdivision – A subdivision of land resulting in three (3) lots or the creation of a third lot from the same original lot, that does not involve (i) a new public right-of-way, municipal utility extension or other new public facility, or (ii) a cluster subdivision or other subdivision which deviates from the zoning regulations or other development policy of the Village.

Preliminary Plat – A licensed survey map in preliminary form showing a proposed subdivision, containing all information and details required by state and local law, for submission to the Planning Board for purposes of review and public hearing.

Required Improvements – Any roads, bridges, sidewalks, utility, storm water, water, sewer, or other types of infrastructure facilities shown on the approved Final Plat.

Simple Subdivision – (i) The division of a lot into two (2) lots; or (ii) Realignment of boundary lines between lots so as to transfer land from one lot to an adjacent lot; or (iii) Separation of noncontiguous lots (e.g., lots bisected by public or quasi-public rights-of-way) into separate lots of record without new boundary alignment.

Sketch Plat - A sketch of a proposed subdivision showing the form, layout, roads, public facilities and other information specified in this Article.

### §160-60-5 Use of Consultants

At any point in the subdivision review process the Planning Board may choose to, and at the direction of the Village Board of Trustees shall, retain consultants and/or refer a proposed subdivision to the county or regional planning staffs for review, comment, and advice on any aspect of the approval process, subdivision design, engineering specifications, or other pertinent matters. The cost shall be borne by the applicant. The Planning Board may, as a condition to further review of a proposed subdivision, require that an applicant deposit with the Village Treasurer an amount necessary to pay all or part of such cost, as the Planning Board shall determine.

### §160-60-6 Subdivision Procedures

A. **Classification of Subdivision.** The first stage of subdivision is classification. Classification requires that a subdivider submit a Sketch Plat of the proposed subdivision to the Code Enforcement Officer that provides sufficient detail for the Code Enforcement Officer to classify the action as to the type of review required. The Code Enforcement Officer shall confer with the Chair of the Planning Board for comments and general recommendations as to any adjustment needed to satisfy the objectives of these regulations. The Sketch Plat initially submitted to the Code Enforcement Officer shall be based on tax map information or on some other similarly accurate base map at a scale (preferably not less than 1:2,400) that enables the entire tract to be shown on one sheet. A submitted Sketch Plat shall show the following information:

- (1) The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
- (2) All existing structures, wooded areas, streams, wetlands, flood hazard areas and other significant physical features within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than ten (10) feet.
- (3) The names of the owner and of all adjoining property owners as disclosed by the current tax roll.
- (4) The tax map, block and lot numbers of all lots shown on the plat.
- (5) All the utilities available and all streets as they appear on the Official Map.
- (6) The proposed pattern of lots (with dimensions), street layout, recreation areas, systems of drainage, sewerage and water supply within the subdivided area.
- (7) All existing restrictions on the use of land, including easements, covenants and zoning district boundary lines.
- (8) Such additional information as may be required in the case of Minor and Major Subdivisions as specified in this Article.

B. **Simple Subdivision Review Procedure.** Upon determination by the Code Enforcement Officer that a proposed subdivision is to be treated as a Simple Subdivision, the Code Enforcement Officer shall either approve or disapprove of the proposed subdivision. In the event of a disapproval the

Code Enforcement Officer shall provide the applicant with a written explanation for the disapproval. In any event, final approval cannot be granted until an official survey map prepared by a surveyor licensed by New York State has been presented to the Code Enforcement Officer and such map is sufficient to allow the Code Enforcement Officer to determine that all of the requirements of the Zoning Law have been satisfied. Final approval of the simple subdivision by the Code Enforcement Officer shall be indicated by the Officer's signature and date on the final survey map.

C. **Initiation of Minor or Major Subdivision Review.**

(1) When the Code Enforcement Officer determines that a subdivision requires Planning Board review, the Code Enforcement Officer shall notify the Chair of the Planning Board of the pending action. To initiate a Planning Board review and approval process of any Minor or Major subdivision or resubdivision, the owner/subdivider of the land involved must submit to the Code Enforcement Officer, at least ten (10) days prior to the regular meeting of the Planning Board, a written request to approve the proposed subdivision, including any information the owner considers pertinent, and nine (9) copies of the Sketch Plat.

(2) The owner/subdivider, or an authorized representative, shall attend the meeting of the Planning Board at which the Sketch Plat is presented to discuss the requirements of these regulations for road improvements, drainage, sewerage, water supply, fire protection, any applicable storm-water management and similar aspects, as well as the availability of existing services and other pertinent information.

(3) The Planning Board shall determine whether the Sketch Plat meets the requirements of this Article. If the Sketch Plat is insufficient, the Planning Board may reject the Sketch Plat with reasons given in writing. If the Sketch Plat is sufficient, the Planning Board shall approve the Sketch Plat in writing. In such written approval the Planning Board may also make specific recommendations to be incorporated by the applicant in any subsequent submission to the Planning Board.

(4) The Planning Board's approval of a Sketch Plat shall be a prerequisite to application for Minor or Major Subdivision approval. Approval of a Sketch Plat by the Planning Board in and of itself shall confer no rights on the owner/subdivider/applicant.

D. **Minor Subdivision Review Procedure.**

(1) Within six (6) months following the date of the Planning Board's approval of the Sketch Plat the subdivider shall submit an application for approval of a Subdivision Plat. Failure to do so shall require resubmission of the Sketch Plat to the Code Enforcement Officer for reclassification. The Subdivision Plat shall conform to the layout shown on the Sketch Plat as well as incorporate any recommendations made by the Planning Board, and shall conform to other specific requirements of this Article.

(2) The application for approval of a Minor Subdivision Plat shall consist of nine (9) copies of the Preliminary Plat, a completed application form, which form shall be produced by the Planning Board, an application fee in an amount set by the Village Board of Trustees from time to time, and, if applicable, a deposit as described in Section 160-60E above.

(3) Each application for Minor Subdivision Plat approval shall contain, at a minimum, the following information:

- (a) A copy of such covenants or deed restrictions that are intended to cover all or part of the tract.
- (b) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corner of each tract shall also be located on the ground and marked with an approved pin, pipe, or monument and shall be referred to and shown on the plat.
- (c) All on-site sanitation and water supply facilities (if any) shall be designed to meet the specifications of the Steuben County Health Department; approval shall be stated on the plat and signed by an officer of the Health Department.
- (d) The proposed subdivision name (if any), and the names of the town(s) in which it is located.
- (e) The date, a true-north arrow, the map scale, and the names, addresses and phone numbers of all owners of record and the subdivider.

(4) Upon receipt of a complete application for Minor Subdivision Plat approval, the Planning Board shall schedule a meeting to review such application. The owner/subdivider, or a duly authorized representative, shall attend such meeting. If required by the Planning Board, a public hearing shall be held within 45 days of the Date of Submission of the application. The hearing shall be advertised in the official newspaper of the Village at least five (5) days before such hearing. If a public hearing is required, the Planning Board shall make the decision required by subsection (5) below within 45 days following the close of the hearing. If no public hearing is required, the Planning Board shall make the decision required by subsection (5) below within 45 days from the Date of Submission of the application. The 45 day time limitation may be extended by the mutual consent of the Planning Board and the applicant.

(5) Following review of the application and, if required, the public hearing, the Planning Board shall either approve or disapprove the application. An approval shall authorize the chairman of the Planning Board to sign the Final Plat as evidence of such approval.

E. Major Subdivision Review Procedure – Approval of the Preliminary Plat

(1) Prior to the filing of an application for the approval of a Major Subdivision Plat, the subdivider shall file an application for the approval of a Preliminary Plat of the proposed subdivision. Such application shall be submitted within six (6) months following the Planning Board's approval of the Sketch Plat.

(2) The application for approval of a Preliminary Plat shall consist of nine (9) copies of the Preliminary Plat, a completed application form, which form shall be produced by the Planning Board, an application fee in an amount set by the Village Board of Trustees from time to time, and, if applicable, a deposit as described in Section 160-60E above.

(3) The application for approval of a Preliminary Plat shall include, at a minimum, the following information:

- (a) The proposed subdivision name, the names of the town(s) in which it is located, the date, a true-north arrow, the map scale, and the names, addresses and phone numbers of all owners of record, the subdivider, and the engineer or surveyor, including license number and seal.
- (b) The names of the owners of record of all adjacent property.
- (c) The zoning district, including exact boundary of districts, where applicable, and any proposed changes in the zoning district lines or the zoning regulations' text applicable to the area to be subdivided.
- (d) All parcels of land proposed to be dedicated to public use and the condition of such dedication.
- (e) The locations of existing property lines, easements, buildings, watercourses, marshes, rock outcrops and wooded areas.
- (f) The locations of existing sewers, water mains, culverts, and drains on the property, with pipe sizes, grades and direction of flow.
- (g) Contours with intervals of ten (10) feet or less as required by the Planning Board, including elevations on existing roads, and an approximate grading plan if natural contours are to be changed more than two (2) feet.
- (h) The width and location of any streets or public ways or places shown on the Official Map of the Ulysses Comprehensive Plan within the area to be subdivided, and the width, location, grades and street profiles of all streets or public ways proposed by the developer.
- (i) The approximate location and size of all proposed water lines, valves, hydrants, sewer lines, and fire alarm boxes.
- (i) Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in standards published by the Steuben County Health Department.
- (j) Profiles of all proposed water and sewer lines.
- (k) All requirements as specified in local laws of the Village of Riverside governing storm-water runoff; a storm-water management plan indicating the approximate location, construction and size of swales; and proposed lines and their profiles.
- (j) Plans and cross-sections showing the proposed new location and types of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof; the character, width and depth of pavements and sub-base; the location of manholes, basins, and underground conduits.
- (k) Preliminary designs of any bridges or culverts which may be required.
- (l) The proposed lot lines with the approximate dimensions and area of each lot.



(m) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the Preliminary Plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than 20 feet in width, and which shall provide satisfactory access to an existing public highway or other public open space shown on the Preliminary Plat.

(n) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked with a pin, pipe or monument, and shall be referred to and shown on the plat.

(o) If the application covers only a part of the subdivider's holding, a map of the entire tract shall be submitted so that the part of the subdivider's holding covered in the application can be considered in the light of the entire holding. This map shall be drawn at a scale of not less than 1:4,800 and shall show an outline of the platted area with its proposed streets, and an indication of any probable future street system with its grades and drainage in the remaining portion of the tract, and any probable future drainage layout of the entire tract.

(p) A copy of any covenants or deed restrictions that are intended to cover all or part of the tract.

(q) The Preliminary Plat shall be clearly marked with the words "Preliminary Plat" and shall be in the form described in this Article.

(4) Upon receipt of a complete application for approval of a Preliminary Site Plan, the Planning Board shall schedule a meeting to review such application. The owner/subdivider, or a duly authorized representative, shall attend such meeting. At such meeting the Planning Board shall study the practicability of a Preliminary Plat, taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Village Comprehensive Plan and Zoning Regulations.

(5) Within 45 days of the Date of Submission of an application for approval of a Preliminary Plat, the Planning Board shall hold a public hearing on such application. The public hearing shall be advertised at least once in the official newspaper of the Village at least five (5) days before such hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such Preliminary Plat.

(6) Within 45 days of the date of the public hearing, the Planning Board shall approve with or without modification or disapprove the Preliminary Plat, and the grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. The time in which the Planning Board must take action on such plat may be extended by written mutual consent of the subdivider and the Planning Board.

(7) When granting approval to a Preliminary Plat, the Planning Board shall state the terms of such approval, if any, with respect to (a) modifications to the Preliminary Plat; (b) the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety and welfare; and (c) the required improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the Final Subdivision Plat. Approval of a Preliminary Plat shall not constitute approval of the Final Subdivision Plat, but rather it

shall be deemed an expression of approval of the design submitted on the Preliminary Plat as a guide to the preparation of the Final Subdivision Plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations. When approving a Preliminary Plat, the Planning Board shall state in writing the modifications, if any, it deems necessary for submission of the plat in final form. Within five (5) days of the approval of such Preliminary Plat, it shall be certified by the Planning Board Chair as having been granted preliminary approval, and a copy shall be filed with the Village Clerk, a certified copy shall be mailed to the owner, and a copy shall be forwarded to the Village Board of Trustees. Prior to approval of the Final Subdivision Plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

(F) Major Subdivision Review Procedure – Approval of the Final Plat

(1) A subdivider shall, within six (6) months after the approval of a Preliminary Plat, file with the Planning Board an application for approval of a Final Subdivision Plat in final form, using the approved application blank available from the Planning Board. If the Final Subdivision Plat is not submitted for approval within six (6) months after the approval of the Preliminary Plat, the Planning Board may refuse to approve the Final Subdivision Plat and require resubmission of the Preliminary Plat. A subdivider making application for approval of the Final Plat shall supply the Planning Board with the application and copies as required of the plat, including one in ink on drafting film or an acceptable, equal medium that permits reproductions of the original; the original and one copy of all offers of cession, covenants and agreements; and two prints of all construction drawings.

(2) The application for approval of a Final Plat shall include, at a minimum, the following:

(a) Proposed subdivision name or identifying title and the names of the municipality(s) in which the subdivision is located; the names and addresses of the owners of record and of the subdivider; and the name, license number and seal of the New York State–licensed land surveyor.

(b) Road lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.

(c) Data acceptable to the Code Enforcement Officer as sufficient to determine readily the location, bearing and length of every street line, lot line and boundary line and as sufficient to reproduce such lines upon the ground.

(d) The length and bearing of all straight lines, radii, length of curves, central angles of curves, and tangent bearings shall be given for each street. All dimensions and angles of the

lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale and true-north arrow.

(e) The plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces whose title is reserved by the developer. For any of the latter there shall be submitted with the Final

Subdivision Plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore.

(f) All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Village Attorney as to their legal sufficiency.

(g) Lots and blocks within a subdivision shall be numbered or lettered in alphabetical order in accordance with the prevailing Village practice.

(h) Permanent reference monuments shall be shown and shall be constructed in accordance with specifications of a licensed engineer or surveyor. They shall be placed as required by the Village and their location noted and referred to upon the Final Plat.

(i) All lot corner markers shall be permanently located in a way satisfactory to a licensed engineer or surveyor.

(j) Pins, pipes or monuments shall be set at all corners and angle points of the boundaries of the original tract to be subdivided, and at all street intersections, angle points in street lines, points of curve, and such intermediate points as shall be required by a licensed engineer or surveyor.

(k) Construction drawings, including plans, profiles and typical cross-sections as required, showing the proposed location, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and sub-base, manholes, catch basins and other facilities.

(l) Water and sewer facility proposals contained in the Final Subdivision Plat shall be properly endorsed and approved by the Steuben County Department of Health and the Village Department of Public Works.

(3) Within 45 days of the Date of Submission of an application for approval of a Major Subdivision Final Plat, a public hearing shall be held by the Planning Board. This hearing shall be advertised at least once in the official newspaper of the Village at least five (5) days before the hearing. If, however, the Planning Board deems the Final Plat to be in substantial agreement with a Preliminary Plat approved by the Planning Board, and modified in accordance with conditions of such approval if such Preliminary Plat had been approved with conditions requiring modification, the Planning Board may waive the requirement for such a public hearing.

(4) Within 45 days after the close of the public hearing or, if no public hearing is held, within 45 days after the Date of Submission of an application for approval of a Major Subdivision Final Plat, the Planning Board shall either approve or disapprove of the Final Subdivision Plat. This time may be extended by written mutual consent of the subdivider and the Planning Board. An approval shall

authorize the chairman of the Planning Board to sign the Final Plat as evidence of such approval following completion of the Required Improvements pursuant to section 160-60F(G) below.

G. Required Improvements.

(1) Before the Planning Board grants final approval of a Major Subdivision Final Plat, the subdivider shall, as determined by the Planning Board, either complete the Required Improvements pursuant to subsection (a) below, or complete those Required Improvements that are required by the Planning Board to be completed prior to final approval, and post security for the remainder of the required improvements pursuant to subsection (b) below.

(a) The subdivider shall complete all Required Improvements to the satisfaction of the Code Enforcement Officer, who shall file with the Planning Board a letter certifying to the satisfactory completion of all Required Improvements required by the Planning Board to be completed.

(b) The subdivider shall either file with the Village Clerk a certified check to cover the full cost of the required improvements, or the subdivider shall file with the Village Clerk a performance bond to cover the full cost of the required improvements. The amount necessary to “cover the full cost of the required improvements” shall be determined by the Planning Board. Any such bond shall comply with the requirements of the New York State Village Law, and further shall be satisfactory to the Village Board of Trustees and Village Attorney as to form, sufficiency, manner of execution and surety. A period of one (1) year, or such other period as the Planning Board may determine appropriate, not to exceed three (3) years, shall be set forth in the bond or provided for by resolution of the Planning Board as the time within which Required Improvements must be completed.

(2) The Required Improvements shall not be considered to be completed until the installation of the Required Improvements has been approved by a licensed engineer or surveyor and a map satisfactory to the Code Enforcement Officer has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all Required Improvements according to subsection (a) above, then the map shall be submitted prior to endorsement of the plat by the Planning Board Chair. However, if the subdivider provides a bond or certified check for certain Required Improvements as provided in subsection (b) above, such bond shall not be released until such a map is submitted.

(3) If, at any time during the construction of Required Improvements, it is demonstrated to the satisfaction of the Code Enforcement Officer that unforeseen conditions make it necessary to modify the location or design of the required improvements, the Code Enforcement Officer may, upon approval by the Chair of the Planning Board or designee, authorize modifications, provided that these modifications are within the spirit and intent of the Planning Board’s approval and do not extend to the waiver or substantial alteration of the function of any Required Improvements. The Code Enforcement Officer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.

(4) At least five (5) days prior to commencing construction of Required Improvements, a subdivider shall pay to the Village Clerk the inspection fee required by the Village Board and shall notify the Village Board in writing of the time when the subdivider proposes to commence construction of the improvements, so that the Village may cause inspection to be made to assure that all Village specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of Required Improvements.

(5) Upon completion of the Required Improvements, which in no event shall be later than thirty (30) days prior to the expiration of the bond securing their completion, if any, or the time set by resolution of the Planning Board for completion of the Required Improvements, the Code Enforcement Officer and the Village's engineer shall inspect the Required Improvements. If the Village's engineer finds that any of the Required Improvements have not been constructed in accordance with plans and specifications filed by the subdivider, the engineer shall so report to the Village Board of Trustees, Code Enforcement Officer and Planning Board. The Village Board then shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the village's rights under the bond. No additional Subdivision Plat submitted by the subdivider shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Subdivision Plat. If the Village's engineer finds that all the Required Improvements have been constructed in accordance with the plans and specifications filed by the subdivider, the engineer shall certify to such completion to the Planning Board.

(F) Execution and Filing

(1) Upon the approval of a Minor Subdivision Plat pursuant to section 160-60F(C), or the approval of a Major Subdivision Plat pursuant to sections 160-60(D)-(G), the Plat shall be signed by the Chairman of the Planning Board and filed by the applicant with the County Clerk. Final approval of a Subdivision Plat shall be deemed to have occurred as of the date of execution by the Planning Board Chairman.

(2) Any Subdivision Plat not so filed within thirty (30) days following the date of final approval shall become null and void.

(3) No changes, erasures, modifications or revisions shall be made in any Subdivision Plat after final approval has been given by the Planning Board t, unless the plat is first resubmitted to the Planning Board and the Board approves any modifications. In the event that any such Subdivision Plat is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

§160-60-7 Public Streets and Recreation Areas

(A) The approval by the Planning Board of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Village of any road, easement or other open space shown on the Subdivision Plat.

(B) When a park, playground, or other recreation area has been shown on a Subdivision Plat, approval of the plat shall not constitute an acceptance by the Village of the park, playground or

recreation area. The Planning Board shall require the plat or licensed survey map to be endorsed with approved and appropriate restrictions and disclaimers to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Village covering future deed and title, dedication, and provision for the cost of grading, development, equipment and maintenance of any such park, playground or recreation area.

§160-61 through §160-64      Reserved

## Article 10 Administration and Enforcement

### §160-65 Code Enforcement Officer.

The Village Board shall provide for the services of a Code Enforcement Officer to simultaneously enforce the provisions of this Law and the Building Code Enforcement Law. Such Code Enforcement Officer shall examine all applications for permits, issue permits and/or certificates of occupancy for construction and uses which are in accordance with the requirements of this law, record and file all applications for permits with accompanying plans and documents and make such reports as may be required. Permits requiring Site Plan Review and Special Use approval, however, shall only be issued with approval of the Village of Riverside Planning Board. Likewise, permits requiring variances of this law shall only be issued with approval of the Village of Riverside Zoning Board of Appeals.

#### § 160-65-1 Permit Requirements.

- A. No person shall construct, erect, alter, convert or use any building or structure, or part thereof, nor change the use of any land, subsequent to the adoption of this law, until a building permit and/or Certificate of Occupancy has been issued by the Code Enforcement Officer. Applications for such permits shall be made to the Code Enforcement Officer prior to any construction activity and/or change in the use of land. The Officer shall review such applications and act upon them according to the requirements of this law, taking no action, however, until the Planning Board and/or Zoning Board of Appeals has first taken action, should the approval of either Board be required. A building permit shall authorize the applicant to proceed with construction proposed.
- B. Prior to use of the structure or the change in use of the land, a Certificate of Occupancy shall be required and shall be issued by the Officer, provided all construction has been in accord with the building permit granted and/or the proposed use is in compliance with this law. The Code Enforcement Officer shall be authorized to make such inspections as he deems necessary to ensure that construction does, in fact, comply with this law.
- C. The Code Enforcement Officer, with approval of the Village Board, may issue a temporary permit for an otherwise non-conforming structure or use which will promote public health, safety or welfare, provided such permit shall be of limited duration and the use or structure shall be completely removed within 90 days of expiration of the activity for which it was granted. A temporary permit shall not be valid beyond this period or three years from the date of issuance, whichever is shorter.
- D. The Code Enforcement Officer shall ensure that all water supply and sewage disposal facilities proposed in connection with any building permit or Certificate of Occupancy application shall conform with New York State Department of Health guidelines.
- E. It shall be the duty of the Code Enforcement Officer to issue a building permit, provided that he is satisfied that the structure, building, sign and the proposed use conform with all requirements of this law, and that all other reviews and actions, if any, called for in this law have been complied with and all necessary approvals secured therefore.
- F. When the Code Enforcement Officer is not satisfied that the applicant's proposed development will meet the requirements of this law, he shall refuse to issue a building permit or Certificate of Occupancy, as the case may be, and the applicant may appeal to the Zoning Board of Appeals.

G. A building permit or Certificate of Occupancy may be revoked by the Code Enforcement Officer upon a finding that information provided in the application was inaccurate or invalid or that the construction or use has proceeded in a manner not consistent with the permit(s) granted.

H. No change of use shall be made in any building, structure or premises now or hereafter erected or altered that is not consistent with the requirements of this law. Any person desiring to change the use of his premises shall apply to the Code Enforcement Officer for a Certificate of Occupancy. No owner, tenant or other person shall use or occupy any building or structure or premises thereafter erected or altered, the use of which shall be changed after the passage of this law, without first procuring a Certificate of Occupancy; provided, however, that an Certificate of Occupancy, once granted, shall continue in effect so long as there is no change of use, regardless of change in tenants or occupants.

I. Though compliance with the development and use standards of this Law will still be required, the following activities shall not demand permits, except as may be required by the New York State Building Code:

- (1) Above-ground swimming pools of two feet or less in depth.
- (2) Structures not regulated by the New York State Building Code.
- (3) Patios and landscape improvements.
- (4) All non-structural accessory uses of a residential or temporary nature (30 days or less).

J. All applications shall be made on forms developed and periodically updated by the Code Enforcement Officer. Applications shall include plot plans and such other information as is required to determine compliance with the requirements of this law.

K. A building permit, or site plan approval shall expire after 24 months if the applicant fails to complete the improvements as approved. An extension may be approved by the Code Enforcement Officer for good cause (such as seasonal weather conditions) provided that any extension of more than 12 months or subsequent extension of any length shall require approval of the Village Board.

L. Accessory building permits shall not be issued in advance of permits for principal permitted or without an existing principal use in place and being operated on an on-going basis. Accessory uses permitted in the case of passive uses such as agriculture shall be limited to those with the tangible and primary purpose of serving the principal use.

M. The Code Enforcement Officer may issue a Certificate of Occupancy and/or Compliance to any legally existing use, provided the owner thereof so certifies and the Officer's investigations do not indicate otherwise.

N. No permits shall be issued for any new uses where there are unremedied existing violations.

§ 160-65-2 State Environmental Quality Review Act Compliance.

All actions taken with respect to this law shall comply with the New York State Environmental Quality Review Act ("SEQRA") and applicants shall be responsible for providing such data as may be required to determine the significance of any environmental impacts associated with such actions.



§ 160-65-3 Violations and Penalties.

A. Whenever a violation of this law occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Code Enforcement Officer, who shall properly record such complaint and immediately investigate. Nothing herein shall, however, restrict the right of the Code Enforcement Officer to act on a violation absent a complaint.

B. Should any building or structure be erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land be used in violation of this law, the Village Board or the Code Enforcement Officer, in addition to other remedies, may institute an appropriate action of proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

C. A violation of this law shall be subject to a penalty of \$350 per day.

D. The Code Enforcement Officer or designated representative, as the case may be, is hereby authorized to issue appearance tickets pursuant to the Criminal Procedure Law in the enforcement of this or any related laws of the Village of Riverside.

§ 160-65-4 Fees.

The Village Board shall, by resolution, establish and periodically update a schedule of uniform fees, charges and expenses associated with the administration and enforcement of this law. Such schedule may provide for the assessment to applicants of professional costs incurred in the processing and/or review of the applications made pursuant to this law.

## §160-66 Planning Board

### §160-66-1 Planning Board Membership

The Village of Riverside Planning Board shall consist of five members and the Village Board shall designate one member of the Board as Chairperson. The Village Board shall also appoint up to three temporary members. Such temporary members shall be appointed for a one year term of office. The Chairperson of the Planning Board shall assign each temporary member as necessary when absence of regular members of said board or a conflict of interest of a regular member of said board would otherwise prevent five members of such board from considering any pending matter but no more than two temporary member shall sit in determination of any pending matter. Such temporary member shall be designated on a rotating basis such that each temporary member shall be afforded an equal opportunity to serve. Once designated to serve on a particular matter before the board the temporary member shall have the same power and duties as regular members of the board until the matter is concluded. Any determination of said board consisting of a temporary member shall have the same weight and be entitled to the same authority as the act or deed of the regular Planning Board member and all Laws, Statutes and Regulations shall apply and be applied with equal force and effect.

### § 160-66-2 Planning Board Member Education and Training Requirements

Following appointment, all new Planning Board members shall attend a New York State sponsored training course for Planning Board members at the next scheduled opportunity. Thereafter, Planning Board members shall comply with such training requirements as are established by the Village Board but no less than four hours of training per year.

### § 160-66-3 Attendance at Planning Board Meetings

All Planning Board members shall attend at least seventy-five percent (75%) of all regularly scheduled meetings of the Planning Board in each calendar year of their appointment.

### § 160-66-4 Removal of Planning Board Members

The Village Board shall have the power to remove, after public hearing as provided for under the New York State Village Law, any member of the Planning Board for cause or for failing to comply with the minimum meeting attendance or training requirements established herein.

§160-67 Zoning Board of Appeals (ZBA).

§ 160-67-1 ZBA Establishment and Membership.

A. There is hereby established a Zoning Board of Appeals having the powers authorized under the New York State Village Law. Said Board shall consist of five members of staggered 5-year terms, including a chairperson, appointed by the Village Board. Appointments shall be in accordance with the New York State Village Law and an appointment to a vacancy occurring prior to the expiration of a term shall be for the remainder of the unexpired term. In the absence of a Village Board appointment of a chairperson the Board of Appeals may designate a member to serve as acting chairperson. The Village Board may also provide for compensation to be paid to experts, clerks and a secretary and provide for such other expenses as may be necessary and proper. In making such appointments, the Village Board may further require Board of Appeals members to complete training and continuing education courses.

B. The Village Board shall also supersede the New York State Village Law pursuant to the Municipal Home Rule Law and, during the annual reorganizational meeting of Village Board, the Board may appoint up to three alternate members of the Zoning Board of Appeals to serve one year or until a successor is appointed. The Chairperson of the Zoning Board of Appeals shall assign such temporary members as necessary when absence of regular members of said board or a conflict of interest of a regular member of said board would otherwise prevent five members of such board from considering any pending matter but not more than two temporary members shall sit in determination of any pending matter. Such temporary members shall be designated on a rotating basis so that each temporary member shall be afforded an equal opportunity to serve. Once designated to serve on a particular matter before the board, the temporary member shall have the same power and duties as regular members of the board until the matter is concluded. Any determination of said board consisting of temporary members shall have the same weight and be entitled to the same authority as the act or deed of the regular Zoning Board of Appeals, and all Laws, Statutes and Regulations shall apply and be applied with equal force and effect.

C. The Village Board deems it essential that Zoning Board of Appeals members are available and present at all scheduled Zoning Board of Appeals meetings. Failure of any Zoning Board of Appeals Board member to be present at any two of three successive regularly scheduled Zoning Board meetings shall be grounds for removal for cause of the active Zoning Board member following a Public Hearing as required under of the New York State Village Law. As provided therein, the Mayor following removal of any Zoning Board of Appeals member shall appoint a new member for the unexpired terms of the member so removed.

§ 160-67-2 ZBA Powers and Duties.

A. *Powers.*

The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official(s) charged with the enforcement of this law and to that end shall have all powers of the administrative official(s) from whose order, requirement, decision, interpretation or determination the appeal is taken.

B. *Use variances.*

(1) The Board of Appeals, on appeal from the decision or determination of the administrative

officials charged with the enforcement of this law, shall have the power to grant use variances, as defined herein.

(2) No such use variance shall be granted by a Board of Appeals without a showing by the applicant that applicable regulations and restrictions of this law have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that;

(a) he or she cannot realize a reasonable return, provided lack of return is substantial as demonstrated by competent financial evidence;

(b) 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) the requested use variance, if granted, will not alter the essential character of the neighborhood; and

(d) the alleged hardship has not been self-created.

(3) 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 proven 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.

C. *Area variances.*

(1) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative officials charged with the enforcement of this law, 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 of Appeals 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.
- (f) 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.

*D. Conditions.*

The Board of Appeals shall, in the granting of both use variances and 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, and/or the period of time such variance shall be in effect. 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.

§ 160-67-3 ZBA Procedures.

- A. All meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as such Board may determine. Such Chairperson, or in his or her absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses.
- B. Meeting of the Zoning Board of Appeals shall be open to the public to the extent provided in Article Seven of the Public Officers Law. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
- C. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board of Appeals shall be filed in the office of the Village Clerk within five business days and shall be a public record. Every decision of the Board of Appeals shall be made by resolution and include findings establishing the basis of the decision.
- D. The Board of Appeals shall have the authority to call upon any department, agency or employee of the Village for such assistance as shall be deemed necessary and as shall be authorized by the Village Board. It shall also have authority to refer matters to the Village Planning Board for review and recommendation prior to making a decision.
- E. Except as otherwise provided herein, the jurisdiction of the Board of Appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by the administrative officials charged with the enforcement of this law. The concurring vote of three members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such

administrative official, or to grant a use variance or area variance. Such appeal may be taken by any person aggrieved, or by an officer, department, board or bureau of the Village.

F. Such appeal shall be taken within 60 days after the filing of any order, requirement, decision, interpretation or determination of the administrative officials charged with the enforcement of this law by filing with such administrative official and with the Board of Appeals a notice of appeal, specifying the grounds thereof and the relief sought. The administrative official(s) from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

G. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of such ordinance or local law, from whom the appeal is taken, certifies to the Board of Appeals, after the notice of appeal shall have been filed with the administrative office, that by reason of facts stated in the certificate a stay, would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

H. The Board of Appeals shall fix a reasonable time, no more than 62 days following application, for the hearing of the appeal or other matter referred to it and give public notice of such hearing by publication in a paper of general circulation in the Village at least five days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal shall be borne by the appealing party and shall be paid to the Board prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney. The hearing shall be conducted in accordance with rules of the Board of Appeals. Such rules shall permit cross-examination by parties, provide for evidentiary procedures and allow for rehearings on the unanimous vote of the members present.

I. The Board of Appeals shall decide upon the appeal within 62 days after the conduct of said hearing. The time within which the Board of Appeals must render its decision may, however, be extended by mutual consent of the applicant and the Board.

J. The decision of the Board of Appeals on the appeal shall be filed in the office of the Village Clerk within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

At least five days before such hearing, the Board of Appeals shall mail notices thereof to the parties; to the regional state park commission having jurisdiction over any state park or parkway within five hundred (500) feet of the property affected by such appeal; and to the Steuben County Planning Department, as required by Section 239-m of the General Municipal Law. No Board of Appeals decision shall be made except in conformance with such 239-m procedures including requirements for an affirmative vote of no less than four members of the Board if it shall determine to approve an application which the County has recommended it disapprove or modify