

PROPOSED

# Village of Croghan Zoning Law

Adopted XXX XX, 2026 via Local Law XX-2026

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## **ARTICLE 1. GENERAL PROVISIONS**

### **Section 100. Title**

This law shall be known as the “Village of Croghan Zoning Law”.

### **Section 105. Legislative Authority**

This code is enacted by the Village Board of Trustees of the Village of Croghan, New York, pursuant to Article 7 of the Village Law and Articles 2 and 3 of the Municipal Home Rule Law of the State of New York, and pursuant to the Village of Croghan Community Development Plan.

### **Section 110. Applicability**

Except as hereinafter provided, no building or land shall hereafter be used or occupied unless in conforming with the use restrictions set forth in this law for the district in which it is located.

### **Section 115. Purpose**

The purpose of this law is to provide for orderly growth, to lessen congestion on the streets, to secure safety from fire, flood, and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to protect historical and recreational attributes, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public assets, and to promote the health, safety, and general welfare of the public. This law has been made with reasonable consideration, among other things, as to the character of the Village of Croghan and its suitability for properly developed uses, and with a view to conserving and preserving the Village's character and encouraging the appropriate use of land throughout the Village.

### **Section 120. Effective Date and Transition**

This local law shall take effect immediately upon filing with the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

### **Section 125. Interpretation and Conflicts with Other Laws**

Interpretation and application of the provisions of this law shall be held to be minimal standards, adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this law differ from the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

### **Section 130. Severability**

If any section, subsection, paragraph, clause or phrase of this law or the location of any district boundary shown on the Village of Croghan Zoning Map 2025 that forms a part hereof is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this law or the Village of Croghan Zoning Map 2025.

## **ARTICLE 2. ZONING DISTRICTS**

### **Section 200. Official Zoning Map**

The Residential, Village Center, Industrial, and Park Districts are bounded and defined as shown on a map entitled “Village of Croghan Zoning Map 2025,” hereinafter called the Zoning Map, adopted by the Village Board and certified by the Village Clerk, which accompanies and which, with all explanatory matter thereon, is hereby part of this law. The Zoning Map shall be kept on file and open to public inspection during normal business hours in the office of the Village Clerk and on the Village

website.

### **Section 205. Interpretation of District Boundaries**

Unless shown to the contrary on the Zoning Map, the boundary lines of districts are the center lines of streets and alleys or such lines extended, railroad right-of-way lines, the center lines of creeks and waterways, lot lines, and the corporate limit line as it existed at the time of the enactment of this Law. Where a district boundary line, as appearing on the Zoning Map, divides a lot or land in single ownership as existing at the time of enactment, the use of the lot shall be divided to conform to each zoning district as shown on the Zoning Map.

### **Section 210. Establishment of Zoning Districts**

For the purpose of promoting the public health, safety, morals, and general welfare of the community, the Village of Croghan is hereby divided into the following zoning districts:

- A. **Residential District (R):** The purpose of this district is to preserve the residential character of those portions of the Village designated primarily for residential use, while allowing for limited nonresidential uses appropriate to the Village through the site plan review or special use permit process.
- B. **Village Center District (VC):** The purpose and intent of the Village Center District is to recognize the existence of the traditional central business district of the Village and to encourage harmonious development of land for uses appropriate in this district.
- C. **Industrial District (I):** The purpose of this district is to recognize a designated area, separated from the Residential and Village Center Districts, which supports local economic growth and employment, with infrastructure for manufacturing, warehousing, and distribution, with the intent of minimizing noise and pollution impacts.
- D. **Park District (P):** The purpose of this district is to enhance the quality of life for all residents by providing designated areas for cemeteries, parks, and other recreational areas that contribute to the health and wellness of Village residents.

## **ARTICLE 3. USE REGULATIONS AND DIMENSIONAL STANDARDS**

### **Section 300. General**

- A. **Permits issued before the effective date.** Any building, development, or structure for which a building permit was issued before the effective date of this law may be completed in conformance with the issued building permit and other applicable permits and conditions, even if such building, development or structure does not fully comply with the provisions of this law. If building is not commenced and diligently pursued within the time allowed under the original permit or any extension granted, then the building, development or structure must be constructed, completed and occupied only in strict compliance with the standards of this law.

### **Section 305. Schedule of Use Regulations**

Land uses are regulated according to location and type using the following method:

- A. **Permitted uses.** A use listed in Schedule A, Permitted Uses, as a use requiring a zoning permit shall be permitted in that district when a zoning permit has been approved and all other requirements of this code are met.
- B. **Site plan review uses.** A use listed in Schedule A, Permitted Uses, as a site plan review use

for a given district within this code shall be permitted in that district when approved in accordance with Article 4, Site Plan Review, provided that a zoning permit is issued, and all other requirements of this code are met.

- C. **Special use permit uses.** A use listed in Schedule A, Permitted Uses, as a special use permit shall be permitted in that district when approved in accordance with Article 5, Special Use Permits, provided that a zoning permit is issued, and all other requirements of this code are met.
- D. **Prohibited uses.** Any use not listed as expressly permitted is prohibited.

### **Section 310. Activities Exempted from Site Plan Approval**

The following land use activities are exempted from site plan approval.

- A. Minor home businesses, as defined by this law.
- B. Exterior alterations or additions to a commercial or industrial structure, which will not increase the gross floor area of the existing structure by more than 25% within any consecutive five-year period.
- C. Interior alterations that do not substantially change the nature or use of a commercial or industrial structure.

### **Section 315. Prohibited Uses**

The following uses are expressly prohibited in all zoning districts within the Village of Croghan, based on their documented impacts on public health, safety, welfare, and the overall character of the community. These uses are inconsistent with the Village's land use objectives and are prohibited pursuant to the Village's zoning authority under Article 7 of the Village Law and the Municipal Home Rule Law.

- A. Mining: The Village of Croghan, in the exercise of its authority under Article 7 of the New York State Village Law, finds that mining and mineral extraction activities are incompatible with the Village's land use objectives and the protection of the public health, safety, and general welfare. The Village therefore prohibits mining operations, including the excavation, extraction, processing, or stockpiling of sand, gravel, topsoil, stone, or other mineral resources, for the following reasons:
  - 1. **Land Use Incompatibility:** Mining operations are industrial in nature and fundamentally incompatible with the Village's small-scale, residential, commercial, and park land uses. Allowing mining within the Village would be inconsistent with the established and planned character of the community.
  - 2. **Noise, Dust, and Vibration Impacts:** Mining generates significant truck traffic, blasting, dust, and noise—nuisances that are disruptive to residents, nearby businesses, schools, and tourists. These impacts cannot be effectively mitigated within the compact geography of the Village.
  - 3. **Public Health and Safety:** Mining activities present safety risks, including increased truck traffic on local roads, potential for erosion and slope failure, and the storage and use of explosive or heavy industrial equipment. These risks are inappropriate in close proximity to homes, businesses, and public infrastructure.
  - 4. **Environmental Protection:** The Village is committed to protecting its natural resources, including surface waters, groundwater aquifers, and wildlife habitats. Mining can permanently alter landscapes, degrade water quality, and increase flood risk through land disturbance and sedimentation.
  - 5. **Aesthetic and Scenic Impacts:** The preservation of scenic viewsheds, rural charm, and the Village's traditional development pattern are central to maintaining community identity and supporting local tourism. Mining operations would introduce visually disruptive



elements that undermine these values.

6. **Property Values and Economic Development:** The presence of mining operations tends to reduce neighboring property values and can deter other forms of economic investment. The Village seeks to encourage development that contributes to long-term growth, sustainability, and quality of life.
7. **Zoning and Planning Principles:** Prohibiting mining within the Village boundary ensures the community remains consistent with sound planning practices, avoids incompatible land uses, and directs extractive industries to more appropriate areas outside the Village where impacts can be better absorbed and regulated.

Accordingly, the Village of Croghan prohibits mining and mineral extraction within all zoning districts. This prohibition is not intended to interfere with incidental earth-moving activities associated with permitted construction or agricultural uses, which remain subject to applicable site plan or permitting procedures.

- B. **Solar Energy Facility, Large:** The Village of Croghan recognizes the importance of renewable energy but finds that large-scale solar energy facilities are not appropriate within the Village limits. Accordingly, such facilities are prohibited for the following reasons:

1. **Lack of Suitable Sites:** In alignment with the Town of Croghan's Solar Energy System Overlay District and the findings of the 2021 Lewis County Agricultural Enhancement Plan, there are no parcels within the Village that are suitable for large-scale solar development. The Village's compact size, established development pattern, and parcel configuration do not accommodate the scale of land required for such facilities.
2. **Protection of Prime Agricultural Land:** Large solar energy facilities often require the conversion of open space or agricultural land. Given the Village's proximity to and overlap with areas of prime farmland, permitting such development would conflict with long-term agricultural preservation goals.
3. **Density and Land Use Compatibility:** The Village's higher density of residential and mixed-use development makes it incompatible with the visual and spatial impacts of large solar installations, including fencing, panel arrays, and utility infrastructure.
4. **Planning and Infrastructure Considerations:** The Village lacks the infrastructure capacity and land availability to support utility-scale solar development without disrupting existing land uses, traffic patterns, or community character.

This prohibition does not apply to small-scale or accessory solar energy systems designed to serve individual properties, which may be permitted subject to applicable regulations.

- C. **Battery Energy Storage System:** The Village of Croghan has evaluated the appropriateness of Battery Energy Storage Systems (BESS) within its municipal boundaries and has determined that such facilities are incompatible with the Village's physical characteristics and public safety needs. Accordingly, BESS are prohibited within the Village for the following reasons:

1. **Compact Village Layout and High Lot Density:** The Village's closely spaced buildings, narrow lot configurations, and limited open space do not provide sufficient buffers or separation distances typically recommended for the safe siting of BESS.
2. **Historic Building Patterns and Infrastructure Limitations:** Many structures within the Village are historic, built close to the street or to neighboring structures, with limited opportunities for firebreaks or safety zones around energy storage systems. In addition, the Village's road network and infrastructure do not readily support the specialized access and response capabilities that BESS safety guidelines often require.
3. **Proximity to Residential Uses:** Nearly all potential development sites in the Village are in close proximity to homes or mixed-use buildings, heightening concerns about the risks posed by thermal runaway, chemical exposure, and fire hazards, even in rare failure events.



4. **Emergency Services Constraints:** The Village's emergency response capacity is limited in terms of personnel, equipment, and training to address the unique and evolving risks associated with BESS installations.
5. **Protection of Public Health and Welfare:** In light of the above conditions, the Village Board finds that prohibiting BESS is necessary to protect the health, safety, and general welfare of its residents. This determination is made pursuant to the Village's authority under Article 7 of the Village Law and the Municipal Home Rule Law.

This prohibition does not preclude the continued development of small-scale renewable energy systems, such as rooftop solar, that are compatible with the Village's land use patterns and emergency response capacity.

- D. **Junkyards, Junk Vehicles, Junkyard Items, and similar enterprises:** In accordance with the Village's responsibility to protect the health, safety, and general welfare of its residents, the Village of Croghan finds it necessary to prohibit the establishment and operation of junkyards, the storage of junk vehicles, and the accumulation of junkyard items or similar enterprises within its jurisdiction. These uses are incompatible with the desired character of the Village and present the following concerns:

1. **Aesthetic Impacts:** Junkyards and similar uses can detract from the visual character of residential neighborhoods, business districts, and scenic areas, negatively affecting community appearance and pride.
2. **Property Values:** The presence of junkyards and junk accumulation has been shown to decrease adjacent property values and deter investment in surrounding properties.
3. **Public Health and Safety:** Junkyards often involve the storage of scrap metal, discarded appliances, and vehicles that may contain hazardous substances such as oils, fuels, and refrigerants. Improper storage and containment can lead to soil and water contamination, fire hazards, and the attraction of vermin and pests.
4. **Environmental Protection:** The Village is committed to preserving environmental quality, including air and water resources. Junkyard operations are inconsistent with these goals due to the potential for uncontrolled runoff, contamination, and debris.
5. **Economic Development:** The Village's long-term vision includes encouraging uses that are compatible with tourism, small business development, and residential quality of life. Junkyards and similar enterprises do not align with this vision and may discourage desirable investment.
6. **Compliance with State Regulations:** Junkyards are subject to extensive regulation under New York State General Municipal Law §136 and Environmental Conservation Law. The Village seeks to avoid land use conflicts or the need to allocate enforcement resources toward uses that are inconsistent with its goals.

For these reasons, junkyards, junk vehicles, and junkyard-related activities are prohibited within the Village of Croghan. This prohibition is enacted pursuant to the Village's authority under Article 7 of the New York State Village Law. The Village reserves the right to interpret and prohibit any other uses that are substantially similar in nature or impact to the above-listed prohibited uses, where such uses pose similar risks to public health, safety, environmental quality, or community character, even if not expressly listed herein.

## Section 320. Dimensional Standards

- A. **Dimensional standards for new buildings.** All buildings shall be subject to the requirements of this section and the following dimensional standards:

Table 1. Dimensional Standards								
District	Minimum Yard Setbacks							Max Lot Coverage
	Principal Structures			Accessory Structures				
	Front	Rear	Side	Front <sup>1</sup>	Rear <sup>2</sup>	Side <sup>2</sup>	Max Height	
Residential	15'	20'	15'	50'/15'	10'	10'	15'	50%
Industrial	15'	30'	20'	50'/15'	10'	10'	15'	70%
Park	15'	35'	25'	50'/15'	10'	10'	15'	N/A
Village Center	0'	15'	10'	50'/15'	10'	10'	15'	50%

<sup>1</sup>Accessory structures shall be set back a minimum of 50 feet from the front lot line or at least 15 feet back from the front line of the principal building. The more restrictive setback requirement shall apply.

<sup>2</sup> See Section 320.C.3.c for swimming pool setbacks.

- B. **Setbacks.** Setbacks between buildings and property lines, where required, are intended to provide access to light and air, provide fire separation and access, ensure adequate privacy, provide areas for open space and utilities, and in the case of industrial uses ensure adequate separation for safety and operational needs.

1. Setback shall be measured from the property line to said principal use/structure or accessory structure. This shall include such projecting facilities as porches, carports, attached garages, etc.
2. Accessory structures, other than residential garages, shall not be nearer than 10 feet to the principal building.
3. Lots having frontage on more than one public street shall maintain a front yard setback on each public street except access alleys. All other yards shall be considered side yards.

C. **Exceptions to setback requirements.**

1. Building and site features. Eaves, sills, roof overhangs, cornices, steps to first-floor entries, walkways, ADA accessible ramps which have no more than the minimum dimensions required to meet accessibility standards, may project into a required yard setback.
2. A proposed principal structure may be constructed closer to the street than the minimum setback if all of the following conditions are met:
  - a. The proposed building would front on the same side of the same street in the same block as the existing buildings on lots on either side,
  - b. The existing buildings on the lots on either side would be no greater than 50 feet from the proposed building,
  - c. The proposed building may be constructed with a front setback not less than the average of the front setbacks of the existing buildings on the lots on either side.
3. An accessory structure or use shall adhere to the minimum yard setbacks and maximum height limits under the provisions in Table 1, except as otherwise provided in the following instances:
  - a. Detached residential garages may exceed 15 feet in height; however, they cannot exceed the height of the principal building or 35 feet, whichever is less, unless the principal building

- is a single-story structure, in which case the garage may not exceed 35 feet in height.
- b. Detached residential garages can be closer than 15 feet to the front line of the principal building; however, they cannot be closer to the front lot line than the principal building.
- c. Swimming pools shall have greater setback distances and shall not be located closer than 20 feet from rear and side lot lines.
- D. Existing uses or structures that do not conform to the above shall follow Article 9, Nonconformities.
- E. **Orientation of Principal Structures:**
  - 1. Principal structures shall be oriented with their primary entrance facing the street on which the lot is situated. The primary entrance shall be designed to enhance the aesthetic appeal and visual interest of the streetscape. On corner lots, the primary entrance may face either street. For unique lot configurations or architectural designs, an alternative orientation may be permitted upon review and approval by the Planning Board.
  - 2. The width of all principal structures, not including affixed structures such as decks, facing the street must be at least 40 feet.

## ARTICLE 4. SITE PLAN REVIEW

### Section 400. Purpose and Planning Board Authority

- A. **Purpose:** The Planning Board's Site Plan Review ensures that the proposed development or redevelopment is designed appropriately for the specific site and compatible with its immediate surroundings. This review focuses on the physical characteristics of the parcel and the proposed layout of buildings, structures, parking, and circulation. It also evaluates on-site environmental management, including stormwater and landscaping. By assessing these elements, the review aims to prevent and mitigate potential adverse impacts from the site and ensure the development enhances the character and public welfare of the Village. This process promotes the Village's health, safety, and general welfare by contributing to a clean, attractive environment, which is essential for both public well-being and the Village's economic vitality.
- B. **Authority:** Pursuant to authority delegated in accordance with Section 7-725-a of the Village Law of the State of New York, the Planning Board is hereby authorized to review and approve, approve with modification or disapprove site plans.

### Section 405. Applicability

Site plan review uses shall be controlled by the regulations in this article in addition to the regulations that apply for specific uses, refer to Article 7, Supplemental Standards. No zoning permit or certificate of compliance shall be issued for any use or structure requiring site plan review until approval has been granted by the Planning Board.

Uses prohibited under Section 315 shall not be eligible for site plan review or special use permit approval.

### Section 410. Site Plan Review Procedure

- A. **Zoning Enforcement Officer Review:** The Zoning Enforcement Officer (ZEO) shall initially review the application for compliance with the use criteria of this law. Should the ZEO determine that a site plan approval may not be feasible without the granting of an area or use variance as defined by NYS Village Law Section 7-712, the ZEO shall deny the application. The application may be resubmitted if the required variance is issued by the Zoning Board of

Appeals.

- B. **Area Variance:** During the course of the review, should the Planning Board determine that a site plan approval or special use permit may not be feasible without the granting of an area variance as defined by NYS Village Law Section 7-712, the Planning Board may, at its discretion, refer the application and site plans to the Zoning Board of Appeals for the consideration of such variance.
- C. **Pre-Submission Conference:** The applicant is encouraged to request and attend a pre-submission conference with the Planning Board prior to the formal submission of an application. This conference may be used to discuss rough conceptual drawings, proposed uses, the possible waiver of submission requirements, the review procedure, and the criteria that the project must meet.
- D. **Public Hearing:** Once a completed application has been formally accepted by the Planning Board at a public meeting of the Board, the Board shall have a maximum of 62 days to hold a public hearing on the application to entertain public comment, unless the hearing is waived. This time period may be extended upon the mutual consent of the Planning Board and the applicant. A waiver of the hearing shall NOT be allowed in any one of the following circumstances:
  - 1. The use is a Type I action according to the State Environmental Quality Review Act;
  - 2. The use is over 2,000 square feet of floor or ground area;
  - 3. The use is over 35 feet in height;
  - 4. The use requires an increase or change in public water supply facilities, sewerage facilities, drainage facilities, sidewalks, roads, curbs, gutters, or other public improvements;
  - 5. The use is determined by the Planning Board to be of a publicly controversial nature; or
  - 6. The applicant has requested a public hearing.
- E. **Public Hearing Notice:** At least ten (10) days advance public notice of the hearing shall be published in the Village's designated newspaper. A notice of the hearing shall be mailed to the applicant at least ten days before the hearing. Where the location of the site is within 500 feet of an adjacent municipality, notice by mail or electronic transmission must be made to the clerk of the adjacent municipality at least ten days before the hearing.
- F. **Final Decision:** The Planning Board may approve, approve with modifications or disapprove an application for a site plan based on the criteria of this law. The final decision by the Planning Board must be made within 62 days following the close of the public hearing, or where the public hearing has been waived, within 62 days of the acceptance of a completed application. The decision shall be in writing, specifying any conditions that may be attached to an approval, the reasons that the Planning Board approved, approved with modifications or disapproved the proposal, and the motions/vote of the Planning Board. This time period may be extended upon the mutual consent of the Planning Board and the applicant.
- G. No site preparation or construction shall commence until final site plan approval has been granted by the Planning Board. Should the applicant proceed before the granting of final approvals, the Board may follow Article 10, Administration and Enforcement, regarding penalties.

#### **Section 415. Site Plan Review Application Contents**

- A. An application for site plan review shall be made on forms prescribed by the Village. Three (3) physical copies, minimum, of all materials, shall be submitted to the Planning Board by the applicant along with an electronic version of all documents. Extra physical copies as deemed necessary by the Planning Board may be required. The following information shall be required of all applications unless specifically waived by the Planning Board:

1. Name and address of applicant and owner, if different, and of the person responsible for the preparation of such drawing;
  2. Date, north arrow, written and graphic scale;
  3. Boundaries of the area plotted to scale, including all setback distances in feet, bearings, and areas;
  4. The current zoning classification of the property, including the exact zoning boundary if in more than one district;
  5. A complete outline of existing or proposed deed restrictions or covenants applying to the property;
  6. Location and ownership of all adjacent lands as shown on the latest tax records;
  7. A written description of all proposed uses and activities on the site, including the number and distribution by type of all dwelling units;
  8. Location, name, and existing width and right-of-way of adjacent roads, including traffic circulation patterns;
  9. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use adjoining the property;
  10. Location, size, and design of the following: existing, proposed, and alterations to buildings, driveways, parking and loading areas, outdoor storage areas, sidewalks or pedestrian paths, drainage facilities, sewage facilities, water facilities, signs, outdoor lighting, landscaping or screening, buffer areas, snow storage areas, walls and fences, energy distribution facilities, fire lanes and other emergency zones;
  11. Plans for controlling soil erosion and sedimentation during development;
  12. Plans for grading and drainage showing existing and proposed contours of five-foot intervals;
  13. A plan showing the location and species of plant material;
  14. Significant or outstanding natural features of the property (e.g. wetlands, streams, highwater lines, cliffs, dense vegetation, etc.);
  15. Designation of the amount of gross floor area proposed for each nonresidential use;
  16. Project construction schedule and staging phases, if applicable;
  17. An Environmental Assessment Form (EAF) or draft Environmental Impact Statement (EIS), pursuant to 6 NYCRR Part 617, where required;
  18. A statement with the name, address and the nature and extent of the interest of any state employee, or any officer or employee of the Village in the application pursuant to General Municipal Law Section 809, when applicable;
  19. Verification that the proposed action will not be injurious to the safety or welfare of the neighborhood by reason of excessive smoke, odor, vibration, dirt, glare, noise or danger of fire and explosion.
  20. Other elements integral to the proposed development as considered necessary by the Planning Board, including identification of any Federal, State, or County permits required for the project's execution;
  21. Application fee as stated in the fee schedule adopted by the Village.
- B. **Waiver of Application Requirements:** The Planning Board is empowered to waive, when reasonable, any application requirements for the approval, approval with modifications or disapproval of site plans or special use permits submitted for approval. Such waiver may be exercised in the event requirements are found not to be requisite in the interest of the public health, safety, or general welfare and inappropriate to a particular site plan or special use permit. The reasons for, and the scope of any such waiver granted by the Planning Board shall be in writing and entered into the minutes of the Board.



## **Section 420. Compliance with State Environmental Quality Review (SEQR)**

The Planning Board shall be responsible for ensuring that the applicant complete Part 1 of the applicable SEQR Environmental Assessment Form in addition to the Planning Board's completion of Parts 2 and 3 of the applicable environmental assessment form (EAF) for each application, and for compliance with 6 NYCRR Part 617 (State Environmental Quality Review Act regulations) in cooperation with other involved agencies in the review of any application.

## **Section 425. Filing of Decision**

All decisions shall be filed in the office of the Village Clerk within five business days of final action, and a copy provided to the applicant and Zoning Enforcement Officer. Within 30 days of final action on any matter referred to the County Planning Board, the Planning Board shall file a report of the final action with the County Planning Board.

## **Section 430. Criteria for Site Plan Review**

In reviewing site plans, the Planning Board shall give consideration to the health, safety, and welfare of the public in general, and the residents or users of the proposed development and of the immediate neighborhood in particular. In addition, the Planning Board shall ensure that the proposed project conforms with the goals and objectives of the Village of Croghan Community Development Plan. More specifically, the Planning Board shall ensure:

- A. A positive relationship, including visual compatibility, to adjacent and nearby land uses, both public and private, with the understanding that in all cases new development should conform to the requirements of Article 6, Design Standards and any applicable Supplemental Standards in Article 7, regardless of the type or quality of adjacent buildings and land uses.
- B. Parking, queuing, and loading areas are adequate for the intended level of use and arranged so as to minimize negative impacts on adjacent properties and the public street system.
- C. Access to the site is safe and convenient and relates in an appropriate way to both the internal circulation on the site as well as the public street system.
- D. The site has adequate fire lanes and other emergency zones and the provision of fire hydrants (if applicable).
- E. Pedestrian ways are safe and adequate and are properly integrated with the pedestrian ways of adjacent properties and the neighborhood.
- F. Site lighting is adequate for the intended use of the property, is designed to minimize impact on neighboring properties and public rights-of-way, and is appropriate for the character of the neighborhood.
- G. The designs, locations, dimensions, and architectural styles of buildings, structures, and signs are in keeping with the character of the neighborhood and are consistent with the 2024 Lewis County Downtown Design Guide.
- H. The site is suitably landscaped and appropriately screened from adjacent properties and the public street at all seasons of the year so as to protect the visual character of the area and to minimize negative impacts on adjacent properties and the neighborhood.
- I. Activities which are incompatible with adjacent properties are suitably buffered so as to minimize negative impacts on such adjacent properties.
- J. Changes to existing drainage patterns, or increased drainage due to development activity have no negative impacts on adjacent properties, community drainage systems, or streams and wetlands.
- K. On-site activities are designed and conducted so as to minimize soil erosion and sedimentation.
- L. Water supply and sewage disposal facilities are safe and adequate.

- M. Existing vegetation, natural features, and landforms are preserved to the extent practical.
- N. Residential sites contain adequate and appropriate open space and recreation areas for the residents of the site.
- O. The integrity of scenic, historic, and archeological sites are preserved where practical.

#### **Section 435. Conditions on Approval**

In its approval, the Planning Board shall have the authority to impose such reasonable conditions and restrictions on the issuance of a zoning permit for the application as are directly related to and incidental to a proposed site plan. Upon approval of the project, any such conditions must be met in connection with the issuance of permits by the Zoning Enforcement Officer. The Planning Board may require, as a condition, that the applicant submit as-built drawings and/or other written certification, signed and stamped by a New York State licensed engineer, surveyor, landscape architect, or architect of record (or the contractor/owner if no design professional was used), to verify that the project was completed in accordance with the approved site plan. This requirement ensures that the project will be completed according to the terms and conditions of the application and approval.

#### **Section 440. Waiver of Criteria for Site Plan Approval**

The Planning Board may, when reasonable, waive any requirements for the approval or approval with modification of site plans. Such waiver may be exercised in the event any such requirements are found not to be requisite in the interests of the public health, safety or general welfare or inappropriate to a particular use; however, said waiver shall be documented in the Board minutes with the associated justification.

#### **Section 445. Expiration of Site Plan Review**

- A. Site plan review decisions shall expire twelve months from the date of issue unless substantial progress has been made towards carrying out the terms of the Planning Board decision. The applicant shall have two years to complete the terms of the decision, or all work shall cease at the site. In the event that the project has not been completed within two years, and substantial progress is being made, upon application, the Planning Board may extend the time limit on the validity of the approval to no more than three years from the date of original approval.
- B. Substantial progress shall be defined as measurable actions demonstrating a commitment to completing the project, including, but not limited to:
  - 1. Obtaining the required building permit(s).
  - 2. Initiating site preparation, grading or construction activities.
  - 3. Commencing utility installations or infrastructure improvements as approved in the plan.
  - 4. Submitting proof of executed contracts and/or purchases for major components of the project.

#### **Section 450. Amendments**

The terms and conditions of any site plan approval may be amended in the same manner as required for the issuance of site plan approval, following the criteria and procedures in this article.

### **ARTICLE 5. SPECIAL USE PERMITS**

#### **Section 500. Purpose and Planning Board Authority**

- A. **Purpose:** Uses requiring a special use permit are permitted in the district, subject to conditions and standards set forth in this Law. The purpose of special use permit review by



the Planning Board is to assess each proposed use on its specific site to ensure compliance with these standards and to determine its suitability and compatibility with surrounding properties and the character of the district, thereby protecting the public health, safety, and general welfare.

- B. **Authority:** Pursuant to authority delegated in accordance with Section 7-725-b of the Village Law of the State of New York, the Planning Board is hereby authorized to grant special use permits as set forth in this law.

### **Section 505. Applicability**

Uses requiring a special use permit shall be controlled by the regulations in this article in addition to the regulations that apply to specific uses, see Article 7, Supplemental Standards. No zoning permit or certificate of compliance shall be issued for any use or structure requiring a special use permit until approval has been granted by the Planning Board.

### **Section 510. Application Procedure**

- A. **Zoning Enforcement Officer Review:** The Zoning Enforcement Officer (ZEO) shall initially review the application for compliance with the use criteria of this law. Should the ZEO determine that a site plan or special use approval may not be feasible without the granting of an area or use variance as defined by NYS Village Law Section 7-712, the ZEO shall deny the application. The application may be resubmitted if the required variance is issued by the Zoning Board of Appeals.
- B. **Area Variance:** During the course of the review, should the Planning Board determine that a site plan approval or special use permit may not be feasible without the granting of an area variance as defined by NYS Village Law Section 7-712, the Planning Board may, at its discretion, refer the application and site plans to the Zoning Board of Appeals for the consideration of such variance.
- C. **Pre-Submission Conference:** The applicant is encouraged to request and attend a pre-submission conference with the Planning Board prior to the formal submission of an application. This conference may be used to discuss rough conceptual drawings, proposed uses, the possible waiver of submission requirements, the review procedure, and the criteria that the project must meet.
- D. **Concurrent Site Plan Review:** All projects requiring a special use permit shall also require concurrent site plan review in accordance with Article 4, Site Plan Review.
- E. **Public Hearing:** Once a completed application has been formally accepted by the Planning Board at a public meeting of the Board, the Board shall have a maximum of 62 days to hold a public hearing on the application to entertain public comment, unless the hearing is waived. This time period may be extended upon the mutual consent of the Planning Board and the applicant. A waiver of the hearing shall NOT be allowed for any special use permit application.
- F. **Public Hearing Notice:** At least ten (10) days advance public notice of the hearing shall be published in the Village's designated newspaper. A notice of the hearing shall be mailed to the applicant at least ten days before the hearing. Where the location of the site is within 500 feet of an adjacent municipality, notice by mail or electronic transmission must be made to the clerk of the adjacent municipality at least ten days before the hearing.
- G. No site preparation or construction shall commence until final site plan approval has been granted by the Planning Board. Should the applicant proceed before the granting of final approvals, the Board may follow Article 10, Administration and Enforcement, regarding penalties.

## **Section 515. Special Use Permit Application Requirements**

- A. An application for a special use permit shall be made on forms prescribed by the Village. Three (3) physical copies, minimum, of all materials, shall be submitted to the Planning Board by the applicant along with an electronic version of all documents. Extra physical copies as deemed necessary by the Planning Board may be required. The following information shall be included in all applications for a special use permit unless specifically waived by the Planning Board:
  - 1. A site plan review application containing all of the information listed in Section 415.
  - 2. A special use permit application form prescribed by the Village or a narrative report describing how the proposed use will satisfy the criteria for special use permits (refer to Section 530).
- B. **Waiver of Application Requirements:** The Planning Board is empowered to waive, when reasonable, any application requirements for the approval, approval with modifications or disapproval of site plans or special use permits submitted for approval. Such waiver may be exercised in the event requirements are found not to be requisite in the interest of the public health, safety or general welfare and inappropriate to a particular site plan or special use permit. The reasons for, and the scope of any such waiver granted by the Planning Board shall be in writing and entered into the minutes of the Board.

## **Section 520. Compliance with State Environmental Quality Review (SEQR)**

The Planning Board shall be responsible for ensuring that the applicant completes Part 1 of the applicable SEQR Environmental Assessment Form in addition to the Planning Board's completion of Parts 2 and 3 of the applicable environmental assessment form (EAF) for each application, and for compliance with 6 NYCRR Part 617 (State Environmental Quality Review Act regulations) in cooperation with other involved agencies in the review of any application.

## **Section 525. Action on Application**

- A. The Planning Board shall grant, deny, or grant subject to conditions the application for a special use permit within sixty-two (62) days after the public hearing. This time period may be extended by mutual consent of the applicant and the Planning Board. All such agreements to extend shall be documented in the meeting minutes. All decisions shall be filed in the office of the Village Clerk within five (5) business days of final action, and a copy provided to the applicant and Zoning Enforcement Officer. Within thirty (30) days of final action on any matter referred to the County Planning Board, the Planning Board shall file a report of the final action with the County Planning Board.
- B. In its approval, the Planning Board shall have the authority to impose such reasonable conditions and restrictions on the issuance of a zoning permit and special use permit as are directly related to and incidental to a proposed site plan. Upon approval of the project, any such conditions must be met in connection with the issuance of permits by the zoning enforcement officer. The Planning Board may require, as a condition, that the applicant submit as-built drawings and/or other written certification, signed and stamped by a New York State licensed engineer, surveyor, landscape architect, or architect of record (or the contractor/owner if no design professional was used), to verify that the project was completed in accordance with the approved site plan and special use permit. This requirement ensures that the project will be completed according to the terms and conditions of the application and approval.

### **Section 530. Special Permit Approval Criteria**

In considering and acting on special use permits, the Planning Board shall consider the following:

- A. That the proposed use is consistent with the Village of Croghan Community Development Plan that the public health, safety, welfare, and comfort and convenience of the public in general are safeguarded.
- B. All criteria for Site Plan Review provided in Section 430, including the requirements of Section 6, Design Standards, and any applicable Supplemental Standards in Section 7.
- C. That the public facilities to service the proposed use, including water supply, sewage disposal, drainage facilities, street and pedestrian facilities, solid waste facilities, and any other utilities and public services are adequate for the intended level of use.
- D. That the proposed use is of a character, scale, and intensity of use compatible with the surrounding neighborhood, will not conflict with neighboring uses, and will not impair the value of properties.
- E. That the proposed use shall not have a deleterious effect on the site or the surrounding neighborhood with regard to natural resources; aesthetic resources; scenic, historic or archaeological sites or structures; or the quality of air or water.
- F. That the proposed use shall not cause undue noise, vibration, odor, glare, smoke, dust, fumes, unsightliness or electrical disturbance, nor pose a danger to neighboring properties or the general neighborhood due to hazardous or volatile substances.

### **Section 535. Waiver of Special Use Permit Approval Criteria**

The Planning Board may, when reasonable, waive any requirements for the approval or approval with modification of site plans and special use permits. Such waiver may be exercised in the event any such requirements are found not to be requisite in the interests of the public health, safety or general welfare or inappropriate to a particular use; however, said waiver shall be documented in the Board minutes with the associated justification.

### **Section 540. Expiration and Change of Use**

- A. Special use permits shall expire twelve months from the date of issue unless substantial progress has been made towards carrying out the terms of the Planning Board decision. The applicant shall have two years to complete the terms of the decision, or all work shall cease at the site. In the event that the project has not been completed within two years, and substantial progress is being made, upon application, the Planning Board may extend the time limit on the validity of the approval to not more than three years from the date of original approval.
  1. Substantial progress shall be defined as measurable actions demonstrating a commitment to completing the project, including, but not limited to:
    - a. Obtaining the required building permit(s).
    - b. Initiating site preparation, grading, or construction activities.
    - c. Commencing utility installations or infrastructure improvements as approved in the plan.
    - d. Submitting proof of executed contracts and/or purchases for major components of the project.
- B. A special use permit shall apply to the use for which it has been granted, as well as to any subsequent use of the property which complies with all terms and conditions of the special use permit (as determined by the ZEO in issuing a certificate of compliance) and which does not involve any new construction, enlargement, exterior alteration of existing structures, or changed use of outdoor areas. Any other change to a use allowed by special use permit shall

require the granting of a new special use permit or a special use permit amendment.

## **Section 545. Amendments**

The terms and conditions of any special use permit may be amended in the same manner as required for the issuance of a special use permit, following the criteria and procedures in this article. Any enlargement, alteration, or construction of principal and/or accessory buildings or structures not previously approved shall require a special use permit and site plan amendment.

## **ARTICLE 6. DESIGN STANDARDS**

### **Section 600. Applicability**

These design standards shall apply to all land use and development as defined in this code and consistent with the requirements of this law.

### **Section 605. Access Standards**

Access shall be provided as follows:

- A. Private streets and driveways shall be finished with a surface that will ensure that it will be maintained free of dust and debris. Surface materials may include oil and chip, compact gravel, or blacktop.
- B. There shall be a minimum distance of 35 feet between proposed and existing driveways on public streets.
- C. Driveways shall be combined wherever possible to minimize the number of access points onto public streets.
- D. No driveway centerline shall intersect a street less than 70 feet from the intersection of any two streets.
- E. Driveway grade and width shall be such that adequate and safe access is provided for emergency and service vehicles during all seasons.
- F. The minimum maintained width of non-residential driveways shall be 20 feet which allows for incoming and outgoing vehicles to pass one another safely.
- G. The additional traffic generated, together with existing traffic, shall not exceed the capacity of the highway(s) that serve the development.

### **Section 610. Parking/Loading Standards**

The following off-street loading standards shall be met by the applicant unless otherwise waived or modified by the Planning Board:

- A. On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
- B. With the exception of actions in the Village Center District, adequate off-street parking must be provided.
- C. Minimum dimensions of parking spaces shall be 9 feet by 18 feet. Car loading spaces shall be at least 15 feet in width and at least 25 feet in length, exclusive of access and turning areas. Truck loading spaces shall be at least 15 feet in width and at least 60 feet in length, exclusive of access and turning areas.
- D. Curbing may be required along frontage to delineate access points.
- E. Where possible, parking/loading areas should be located to the sides or rear of the use.
- F. Any loading dock facing a street front shall be sufficiently far back from the street to enable the largest permitted tractor trailer to maneuver into said loading dock without obstructing traffic.

## **Section 615. Buffering, Landscaping, and Screening**

All uses requiring a site plan review must comply with the following:

- A. Along a property line facing a residential property, a strip of evergreen planting shall be provided to effectively buffer and screen the nonresidential use from noise and view. Existing vegetation shall be used to the greatest extent possible.
- B. Where appropriate, a wall, fence, or earthen berm of location, height, and design approved by the Planning Board, may be substituted for the required planting. Where the existing topography and/or landscaping provide adequate screening, the Planning Board may modify the planting and/or buffer area requirements.
- C. Lot area not required for buildings, structures or parking shall be landscaped with grass, decorative trees, and/or shrubs of noninvasive species.
- D. Compliance with Village of Croghan Property Maintenance Law and Property Maintenance Code of NYS, as amended.

## **Section 620. Lighting**

Adequate lighting shall be provided on a site to ensure the safe movement of persons and vehicles and for security purposes. All lighting shall be designed and arranged to minimize glare and reflection on adjacent properties and streets. The maximum height of free-standing lights should be the same as the principal building but not exceeding 25 feet. Where lights will be visible to adjacent residents, the light sources should be appropriately shielded from view. Spotlight-type fixtures attached to buildings should be avoided.

## **Section 625. Rubbish and Garbage Storage**

- A. **Containment.** Any outdoor storage of garbage and rubbish shall be in containers which are enclosed in such a way as to be inaccessible to children, dogs, vermin, etc. The Board must find that the proposed development does not create additional waste products that are not properly contained within receptacles normally associated with the principal use of the premises. Where there are found to be additional waste products associated with a use that cannot be stored within such receptacles, then there must be provision for adequately securing such waste products within a screened and landscaped facility.
- B. **Screening.** Solid waste containers shall be concealed from public view. Screening may consist of fencing, walls, evergreen landscaping, berms or other methods approved by the Board.
- C. **Location.** Containers shall not be located within the front yard and shall be set back five feet from the side or rear property lines. The location requirements as set forth may be modified by the Planning Board if it is technically infeasible to meet the requirements due to preexisting conditions such as the location of buildings on a lot or terrain.

## **Section 630. Drainage**

- A. To the extent practicable, all development shall conform to the natural contours of the land, and pre-existing manmade drainageways shall remain undisturbed. Wherever practicable, the drainage system of a development shall be coordinated with the connections to the drainage systems or drainageways on surrounding properties or streets. The natural state of watercourses, swales, or rights-of-way shall be maintained as nearly as possible.
- B. All drainage facilities shall be designed for a 50-year storm, minimum. The Planning Board may require facilities sized for more intensive storms should development conditions in the vicinity of the site warrant a greater degree of protection.



- C. Surface water runoff shall be minimized and detained on-site as long as possible and practicable to facilitate groundwater recharge.
- D. All developments shall be constructed and maintained so that adjacent properties are not substantially impacted by surface waters as a result of such developments. No development shall be constructed or maintained so that such development impedes the natural flow of water thereby causing damage to any adjacent properties or unreasonably collects and channels surface water from/onto adjacent properties or at such locations or at such volume as to cause substantial damage to such lower adjacent properties. For developments with land disturbance, drainage plans must be provided and should illustrate, and detail all expected drainage patterns onto adjacent properties.
- E. Compliance with Village of Croghan Flood Damage Prevention Law.

#### **Section 635. Erosion and Sediment Control**

- A. As required by NYS DEC, a State Pollutant Discharge Elimination System (SPDES) permit shall be submitted for any development that disturbs one acre or more of land, which includes a Stormwater Pollution Prevention Plan (SWPPP). Furthermore, an erosion and sediment control plan may be required by the Planning Board for any project that disturbs less than one acre of land if the slope is a cause of concern. For purposes of this section, disturbed land shall mean any use of the land by any use requiring site plan approval that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, wind, or ice from the site of its origin.
- B. All measures necessary to minimize soil erosion and to control sedimentation in the disturbed land area shall be provided. Every effort shall be made by the applicant to minimize velocities of water runoff and retain sedimentation within the development site as early as possible following disturbances.

#### **Section 640. Lewis County Downtown Design Guidelines**

- A. Any new commercial construction should be compatible with the 2024 Lewis County Downtown Design Guide.
- B. New construction or renovations of the following uses shall be compatible with the 2024 Lewis County Downtown Design Guide.
  - 1. Accessory Dwelling Units
  - 2. Bed & Breakfasts
  - 3. Boarding Houses
  - 4. Hotels
  - 5. Inns
  - 6. Motels
  - 7. Resorts
  - 8. Mixed Use Development
  - 9. Multifamily Dwelling

### **ARTICLE 7. SUPPLEMENTAL STANDARDS**

#### **Section 705. Signs**

To ensure that signs within the Village contribute to its historic and rural character, promote safety, and enhance the visual environment while allowing effective communication for businesses, institutions, and residents, the following provisions apply to all signs erected, placed, or maintained within the Village boundaries, including temporary and permanent signs.

**A. General Provisions:**

1. A zoning permit is required for all permanent signs. Temporary signs do not require a permit if they meet the size and duration requirements.
2. The following signs are prohibited:
  - a. Dynamic Electronic Message Boards with flashing and/or blinking signs. However, Dynamic signs with scrolling text and/or images where a complete message cycle should be viewable within 6-8 seconds, as recommended by the Federal Highway Administration (FHWA), are allowed.
  - b. Roof-mounted signs.
  - c. Signs obstructing traffic visibility or public rights-of-way.
3. Signs must be kept in good condition. Damaged or unsafe signs must be repaired or removed promptly.

**B. Sign Standards:**

1. Residential District
  - a. Maximum size: 9 square feet for home businesses or temporary signs.
  - b. Lighting: Only downward-facing, shielded lighting is allowed.
  - c. Maximum number of signs: 1 per business
2. Village Commercial and Industrial Districts
  - a. Wall signs: Maximum of 20 square feet.
  - b. Freestanding signs: Maximum height of 10 feet and 12 square feet in size.
  - c. Projecting signs: Maximum size of 6 square feet, with at least 8 feet of clearance above walkways.
  - d. Window signs: Only allowed on ground-story windows and doors. Window signs may be affixed or painted on the interior or exterior of glazed surfaces provided the signs do not obstruct more than 30% of the total area or more than 30% of a single pane of glazing. The area of a window sign shall be measured by multiplying the height by the width of a rectangle drawn around all of the window sign components (e.g., lettering, diagrams, and images).
  - e. Off-premises signs shall not exceed 6 square feet in size. Each establishment is limited to 1 off-premises sign. Off-premises signs shall not be located within a public right-of-way (ROW) and shall not include any lighting connected to or directed toward the sign.
    - i. Lighting: All sign lighting must be directed toward the sign surface and designed to prevent glare or light spill onto adjacent properties, streets, or the night sky.
  - f. Maximum number of signs: 2 per lot or 1 per business
3. Temporary Signs
  - a. Maximum size of 12 square feet.
  - b. Can be erected for up to 60 days for events and/or sales, or 7 days after the event ends, whichever is shorter in duration.
    - i. Real estate signs are exempt from this standard.
4. Election Signs. For each lot, one election sign for each candidate and each issue may be displayed along each street frontage. An election sign shall not exceed 12 square feet in area. All signs shall be removed within 10 days following the election to which they pertain.

**C. Nonconforming Signs:**

1. Existing signs not meeting these standards may remain but cannot be expanded or altered unless brought into compliance.

**D. Enforcement:**

1. The ZEO is responsible for ensuring compliance. Non-compliance may result in fines or



removal of the sign at the owner's expense.

## **Section 710. Murals**

The Village of Croghan recognizes the significant aesthetic and cultural value that murals bring to the community. Residents, property owners, and artists are encouraged to collaborate in the creation of public art murals that enhance the visual environment and foster community pride.

Any individual or group seeking to paint or create a mural must first obtain explicit permission from the property owner, whether the property is privately owned or managed by a public agency. The painting of murals on public or private property without the owner's authorization is prohibited and subject to legal penalties.

The Village does not endorse or tolerate illegal graffiti or unauthorized artwork, regardless of its artistic content or intent.

### **A. General Provisions:**

1. **Purpose:** The following criteria are intended to ensure that public murals contribute positively to the Village's visual character, cultural enrichment, and community identity. All murals shall follow the guidance provided in the 2024 Lewis County Downtown Design Guide.
2. **Location:** Murals are permitted, via Zoning Permit, on the side or rear walls of buildings in the Village Center and Industrial Districts.
3. **Content:** Murals shall not include:
  - a. Text, symbols, or designs that serve as commercial messaging, advertising, or branding;
  - b. Moving parts;
  - c. Gang affiliation symbols;
  - d. Obscene content. For purposes of this section, any material is obscene if applying contemporary community standards:
    - i. The predominant appeal is to prurient interest in sex; and
    - ii. The average person would find the material depicts or describes sexual content in a patently offensive way; and
    - iii. A reasonable person would find the material lacks serious literary, artistic, political, or scientific value.
  - e. Consent for Use of Likenesses
    - i. If the mural depicts identifiable individuals, the applicant must provide written consent from each individual whose likeness will appear in the mural.
    - ii. For deceased individuals, consent must be obtained from the individual's estate or legal representative.
    - iii. Documentation of consent shall be submitted as part of the application and retained on file by the municipality.
4. **Material and Maintenance:** Murals must be composed of durable, weather-resistant materials and maintained to prevent peeling, fading, or disrepair.
5. **Size:** The mural shall not exceed 50% of the wall area on which it is applied unless approved by the Planning Board.
6. **Mural proposals located on NYS rights-of-way** must comply with any applicable NYSDOT laws regarding visual appearance and possible effect on traffic in the area of the mural. Written approval from NYSDOT is required.

### **B. Application Requirements:**

1. A completed Zoning Permit application.
2. A detailed rendering of the proposed mural, including dimensions, colors, and materials.
3. A state of the mural's intent and relevance to the community character.
4. Written permission from the property owner.
5. Written NYSDOT approval, if applicable.

**C. Review Criteria:**

In evaluating proposals for public murals, the following criteria will be applied to ensure compatibility with community goals and standards:

1. Appropriateness of Location  
The proposed location must be suitable for a mural. Certain sites may be deemed inappropriate due to safety concerns, anticipated maintenance challenges, or the complexity of the building's architectural geometry.
2. Density of Murals  
To maintain a balanced aesthetic and avoid the appearance of blight, the number of murals within a given area may be limited. Proposals for neighborhoods with an existing concentration of murals may face greater scrutiny and may not be approved.
3. Scale of the Mural  
Murals, by nature, are large-scale works of art. However, proposals for murals that are excessively large, dominate the streetscape, or create a visual distraction will likely not be approved. The scale of the mural must be harmonious with the surrounding environment.
4. Prohibition of Advertising in Murals  
Murals are recognized as public art and are distinct from signs or billboards. A mural containing any image, logo, slogan, or message that promotes a commercial business, product, or service – whether related to the premises or not – will be classified as signage and must comply with Section 705 (Signs) of this article.

**Section 715. Fences**

- A. Fences may be erected in any district subject to the provisions of this law, and upon issuance of a zoning permit by the Zoning Enforcement Officer (ZEO). The ZEO shall issue a zoning permit for the erection or construction of a fence upon receipt of a written application accompanied by a scale map or drawing showing the proposed fence and its construction, height, length, material and appearance, evidencing compliance herewith.
- B. No fence or screening device shall be installed or maintained in an easement, public street, sidewalk, or right-of-way unless submitted to and approved by a formal resolution of the Village of Croghan's Board of Trustees.
- C. A fence or screening device shall be located a minimum of 24 inches back from any public sidewalk. If there is no public sidewalk, the fence or screening device shall be installed a minimum of 24 inches from the road right-of-way.
- D. No fence or screening device shall be more than four (4) feet high (above grade) in the front yard or between the front yard and the front corner of the principal structure.
  1. At all street intersections, no obstructions shall be constructed to sight lines of vehicular traffic.
- E. No man-made fence shall be more than six (6) feet high (above grade) in the rear and side yard.
- F. Barbed wire, razor wire, and electric fences are not allowed in the residential district (invisible dog fence and active farm operations excluded). All fencing shall be constructed of vinyl, composite, naturally durable wood, ornamental wire, picket, iron, or hedge.

- G. Fences can be placed up to 12 inches from the side and rear property lines and the finished side of any fence or wall shall face the adjacent lot or street.
  - 1. Where fences are erected 12 inches from the property lines, the owner of the fence may access up to two (2) feet of the adjoining property to perform necessary maintenance, provided such access is reasonable and causes no damage to the adjoining property.
    - a. This access right does not apply if a restrictive agreement has been filed.
    - b. Fence owners must notify adjoining property owners in advance of maintenance activities requiring access and shall receive a signed, written acknowledgment of approval. This written, signed acknowledgment shall be submitted to the ZEO prior to the issuance of a zoning permit and will be filed with property records accordingly.
    - c. The Village shall assume no liability for any disputes arising from such private access arrangements.
- H. All fences shall be properly maintained to ensure safety, stability, and aesthetic compatibility with the surrounding area. Fences shall comply with the Village of Croghan Property Maintenance Law and Property Maintenance Code of NYS, as amended, and shall be structurally sound, free from decay, rot, and other defects that may compromise their integrity.
- I. These restrictions shall not be applied so as to restrict the erection of a wall for the purpose of retaining earth.
- J. Replacement of Fences:
  - 1. The replacement of an existing fence may be located in the same position as the original fence without regard to the minimum setback requirements specified in this section.
  - 2. All other provisions of this law, including but not limited to height, materials, and maintenance requirements, shall continue to apply to replacement fences.
  - 3. The Zoning Enforcement Officer (ZEO) may require adjustment to the placement of a replacement fence only if the fence obstructs vehicular sight lines at street intersections or along the front lot line in a manner that creates a hazard to public safety.
  - 4. This provision applies solely to the replacement of an existing fence and does not apply to the construction of new fences or extensions beyond the footprint of an existing fence.

## **Section 720. Livestock**

Livestock shall be permitted in the Residential District subject to the following conditions:

- A. Livestock must be kept in a manner that does not constitute a nuisance or create a hazard to public health. It must not disturb, injure, or endanger the comfort, repose, peace, health, or safety of the public.
- B. Livestock shall be confined to a fenced-in area within the subject property. All setback requirements relative to structures and fencing shall be applicable. The fence must be on the property with the livestock and should be set back at least 5 feet to account for grazing over the fence and to allow for appropriate maintenance of vegetation.
- C. The slaughter of livestock in public view within the Village is strictly prohibited.
- D. As with all properties in the Village, properties hosting livestock are subject to the Village of Croghan Property Maintenance Law.

## **Section 725. Adult Entertainment Uses**

It is recognized that the buildings and establishments operated as adult entertainment uses have serious objectionable operational characteristics. In order to promote the health, safety and general welfare of the residents of the Village of Croghan, this law is intended to restrict adult entertainment

uses to industrially zoned areas of the Village. The Village Board hereby finds that the operational characteristics of adult entertainment uses increase the detrimental impact on a community when such uses are spread throughout the community. The Village Board finds that, based upon common knowledge and experience and studies conducted by other municipalities, both large and small (such as Kansas City, Missouri, and the Village of Bergen, New York), the adult entertainment uses sought to be regulated by this law have been associated with criminal and other socially undesirable behavior, such as disorderly conduct, prostitution, pornography, drug trafficking and substance abuse, which have the effects of depressing property values in the surrounding neighborhood and increasing the burden upon law enforcement personnel and municipal expenditures. Therefore, this law is intended to promote the health, safety and general welfare of the residents of the Village of Croghan by regulating the concentration and location of such adult entertainment uses.

- A. No adult entertainment use shall be allowed or permitted in any zoning district of the Village except in the Industrial District. All adult entertainment uses shall comply with the applicable provisions of this law, including those relating to structures and uses permitted in the Industrial District.
- B. Adult entertainment uses shall be prohibited within a distance of 1,000 feet from the property line of any dwelling.
- C. Adult entertainment uses shall be located at a distance of at least 1,500 feet from sensitive use areas wherein is located any private or public school; or any church or other religious facility or institution; in-home daycare or group family daycare; or any public park, public bike path, playground, playing field, cemetery, civic or recreational facility.
- D. No adult entertainment use shall be permitted to be within 500 feet of another such use, and only one such use shall be located on any lot.
- E. The distances provided hereinabove shall be measured by following a straight line without regard to intervening buildings, from the nearest point of the property parcel upon which the adult entertainment use is to be located to the nearest point of the parcel of property or the land use district boundary line from which the adult entertainment use is to be separated.
- F. No adult entertainment 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 or from any property not containing an adult entertainment use. This provision shall apply to any display, decoration, sign, show, window or other opening.
- G. There shall be no outdoor sign, display, or advertising of any kind other than one identification sign limited only to the name of the establishment.
- H. Adult entertainment uses shall meet all other regulations of the Village of Croghan, including but not limited to district lot and bulk regulations, parking regulations and signage.
- I. It shall be unlawful to operate any adult entertainment use between the hours of 12:00 midnight and 8:00 a.m.

### **Section 730. Light Industrial Uses**

Light Industrial Uses shall comply with the following:

- A. All operations shall comply with applicable federal, state, and local air quality standards.
- B. The storage, handling, and use of hazardous materials shall be restricted to the property.
  - 1. Facilities shall have secondary containment systems to prevent spills and leaks from contaminating the environment.
  - 2. Adequate ventilation systems must be installed to control air quality and prevent buildup of hazardous fumes.
  - 3. Facilities shall have a comprehensive emergency response plan to address

accidental, spills, and other emergencies.

- C. Loading and unloading areas shall be designed to minimize traffic congestion, noise, and the need to back into public rights-of-way to the greatest extent possible.
- D. Noise levels shall not exceed 70 decibels at the property line.
- E. Lighting. All exterior lighting fixtures shall be shielded or designed to prevent direct light intrusion onto adjacent properties.

### **Section 735. Mixed Use Development**

Mixed-use development shall comply with the following:

- A. Mixed residential and commercial use is encouraged; however, no portion of a mixed-use structure located on the ground floor facing the street shall be used for residential purposes in the Village Center District.
- B. Transparency (large windows, doors, and display areas), consistent with the community character, on the ground-floor commercial spaces shall be incorporated into the design to create an inviting pedestrian-friendly environment.
- C. To maintain the historical charm of the Village, color schemes and materials shall be compatible with existing architecture. Appropriate color schemes and materials can be found in the 2024 Lewis County Downtown Design Guidelines, which shall be followed unless the Planning Board determines that a deviation is consistent with the intent of these regulations.

### **Section 740. Manufactured Home Parks**

- A. Manufactured Home Parks shall comply with all the following:
  - 1. Manufactured home parks shall be at least five acres in area and shall provide for individual manufactured home sites, access driveways, and parking.
  - 2. Each manufactured home site shall be at least 9,000 square feet in area, and at least 70 feet wide by at least 125 feet in depth, and shall front onto an access driveway or street.
  - 3. All access driveways within a manufactured home park must have a gravel surface at least 20 feet wide and 12 inches in depth of compact gravel.
  - 4. Each manufactured home site shall have a water supply source approved by the New York State Department of Health.
  - 5. Each manufactured home site shall have a sewage disposal system in compliance with State Department of Health regulations.
  - 6. No manufactured home site or service building shall be closer than 15 feet to any property line.
  - 7. Where feasible, a buffer strip at least 25 feet wide shall be maintained as a landscaped area abutting all manufactured home park property lines.
  - 8. No additions shall be made to a manufactured home except a canopy and/or porch open on at least three sides, or an addition made by the manufactured home manufacturer and certified as part of the manufactured home.

### **Section 745. Short-Term Rentals (STRs)**

- A. Short-Term Rentals Standards. The Village of Croghan recognizes the growing popularity of short-term rental (STR) platforms and their potential to contribute to tourism and economic development. However, the Village also faces challenges related to the availability of long-term housing for permanent residents. Multifamily dwellings represent a critical component of the



Village's limited stock of long-term rental housing.

- B. In order to preserve and protect the availability of affordable, long-term rental housing options for residents, the Village has determined that the use of multifamily dwelling units for short-term rental purposes is inconsistent with this objective. Accordingly, Short-term rentals in multifamily buildings remain restricted to protect long-term housing and neighborhood character; however, flexibility may be granted for owner-occupied or small-scale multifamily dwellings (e.g., two- to three-unit buildings) where community impacts are minimal and compliance with safety and occupancy standards is maintained. The following standards apply to STRs:
1. It is unlawful for any person to operate a short-term rental within the Village of Croghan without first obtaining a special use permit. Subsequent to the issuance of a special permit, the owner of a short-term rental must also register with Lewis County before operating.
  2. Only the owner of record (not a renter or lessee) is eligible to apply for a special use permit.
  3. The short-term rental must be owner-managed and operated to reduce nuisances, ensure safety and preserve residential character.
  4. Short-term rentals shall only be permitted on properties that comply with all of the requirements contained in this law and the structure shall comply with all applicable local and NYS Building Codes.
  5. Short-term rentals shall not be permitted in multifamily dwellings **except** where the owner resides on-site and the building contains no more than three dwelling units. In such cases, short-term rentals may be allowed by special use permit, provided the use does not displace long-term tenants and maintains the residential character and stability of the neighborhood.
  6. The dwelling unit must be rented in its entirety and not as separate rooms.
  7. Short-term rentals are not permitted in dwelling units that are subject to affordable housing covenants or are income-restricted under federal, state, or local laws.
  8. Only structures approved for permanent residential use under the New York State Building Code are to be covered by this special use permit.
  9. Recreational vehicles, travel trailers, yards, shed, garages, vehicles, tents, yurts and similar nonpermanent or uninhabitable structures as short-term rentals are strictly prohibited.
  10. No cooking facilities are permitted in the individual bedrooms or any other rooms where guests can sleep.
  11. Overnight occupancy of the short-term rental unit shall not exceed two persons per room, which are designated as bedrooms. The maximum occupancy of a Short-Term Rental unit shall not exceed twelve (12) overnight guests, including permanent residents and short-term renters.
    - a. For the purpose of this maximum occupancy, children under the age of twelve (12) years shall not be included in the guest count.
    - b. The total number of persons on the property, including overnight guests and daytime visitors, shall not exceed 1.5 times the maximum overnight occupancy at any given time between the hours of 8 AM and 10 PM.
    - c. This maximum occupancy regulation must be posted in the STR.
  12. Garbage shall be removed regularly during rental periods and garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or odors, and placed where they are not visible from the road, except at the appropriate pick-up time.
  13. The house number shall be located both at the road and on the dwelling unit so that the house number is clearly visible from both the road and the driveway.
  14. Simple, detailed heating source operating instructions shall be placed in a visible

location for guests.

15. Short-Term Rental properties shall not be used for parties, events or gatherings that exceed the maximum occupancy limit. Any violation of this provision may result in fines, special use permit revocation, and other penalties.
  16. The property must have a minimum of one (1) designated, off-road parking space for every bedroom shown on the floor plan included with the application, unless the Planning Board determines, in writing, that fewer spaces are adequate due to factors such as shared parking, proximity to public transportation, on-street parking availability, or other site-specific considerations. The maximum number of parking spaces shall not exceed the number of bedrooms plus one (1).
- C. Special Use Permit Requirements. The owner of the short-term rental unit must first apply for and obtain a special use permit, issued by the Village's Planning Board, prior to operating. As part of the application process, the following information must be submitted to the Zoning Enforcement Officer:
1. Completed Special Use Permit Application, together with all applicable fees.
  2. The unit must be compliant with all applicable state and local building and safety codes and regulations.
  3. An interior floor plan of the entire residential unit.
  4. Proof of insurance by an insurer licensed to write insurance in New York State or procured by a duly licensed excess line broker pursuant to section two thousand one hundred eighteen of the insurance law for a minimum of three hundred thousand dollars (\$300,000) coverage for third-party claims of property damage or bodily injury that arise of the operation of the STR unit. Such liability insurance coverage may be satisfied by insurance maintained by a booking service that provides equal or greater coverage if a STR lists a STRS unit with such booking service.
  5. Proof that the owner has notified all property owners within 200 feet of the subject premises that the property is to be used as a short-term rental.
  6. Health and Safety Requirements:
    - a. All short-term rental units shall provide working fire extinguishers and NYS Fire Code compliant smoke and carbon monoxide detector/alarms.
    - b. No sleeping rooms shall be located above the second story.
    - c. A "fire safety notice" shall be affixed to the occupied/interior side of the entrance door of each bedroom, indicating:
      - i. Means of egress from each room within the dwelling;
      - ii. Location of means for transmitting fire alarms, if any; and
      - iii. Evaluation procedures to be followed in the event of a fire or smoke condition or upon activation of a fire- or smoke-detecting or other alarm device.
  7. The owner of a short-term rental unit must register their short-term rental with Lewis County within one year from the issuance of a Special Use Permit or said Special Use Permit becomes null and void.
- D. The Zoning Enforcement Officer may immediately suspend a Short-Term Rental's special use permit based on any of the following grounds:
1. Applicant has falsified information in the application.
  2. Applicant failed to meet or comply with any of the requirements of this Local Law.
  3. Property owner(s) is in violation of any provision of the Village of Croghan Zoning Law.
  4. Registration of the short-term rental has been revoked by Lewis County.
  5. Property owner(s) has violated any provision of the Penal Code of the State of New York, which violation occurred at or related to the occupancy of the Short-Term



Rental.

- a. Any conduct performed on the premises, which disturbs the health, safety, peace, or comfort of the neighborhood or which otherwise creates a public nuisance; such conduct shall include, but is not limited to, the following:
  - i. Exposed garbage or litter on the premises;
  - ii. Failure to maintain buildings and grounds or any Building Code violation(s);
  - iii. Parking of vehicles in undesignated or unapproved areas; and
  - iv. The occurrence of parties or other gatherings which exceed the number of people authorized upon the premises; and
  - v. Removal or disrepair of any safety devices such as, but not limited to, smoke and carbon monoxide detectors, fire extinguishers and failure to maintain egresses.
6. In the event the property owner(s) fails to permanently address the grounds for suspension promptly, the Zoning Enforcement Officer, in coordination with the Code Enforcement Officer, may revoke the Short-Term Rental Special Use Permit within 30 days or less.

## Section 750. Multifamily Dwelling

In addition to the site plan review provisions of this law, any exterior changes to an existing multifamily dwelling or the creation of a new multifamily dwelling shall comply with the following prescribed standards:

- A. Driveway and curb cuts. No more than two driveways or curb cuts from any multifamily dwelling development to a public street shall be permitted. Driveways from parking lots shall have a maximum grade of 8% and shall be graded so as to provide at least 40 feet of nearly level roadway at any intersection with a public street.
- B. Access drives and parking space. Yards may be used for access drives and parking space, except that no parking area shall be located in a front yard or side yard abutting a street.
- C. No living space below finished grade shall be permitted.
- D. Each structure for multifamily dwelling use shall contain no more than fifteen (15) dwelling units.
- E. Open space developed for active and passive recreation shall be provided for all multifamily dwellings containing more than six (6) dwelling units.
- F. All multifamily dwellings will be required to submit an operations and maintenance plan at the time of submitting a special use permit application. Said Plan shall include proposed tenant policies and/or agreements.
- G. The Planning Board shall consider the following standards when making this determination:
  1. **Parking.** The multifamily dwelling should not create a need for more than one parking space per dwelling unit of additional off-street parking spaces. The Board shall have the discretion to either limit or expand the number of parking spaces per dwelling unit. In addition, such off-street parking spaces shall not be provided on the lot in such a manner as to create the backing of vehicles onto a public highway. Furthermore, such off-street parking spaces shall be adequately landscaped so as to provide a visual buffer between the parking spaces and adjacent properties or public rights-of-way.
  2. **Aesthetics.** If any change is proposed to the exterior of the building, the Board must

find that the change will not materially alter a characteristic architectural feature of the building, such as fascia, window style or roofline. Exterior surfaces requiring paint or other coating shall be painted or coated with appropriate materials in a color scheme that is compatible with the surrounding neighborhood. Appropriate color schemes can be found in the 2024 Lewis County Downtown Design Guide.

3. **Exterior display.** The Board must find that the multifamily dwelling does not involve the exterior display or storage of goods, materials, equipment or inventory.

#### **Section 755. Restaurants/Bars**

The applicant shall demonstrate:

- A. Adequate parking, access, and landscaping.
  1. Adequate parking must be provided for both customers and employees.
  2. The establishment must comply with all parking and accessibility requirements for people with disabilities.
- B. The proposed restaurant or bar will not have a significant impact on traffic circulation and pedestrian safety.
- C. The proposed restaurant or bar will not generate excessive noise or vibration that would adversely affect neighboring properties.
- D. The proposed restaurant or bar must have reasonable hours that are compatible with surrounding uses.
- E. If outdoor seating is proposed, it complies with all applicable codes and regulations. Loitering at outdoor seating during typical overnight hours (11 PM – 5 AM) is prohibited.

#### **Section 760. Smoke Shops and Tobacco Stores**

- A. All smoke shops and tobacco stores wishing to operate within the Village of Croghan, per Schedule A, after the effective date of this law must obtain a special use permit.
- B. Additional zoning and land use standards for smoke shops and tobacco stores shall be as follows:
  1. Smoke shops and tobacco stores shall not be located within 1,500 feet, measured property line to property line, from a school (public or private), family day-care home, child-care facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other similar uses where children regularly gather.
  2. Smoke shops and tobacco stores shall not be located within 500 feet, measured property line to property line, from another smoke shop and tobacco store.
  3. Smoke shops and tobacco stores shall post clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian. At least one such sign shall be placed in a conspicuous location near each public entrance to the smoke shop and tobacco store. It shall be unlawful for a smoke shop and tobacco store to fail to display and maintain, or fail to cause to be displayed or maintained, such signage.
  4. Only one smoke shop/tobacco store is allowed at a time per 3,000 Village residents.

#### **Section 765. Bed & Breakfasts, Boarding Houses, Hotels, Inns, Motels, and Resorts**

- A. **Parking.** All bed & breakfast, boarding house, hotel, inn, motel, and resort uses require a

- minimum of one parking space per guest room and one parking space per full-time employee.
- B. **Noise.** The Board must find that the noise produced is not likely to create any potentially significant adverse impact upon the adjacent neighborhood and that the type of noise and times of day of noise generation are not inconsistent with the primary residential use of the premises and the adjacent neighborhood.
  - C. **Aesthetics.** New construction or renovations shall be compatible with the architectural style and character of the surrounding neighborhood and the 2024 Lewis County Downtown Design Guide.

## **Section 770. Telecommunication Towers**

In order to balance the need for effective communication infrastructure with the preservation of the Village's Character, scenic beauty, and public safety, the following standards apply to Telecommunication Towers in the Village:

- A. **Height and Design Standards:**
  - 1. Maximum tower height: 120 feet, including antennas.
  - 2. Towers must employ stealth technology or be camouflaged to blend with the environment.
  - 3. All towers must comply with federal, state, and local aviation safety requirements.
- B. **Setback Requirements:**
  - 1. Towers must be set back from all property lines a minimum of 1.5 times the height of the tower.
  - 2. Additional setbacks may apply for proximity to residential dwellings, childcare facilities, or historic sites.
- C. **Co-Location Requirement:**
  - 1. Applicants must demonstrate efforts to co-locate antennas on existing towers or structures.
  - 2. New towers must be designed to accommodate future co-location.
- D. **Environmental and Aesthetic Considerations:**
  - 1. Towers must avoid locations with adverse impacts on historic or environmentally sensitive areas.
  - 2. Landscaping and screening must minimize visual impacts on surrounding properties.
- E. **Public Safety:**
  - 1. All towers must include fencing and security measures to restrict unauthorized access.
  - 2. The Telecommunication Tower must comply with ANSI/TIA standards, to include structural integrity inspections by a New York State-Licensed Professional Engineer every five (5) years; however, an inspection might be performed more frequently than the five (5) year interval under unique/extreme weather events in Lewis County, as referenced by the ANSI/TIA standards from time to time. Should an emergency inspection occur, the original inspection schedule shall remain in effect. Unless an initial structural analysis is completed and filed with the Village and Zoning Enforcement Officer before activating the tower, an initial structural integrity inspection should occur within the first year post-construction, then the ANSI/TIA standard timeline should be followed.
- F. **Decommissioning:**
  - 1. Abandoned or unused towers must be removed within 12 months of cessation of use.
  - 2. Applicants must submit a decommissioning plan, including financial security to cover removal costs.
- G. All applications for the erection of a Telecommunication Tower must accompany evidence of communication and support from the Fort Drum Plans, Analysis and Integration Office (PAIO).

## **Section 775. Recreational Camping Vehicles**

No recreational camping vehicle may be occupied or used for living purposes unless it is located within a campground with an approved zoning permit.

## **Section 780. Campgrounds**

- A. Campgrounds shall be limited to the Park District.
- B. Each campground shall have adequate access to a public roadway and each campsite shall be serviced from an interior roadway
- C. Each campsite shall be located on generally level terrain, not to exceed a slope of 8%, that is well drained and free of flood hazards. Campsites cannot be located within the 100-year flood plain.
- D. Each campsite shall be a minimum of one-hundred fifty (150) square feet in size.
- E. All buildings and campsites shall have a setback of one hundred fifty (150) feet from the road line of all public roads with the setback area being adequately landscaped to provide screening from all public roads.
- F. A minimum of ten percent (10%) of the total area of the campground, not including the required setback, shall be dedicated to a recreation area and shall be fully maintained by the campground owner.
- G. The owner or manager of a campground shall maintain an office on site and shall maintain accurate records of the names of users, home addresses, and make, description, year, and license or identification number of the vehicle(s). These records shall be available to any law enforcement official and/or the Zoning Enforcement Officer within a 24-hour notice.

## **Section 785. Accessory Dwelling Units (ADUs)**

- A. The lot proposed to contain the ADU shall be zoned for a single-family, two-family, or multi-family use.
  - 1. A maximum of one ADU is permitted on a lot regardless of the number of principal buildings.
- B. Only owner-occupied ADUs are authorized in that the property owner permanently resides in the ADU or principal dwelling.
- C. ADUs shall not be sold or conveyed separately from the principal dwelling.
- D. ADUs may not be rented for a period of less than 30 days.
- E. The ADU is either attached to the principal dwelling, internal (located entirely within the principal structure), or detached (a standalone accessory structure), or may be built in or over a residential garage.
  - 1. The total area of floor space for a detached ADU shall not exceed the size of the principal dwelling or 1,000 square feet, whichever is less.
  - 2. Detached ADUs shall comply with the setbacks for accessory structures.

## **ARTICLE 8. DEVELOPMENT GUARANTEES**

### **Section 800. General**

For the Village to secure assurance that the construction and installation of specified improvements—encompassing storm sewer, water supply, sewage disposal, landscaping, noise abatement equipment and facilities, street signs, sidewalks, parking, access facilities, and street surfacing—will be satisfactorily completed, the Planning Board may stipulate that the applicant enter into a formal agreement with the Village:

- A. Furnish a bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant

and approved by the Planning Board and Village Attorney.

- B. In lieu of the bond, the applicant may deposit cash, a certified check, an irrevocable bank letter of credit, a certificate of deposit, or other forms of financial security acceptable to the Planning Board and Village Attorney. Acceptable substitutes, if furnished, shall be kept on deposit with the Village for the duration of the bond period.
- C. Construct all improvements required in any existing permit and any additional improvements required by the Planning Board prior to issuance of the zoning permit.

### **Section 805. Conditions**

Before a zoning permit is approved, the applicant shall have executed a contract with the Village, if required, and a performance bond, certified check, or bank letter of credit shall have been deposited covering the estimated cost of the required improvements that have been designated by the Planning Board. The performance bond, certified check, or bank letter shall be made to the Village Clerk and shall provide that the applicant, his heirs, successors, and assigns, their agent or servants, will comply with all applicable terms, conditions, provisions, and requirements of this law; will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with the zoning permit. Any such bond shall require the approval of the Planning Board and the Village Attorney as to form, sufficiency, manner of execution, and surety.

### **Section 810. Extension of Time**

The construction or installation of any improvements or facilities for which guarantee has been made by the applicant shall be completed within two years from the date of approval of the site plan. The applicant may request one extension of time, provided the applicant can show reasonable cause for inability to perform said improvements within the required time, at the end of which time the Village may use as much of the guarantee to construct the improvements as necessary. The same shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications.

### **Section 815. Schedule of Improvements**

When any one of the guarantees is issued pursuant to the preceding sections, the Planning Board and applicant shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the applicant upon completion and approval after inspection of such improvement or installation. However, 10% of the guarantee shall not be repaid to the applicant until one year following the completion and inspection by the Village of all construction and installation covered by the guarantee.

### **Section 820. Decommissioning**

The Planning Board may also require a decommissioning plan for any commercial use, industrial use, or use which involves a fuel tank and/or could result in potential environmental impacts. The Decommissioning Plan may be submitted as part of the application. Compliance with this plan may be made a condition of the issuance of special use permit approval under this section. The Decommissioning Plan must specify that after the proposed use can no longer be used, it shall be removed and disposed of by the applicant or any subsequent owner in a lawful and environmentally proper manner. The plan shall demonstrate how the removal of all infrastructure, structures, access roads, fencing, and signage and the remediation of soil and vegetation shall be conducted to return the parcel to its original state before construction. The plan shall also include an expected timeline for execution. A cost estimate, detailing the projected cost of executing the Decommissioning Plan, shall be prepared by a Professional Engineer licensed to practice in the State of New York and must be

completed in accordance with the Decommissioning Plan.

If the applicant does not complete the construction of the project within 18 months after beginning construction, this may be deemed as abandonment of the project and require implementation of the Decommissioning Plan to the extent applicable. The Planning Board may notify the operator and/or owner to complete the construction and installation of the facility within 180 days from the notification date. If the owner/operator fails to perform, the Planning Board may notify the owner and or operator to implement the Decommissioning Plan. The Decommissioning Plan must be implemented within 180 days of notification by the Planning Board.

If the owner and/or operator fails to fully implement the Decommissioning Plan within 180 days, the Planning Board may, at its discretion, provide for the restoration of the site in accordance with the Decommissioning Plan and may recover all expenses incurred for such activities from the defaulted owner and/or operator. The cost incurred by the Planning Board shall be assessed against the property, shall become a lien and tax upon the property, and shall be enforced and collected with interest by the same officer and in the same manner as other taxes.

All Decommissioning Plans must include plans for the removal of all facility components, whether above ground or underground.

## **ARTICLE 9. NONCONFORMITIES**

### **Section 900. Applicability**

- A. **Permits issued before an effective date:** Any use, structure, or building with a valid building permit issued before the effective date of this Law may be completed in accordance with that permit and any other applicable approvals and conditions, even if it does not fully comply with this law. However, if commencement and diligent pursuit of the use, structure, or building do not occur within the time allowed by the original permit or any granted extension, then its construction, completion, and occupancy must strictly comply with the standards of this law.
- B. **Determination of conforming and legally nonconforming status:**
  - 1. Conforming status. A use, structure, building, or lot shall be deemed lawful and conforming if, on the effective date of this law, it fully complies with all requirements of this law.
  - 2. Legally nonconforming use. Any use of a building, structure, or land that was a lawful use on the effective date of this law, but which is no longer classified as a permitted or conditional use within the zoning district where it is located, shall be considered a legally nonconforming use.
  - 3. Legally nonconforming building, structure, lot, or site improvement. Any building, structure, lot, or site improvement that legally existed on the effective date of this law, but which does not meet all applicable dimensional, bulk, setback, or other physical standards set forth in this law, shall be considered legally nonconforming.
  - 4. Continuation of legally nonconforming status. A legally nonconforming use, building, structure, or lot may be continued subject to the provisions of this section.

### **Section 905. Nonconforming Uses**

- A. Continuation of nonconforming uses. Any nonconforming use of land, buildings or structures may be continued, but shall not be:
  - 1. Enlarged, altered, extended, reconstructed, except as provided in this article, or placed on a different portion of the lot or parcel of land occupied by such use on the



effective date of this law, or which existed at the time of any subsequent amendments thereto which applied to such use, nor shall any external evidence of such use be increased by any means whatsoever.

2. Moved to another location where such use would be nonconforming.
3. Changed to another nonconforming use.

#### **Section 910. Discontinuance of Nonconforming Uses**

- A. Any nonconforming use of land, buildings, or other structures which shall have been discontinued shall not thereafter be resumed or replaced by another nonconforming use.
- B. Abandonment. The discontinuance of a nonconforming use for a period of 12 consecutive months or more shall be considered an abandonment thereof, and such nonconforming use shall not be revived, except as provided in this section.
- C. A change in ownership of a legally nonconforming use of land, buildings, or other structures shall not, by itself, constitute abandonment.
- D. Change of use. The change of a nonconforming use to a conforming use for any period of time shall be considered an abandonment thereof, and such nonconforming use shall not be revived. The intent to resume active operations shall not affect the foregoing.
- E. A building or structure housing a nonconforming use which sustains damage or destruction through natural or other causes beyond the control of the owner may be repaired or reconstructed, so long as the nonconforming use is not increased or expanded, and if all necessary building permits are obtained within two years and reconstruction is fully completed within four years. If discontinued for longer than four years, the use shall be considered abandoned and shall not be reinstated.

#### **Section 915. Nonconforming Buildings and Structures**

- A. Nonconforming buildings and structures which are only nonconforming in bulk, area, dimension, or other physical characteristics (e.g., setbacks, height, lot coverage) may be altered, moved, reconstructed or enlarged, provided that such change does not increase the extent of the nonconformity and does not violate any other provisions of this Law. This means, for instance:
  1. If a building is too close to a property line, any addition cannot extend closer to that line.
  2. If a building already exceeds maximum lot coverage, its footprint cannot be enlarged.
  3. If a building is taller than allowed, it cannot be made taller.

#### **Section 920. Maintenance and Repairs**

Notwithstanding any of the above regulations, nothing in this section shall be deemed to prevent normal maintenance and repair of any use or building or the carrying out upon the issuance of a building permit of major structural alterations or demolitions in the interest of public safety.

#### **Section 925. Mobile Homes**

The placement or relocation of a 'Mobile Home' as this term is defined in Article 14, Definitions, within the Village of Croghan will not be permitted given the advanced age of such structures and the presumed risk to the health and safety of the inhabitants. This section shall not apply to the relocation of Manufactured Homes, as this term is defined in Article 14, Definitions.

### **ARTICLE 10. ADMINISTRATION AND ENFORCEMENT**



## **Section 1000. Zoning Enforcement Officer Powers and Duties**

The Village Board shall appoint a Zoning Enforcement Officer (ZEO) to carry out specific administrative and enforcement functions as designated in this law, and to enforce this law. The duties of the ZEO shall include the following:

- A. Approve and disapprove zoning permits;
- B. Issue certificates of compliance pursuant to this code;
- C. Interpret district boundaries on the zoning map;
- D. Refer appropriate matters to the Zoning Board of Appeals or Planning Board;
- E. Enforce the conditions of any variance, site plan review or special use permit issued pursuant to this code;
- F. Enforce all provisions of this code;
- G. Revoke zoning permits or certificates of compliance where there is false, misleading or insufficient information or where the applicant has varied from the terms of the application;
- H. Investigate violations, issue stop work orders and refer violations to the applicable Town Justice and the Planning Board;
- I. Report, as requested, at regular Planning Board meetings the number of zoning permits and certificates of compliance issued; and
- J. Maintain records of active permit applications and active enforcement actions.

## **Section 1005. Planning Board**

- A. The Planning Board shall consist of five (5) members, appointed by the Village Board via resolution, serving five-year terms, staggered such that no more than one term expires in any given year. The Planning Board shall have the following powers and duties with respect to this law:
  1. Approval of site plans;
  2. Approval of special use permits.
  3. The Village Board shall have the option to enter into an inter-municipal agreement for a cooperative Planning Board with an adjacent municipality constituted of five to seven members whose members shall be appointed in accordance with the terms of the Inter-Municipal Cooperative Agreement.
    - a. With a five (5) member cooperative Planning Board, the Village shall appoint two (2) of the five (5) members. Each member shall have five-year terms, staggered such that no more than one term expires in any given year.
    - b. With a seven (7) member cooperative Planning Board, the Village shall appoint three (3) of the seven (7) members. Each member shall be appointed for a five-year term. Initial terms shall be staggered as follows: two (2) members appointed for five years, two (2) for four years, one (1) for three years, one (1) for two years, and one (1) for one year. Thereafter, all appointments shall be for five-year terms, ensuring that one- or two-members' terms expire annually.
- B. Alternate Members. The Village Board may appoint up to two alternate members, with each such position having a term of two years, for the absence of a regular member, or substituting for a member in the event such member is unable to participate because of a conflict of interest. Conflicts of interest for members of the Planning Board shall be governed by, but not limited to, the provisions of Article 18 of the New York State General Municipal Law and the Village of Croghan Code of Ethics, as may be amended from time to time. All provisions relating to members of the Planning Board, including training, continuing education, attendance, eligibility, removal, and service on other boards, shall also apply to alternate members.

### **Section 1010. Application Procedure for Zoning Permit**

- A. Applicability. A zoning permit shall be required for all land use or development as set forth in Schedule A, Permitted Uses, requiring a zoning permit, site plan review, or special use permit.
- B. Permit application. Applications for a zoning permit shall be made in writing on a form provided by the ZEO. The application shall be signed by the owner of the property where the work is to be performed or by an authorized agent of the owner. The application shall include such information as the ZEO deems sufficient to make a determination that the intended land use or development complies with all applicable standards of this law. The ZEO shall issue a zoning permit upon such a finding.
- C. The ZEO shall take action to approve or disapprove the application within ten days of the receipt of a completed application by the ZEO and the payment of all fees.
- D. A zoning permit shall expire one year from the date of issue if construction is not substantially started or the use has not commenced. Such permit may be renewed upon payment of all fees.

### **Section 1015. Permit Fees**

A fee as determined by Village Board resolution shall be paid for each application for a zoning permit, site plan review, or special use approval. No permit shall be issued until full payment has been received by the Village clerk or applicable agency.

### **Section 1020. Certificate of Compliance**

- A. No use shall be used, or occupied, until a certificate of compliance has been issued by the ZEO stating that the building, structure, or proposed use complies with the provisions of this law.
- B. All certificates of compliance shall be applied for coincidentally with the application for a zoning permit. The certificate shall be issued within ten days after the erection or alteration has been completed in accordance with the conditions of the approved permit, and state that the use complies with the provisions of this law.
- C. The Village Clerk shall maintain a record of all certificates of compliance and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building and/or property affected.

### **Section 1025. Referral to County Planning Board**

- A. **County Planning Board Review:** Pursuant to NYS General Municipal Law Section 239-m, at least 10 days before the public hearing, or where the hearing has been waived, before final action, the Planning Board shall refer all site plan reviews or special use permits to the County Planning Board that fall within 500 feet, or 250 feet if an Intermunicipal Agreement between the County and Village is agreed to, of the following:
  - 1. The boundary of the Village;
  - 2. A State or County Park or recreation area;
  - 3. A State or County highway or expressway;
  - 4. The boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of NYS Agriculture & Markets Law;
  - 5. A State or County-owned drainage channel; or
  - 6. A State or County land where a public building or institution is located.
- B. **County Planning Board Response:** If the County Planning Board does not respond within 30 days from the time it receives a full statement on the referral matter, then the Planning

Board may act without such a report. However, any county planning board report received after such 30 days but two or more days before final action by the referring body, shall be subject to the provisions of an extraordinary vote upon recommendation of modification or disapproval. If the county planning board recommends modification or disapproval of a proposed action, the referring board shall not act contrary to such recommendation except by a vote of a majority plus one of all the members.

### **Section 1030. Violations**

- A. Whenever a violation of this law occurs, any person may initiate a complaint. All complaints shall be in writing and delivered to the Village clerk or ZEO. The ZEO shall accurately record the complaint, file it appropriately, and investigate it.
- B. If the complaint is found to be valid, the ZEO shall then inform the owner of the premises that there is a violation of the law. The owner shall be notified by certified mail with a return receipt requested, or be personally served, as to the manner of the violation. Mail shall be sent to the address of the property owner as stated on the last completed tax roll. The owner will have fourteen days, minimum, to remedy the situation from the date of the mailing, except in the case of imminent peril to life or property.
- C. An order to stop use/work may be issued to the owner in the same manner as a notice of violation. Such order shall require that all construction stop immediately.
- D. If a violation persists, the ZEO may file an "information and complaint" with the applicable Town Justice charging the owner with violating one or more sections of this law. The applicable Town Justice shall then issue a summons for the violator to appear in court.
- E. Alternatively, to subsection D above, pursuant to NYS Criminal Procedure Law Section 150.20 (3), the ZEO is hereby authorized to issue an appearance ticket to any person causing a violation of this law, and, if a violation persists, shall cause such person to appear before the applicable Town Justice.

### **Section 1035. Penalties**

- A. Pursuant to NYS Municipal Home Rule Law Section 10 and NYS Village Law Section 7-714, any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation and subject to fine. Any violation of this law is an offense punishable by a fine less than \$100 and not exceeding \$350 for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$750 nor more than \$1000. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
- B. The Village Attorney may maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law.

## **ARTICLE 11. ZONING BOARD OF APPEALS**

### **Section 1100. Creation and Membership**

- A. A Zoning Board of Appeals is hereby created pursuant to Village Law § 7-712. The Zoning

Board of Appeals shall consist of three (3) members; however, the Village Board shall have the option to enter into an Inter-Municipal agreement with an adjacent municipality to establish a cooperative Zoning Board of Appeals constituted of five members, with at least two members appointed by the Village of Croghan and whose members shall be appointed in accordance with the terms of the Inter-Municipal Cooperation Agreement.

- B. The Board of Appeals shall have the power to make, adopt and promulgate such written rules of procedure, bylaws, and forms as it may deem necessary for the proper execution of its duties and to secure the intent of this law. Such rules, bylaws, and forms shall not be in conflict with nor have the effect of waiving any provision of this law or any other law of the Village of Croghan.
- C. Alternate Members. The Village Board may appoint up to two alternate members, with each such position having a term of two years, for purposes of substituting for the absence of a regular member, or in the event a regular member is unable to participate because of a conflict of interest. Conflicts of interest for members of the Zoning Board shall be governed by, but not limited to, the provisions of Article 18 of the New York State General Municipal Law and the Village of Croghan Code of Ethics, as may be amended from time to time. All provisions relating to members of the Zoning Board of Appeals, including training, continuing education, attendance, eligibility, removal, and service on other boards, shall also apply to alternate members.

#### **Section 1105. General Procedures**

- A. Meetings. Meetings of the Zoning Board of Appeals shall be held at the call of the Chair and at other times as the Zoning Board of Appeals may determine. All meetings and hearings of the ZBA shall be public.
- B. The presence of a majority of the members shall constitute a quorum.
- C. The Chairperson and, in their absence, the Acting Chair may administer oaths and compel the attendance of witnesses.
- D. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the action taken, the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of other official actions.
- E. Every rule or regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Zoning Board of Appeals shall be filed in the office of the Village Clerk within five days and shall be a public record.

#### **Section 1110. Powers and Duties**

The Zoning Board of Appeals shall have the following powers and duties under this law:

- A. Administrative appeals: The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation, or determination appealed from, and shall make such order, requirement, decision, interpretation, or determination as in its opinion ought to have been made in the matter by the officer or board of the Village. In so doing, the Zoning Board of Appeals shall have all the powers of the officer or board from whose order, requirement, decision, interpretation, or determination the appeal is taken.
- B. Grant variances: The Zoning Board of Appeals shall approve, approve with conditions or disapprove appeals for variances from the strict enforcement of only the provisions of this law which relate to the use and dimensional standards of the district regulations and performance standards.
- C. Hear and decide any question properly brought before it involving the interpretation of any provision of this Law.

#### **Section 1115. Appeals**

- A. Appeals shall be taken within 60 days after the filing of any order, requirement, decision, interpretation or determination of the Zoning Officer, Code Enforcement Officer, Planning Board, by filing with such administrative official and with the Zoning Board of Appeals, a notice of appeal specifying the grounds thereof and the relief sought. The administrative official from whom the appeal is taken shall transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken. Failure to file such notice of appeal within the time limited above shall constitute a waiver of the right of appeal.
- B. Who may appeal. An appeal to the Zoning Board of Appeals pertaining to a ruling of any Village officer administering any portion of this law may be made by any person aggrieved or by an officer, department, bureau or board of the Village affected.
- C. All appeals shall be in writing. Every appeal shall contain the following information:
  - 1. The name, address and phone number of the applicant or appellant.
  - 2. A brief written description and location of the lot to be affected by such proposed change or appeal, including the present zoning classification of the lot in question, the improvements thereon and the present use thereof and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material and general construction details.
- D. Stay of proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from which the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with the administrative official, that by reason of facts stated in the certificate a stay would, in their 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 Zoning Board of Appeals or by a court of record on application, on notice to the administrative official from which the appeal is taken and on due cause shown.

#### **Section 1120. Variances**

- A. An applicant for a variance must file an application with the Zoning Officer. If the applicant is not the owner of the property, the application must be accompanied by a signed letter from the owner authorizing the applicant to apply for the variance.
- B. Each variance application shall refer to the specific provision of this code involved, shall specify the grounds for the variance requested, and shall contain the following information and documents:
  - 1. The name and address of the applicant (both physical and mailing);
  - 2. The name and address of the owner of the lot to be affected by such appeal (both physical and mailing);
  - 3. A brief description and location of the lot to be affected by such appeal;
  - 4. A detailed project description and relief requested;
  - 5. Three copies of a plot plan, drawn to scale with accurate dimensions, showing the location of all existing and proposed structures on the lot; and
  - 6. Other pertinent information requested by the Zoning Board of Appeals.
  - 7. Application fee set annually by resolution of the Village Board of Trustees.
- C. The Zoning Officer shall transmit to the Zoning Board of Appeals all of the papers constituting the record of the variance application.
- D. Use variances
  - 1. The Zoning Board of Appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances, as defined herein.



2. No such use variance shall be granted by the Zoning Board of Appeals without showing by the applicant that the applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Zoning Board of Appeals that, for each and every permitted use under the zoning regulations for the particular district where the property is located:
    - a) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
    - b) 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 Zoning 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.
- E. Area variances
1. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined herein.
  2. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider:
    - a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
    - b) Whether the benefit sought by the applicant can be achieved by some method, which is code compliant and 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 Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.
  3. The Zoning 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.

## **Section 1125. Public Hearing and Notice**

- A. Hearing. The Zoning Board of Appeals, on due notice, shall hold a public hearing on every appeal and application for a variance referred to said Board.
- B. Notice. Notice of each public hearing shall be published in the official paper a least five days prior to such hearing. In addition, the Zoning Board of Appeals shall cause notice of such hearing, and an explanation of any change sought to be sent to the owners within 500 feet of



the subject parcel's property boundaries. Such notices shall be sent to the last-known address as shown on the most recent Village tax records and mailed at least five days prior to the hearing.

#### **Section 1130. Additional Referrals**

- A. In accordance with the policy and procedures provided for by § 239-l and 239-m of the General Municipal Law, unless otherwise agreed to through an Inter-Municipal Agreement with the Lewis County Planning Board, any proposed variance affecting land or buildings within 500 feet of the boundary of the Village of Croghan or from the boundary of any county or state park or other recreational area or from the right-of-way of any county or New York State park, thruway, expressway or other controlled-access highway or from the right-of-way of any stream or drainage channel owned by the county for which the county has established channel lines or from the boundary of any county- or state-owned land in which a public building or institution is situated, shall be referred to the Lewis County Planning Board. If the Lewis County Planning Board disapproves the proposal or recommends modifications thereof, the ZBA shall not act contrary to such approval or recommendation, except by a majority vote of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action.
- B. Pursuant to General Municipal Law Section 239-nn, the public hearing notice is required to be sent to the clerk of the adjacent municipality prior to holding a hearing on a use variance for property which is within 500 feet of the municipal line. Notice must be given at least 10 days prior to the hearing.

#### **Section 1135. Decisions**

- A. In acting on an appeal, the Zoning Board of Appeals may, in conformity with the provisions of this code, reverse, affirm, or modify, wholly or in part, the order, requirement, decision, or determination of the officer in accordance with the provisions of this code.
- B. In acting on a variance application, the Zoning Board of Appeals may deny, grant, or grant with conditions a variance from the specific provision(s) of the code involved in the application.
- C. Any such action shall be decided within sixty-two (62) days after the final hearing, unless mutually agreed upon, in writing, by both the Applicant and Planning Board.
- D. Except as otherwise provided in subdivision twelve of Village Law § 7-712, every decision of the Zoning Board of Appeals shall require for its adoption the affirmative vote of a majority of all the members of the Zoning Board of Appeals as fully constituted regardless of vacancies or absences. Where an action is the subject of a referral to the county planning agency or regional planning council the voting provisions of section two hundred thirty-nine of the General Municipal Law shall apply.
- E. Imposition of conditions. The Zoning Board of Appeals shall, in granting use variances and area variances, impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this code and shall be imposed for the purpose of minimizing any adverse impact the variance or appeal may have on the neighborhood or community.
- F. Filing. Every order, requirement, decision, interpretation, or determination of the Zoning Board of Appeals shall be filed immediately in the office of the Village Clerk and shall be a public record.
- G. Expiration.
  - 1. Expiration of appeal decision. Unless otherwise specified by the Zoning Board of

Appeals, a decision on any appeal shall expire if the appellant fails to obtain any necessary project permit within six months of the date of such decision.

2. Expiration of variance decision. Any variance which is not exercised by receipt of site plan approval, an approved special use permit, or issuance of building permit within one year of the date of variance approval shall automatically lapse without further hearing by Zoning Board of Appeals.

## **ARTICLE 12. AMENDMENTS**

### **Section 1200. Authority to Amend**

- A. The Village Board may, from time to time, amend, supplement, or repeal, in whole or in part, this law, including the Zoning Map, in accordance with procedures set forth below. Such amendment shall be adopted by majority vote of the Village Board, except as specified in Section 1200 B, and may be initiated in the following ways:
  1. By the Village Board on its own motion.
  2. On the recommendation of the Planning Board.
  3. By the filing of a petition by Village taxpayers or residents, on a form prescribed the Village Clerk, describing such proposed amendment, accompanied by a fee in accord with a schedule established by the Village Board.
- B. If a duly signed and acknowledged protest against a proposed amendment to this law is submitted to the Village Board by any one of the following, it shall not become effective except by a favorable vote of 3/4 of the members of the Board.
  1. The owners of 20% or more of the area of the land included in such proposed change; or
  2. The owners of 20% or more of the land immediately adjacent to such proposed change, extending 100 feet therefrom; or
  3. The owners of 20% or more of the land directly opposite such proposed change, extending 100 feet from the street frontage of such opposite land.

### **Section 1205. Procedures**

- A. Public hearing. No change in the text or zoning district boundary of this law shall become effective until a public hearing is held in relation thereto at which the general public shall have an opportunity to be heard.
- B. Newspaper notice of hearing. At least 10 days prior to the date of each such public hearing, a notice of the time and place shall appear in the official newspaper of the Village. Such notice shall describe the area, boundaries, regulations, or requirements that such proposed change involves.
- C. Referrals. All proposed changes to this law or Zoning Map shall be referred to the appropriate body as set forth in Section 1210.
- D. Publication and posting. Every amendment to this law, including any map incorporated therein, adopted in accordance with Village Law shall be entered in the minutes of the Village Board, and a copy or summaries thereof, exclusive of any map incorporated therein, shall be published once in a newspaper of general circulation in the Village. In addition, a copy of such law or amendment, together with a copy of any map incorporated therein, shall be posted conspicuously at or near the office of the Village Clerk in accordance with Village Law. Affidavits of the publication and posting thereof shall be filed with the Village Clerk.
- E. Notice to adjacent municipalities. Pursuant to Article 12B, § 239-I, of the General Municipal Law, written notice of any proposed amendment affecting property within 500 feet of an adjacent municipality shall be served in person or by mail upon the Village Clerk of such municipality at least 10 days prior to the date of public hearing. Representatives of

neighboring municipalities receiving notification of a proposed amendment shall have the right to appear and be heard at the public hearing thereon.

- F. State Environmental Quality Review (SEQR) Compliance. All amendments to this law shall be subject to review in accordance with the State Environmental Quality Review Act (SEQR), as set forth in Article 8 of the New York State Environmental Conservation Law and its implementing regulations. No zoning amendment shall be adopted until the appropriate SEQR review has been completed and all required determinations have been made.
- G. Effective date. Unless the amendment provides for a different effective date, each amendment adopted by the Village Board shall take effect when filed with the Secretary of State of the State of New York pursuant to the Municipal Home Rule Law of the State of New York.

### **Section 1210. Referrals**

- A. Referral to the County Planning Board. The Village Board shall transmit a full statement of any proposed amendment that meets the referral requirements of §§ 239-l, 239-m, and 239-n of the General Municipal Law to the Lewis County Planning Board for its review. No action shall be taken by the Village Board on such proposed amendment until a recommendation has been received from the Lewis County Planning Board or 30 calendar days have elapsed since the County Planning Board received such full statement or such longer time as may have been agreed upon by the County Planning Board and Village Board.
- B. Lewis County disapproval. Pursuant to General Municipal Law § 239-m(5), if the Lewis County Planning Board recommends modification or disapproval of a proposed amendment, a majority plus one vote of all Village Board members shall be required for passage of the amendment.

## **ARTICLE 13. CONSULTANT FEES; ESCROW ACCOUNTS**

### **Section 1310. Professional Fees**

- A. Authority. Pursuant to the authority granted under New York State Village Law § 7-725-a(9), § 7-712-a(11), and General Municipal Law § 122, the Village of Croghan Planning Board, Zoning Board of Appeals, and Village Board of Trustees are authorized to require applicants to pay the reasonable costs incurred by the Village in retaining professional consultants to assist in the review of applications submitted under this Zoning Law.
- B. The purpose of this Article is to ensure that the Village has access to qualified technical expertise to fully evaluate applications with respect to potential environmental, engineering, legal, and planning impacts. The Village of Croghan Planning Board, Zoning Board of Appeals, Village Board of Trustees, Code Enforcement Officer, or Zoning Enforcement Officer, in the review of any applications pending before said boards, may retain such engineering, planning, legal, technical and environmental consultants, or professionals ("consultant services") as such boards or officials shall deem reasonably necessary to assist same in the review of such applications and in the inspection and approval of any installations, infrastructure or improvements after final approval of such applications.
- C. The applicant shall reimburse the Village of Croghan for the cost of such consultant services.
- D. The Village Board shall review and audit all vouchers submitted by such consultants and shall approve payment only if such consulting fees and disbursements are reasonable in amount and necessarily incurred by the Village in connection with the review, consideration and approval of the proposed project or in the inspection and approval of any installations, infrastructure or improvements after final approval of such applications. For purposes of the foregoing, a fee, or part thereof, shall be deemed a reasonable amount if it bears a

reasonable relationship to the average charge by consultants to the Village for services performed in connection with the review and approval of similar projects in the Village, and if there are no similar projects in the Village, then for similar projects located in Lewis County and the surrounding area, to the extent that such similar projects may exist. The Village Board may take into consideration the size, type and nature of the project, together with such special features including, but not limited to, topography, soil conditions, water, drainage conditions and any special conditions or considerations the Village Board may consider relevant.

- E. A fee or expense, or part thereof, is necessarily incurred if it is charged by the engineer, attorney, planner, or other professional consultant for a service which was rendered in order to assist in the protection or promotion of the health, safety or welfare of the Village to its residents; to assist in the protection of public or private property or the environment from potential damage which otherwise may be caused by the proposed land use or development; to ensure or assist in compliance with laws, regulations, standards or codes which govern land use and development; to ensure or assist in the orderly development and sound planning of a land use or development; to ensure the proper and timely construction of public improvements, parks, and other facilities which affect the public welfare; to protect the legal interests of the Village; to avoid claims against, and liability of, the Village; or to promote such other interest that the Village Board may specify as relevant.
- F. At such time as the application is approved or denied by the Planning Board, Zoning Board of Appeals, or Village Board, or in the event inspections are to be made by consultants after approval is granted and the work is performed, such final inspections are made and the work is determined to be satisfactory, the Village shall refund to the applicant the deposit required pursuant this Article, less any sums expended by the Village for such consultant services relating to said project after final audit of the consultant vouchers by the Village Board and payment of such consultant fees. A copy of the computation of said sums so expended shall be provided to the applicant at the time that the Village shall calculate the refund, if any, due the applicant.

#### **Section 1320. Escrow Accounts**

- A. As soon as possible after submission of any application, an escrow account shall be established, from which withdrawals shall be made to reimburse the Village for the costs of consultant services. The applicant shall then provide funds to the Village for deposit into such account. The amount shall be based on the specific fee schedule of the particular professional as well as the scope of services to be provided which shall be based on the nature and complexity of the application. The Village shall hold such deposit in escrow for the sole purpose of paying the costs and fees of the professional(s) retained for review of the application. The professional(s) retained shall provide the Village with detailed invoices showing the services rendered for the time period billed, and the Village shall provide the applicant with an opportunity to review said invoices prior to payment. Initial or additional deposits may be required as the review process continues. Any deposit amounts that remain at the end of the process shall be returned to the applicant. Any outstanding fees due to the Village must be paid in full prior to the issuance of a permit and/or building permit.
- B. The applicant shall be provided with copies of vouchers submitted for payment by the consultants for such services as they are submitted to the Village for payment.
- C. All sums paid by the applicant shall be deposited in a separate account by the Village, from which withdrawals as provided in this Law shall be made.
- D. When the balance in such escrow account is reduced to 1/3 of its initial amount, the Village shall advise the applicant, and the applicant shall deposit additional funds into such account to bring

its balance up to the amount of the initial deposit. If such amount is not replenished within 10 business days after the applicant is notified in writing of the requirement for such additional deposit, the reviewing board may suspend its review of the application.

- E. A building permit, certificate of occupancy, or other permit, approval or action being sought shall not be issued unless all professional review fees charged in connection with the applicant's project have been reimbursed to the Village by the applicant.
- F. All fees required pursuant to this Zoning Law shall be collected by the Village through its bookkeeper or Village Clerk.

### **Section 1330. SEQRA Review**

In the event that a positive declaration is made in accordance with the New York State Environmental Quality Review Act, all subsequent consultant review fees that are necessary for the preparation or review of an EIS shall be reimbursed to the Village in accordance with the procedures established under SEQRA. The applicant shall maintain the basic escrow account for the continued review of the application that is not directly related to the preparation or review of an EIS. The Village may require the applicant to establish a separate escrow account for the consultant services costs necessary for the preparation or review of an EIS. All deposits, reimbursements and refunds shall be made in accordance with the provisions of this Article XVI.

## **ARTICLE 14. DEFINITIONS**

### **Section 1400. General**

Except where specifically defined herein, all words used in this law carry their customary meanings. Words in the present tense include the future, words in the singular include the plural and the plural the singular, and the word "shall" is intended to be mandatory.

### **Section 1410. Specific Definitions**

**ABC Fire Extinguisher:** a portable device that can put out Class A, B, and C fires. It uses a dry chemical to extinguish fires.

**Access:** An entranceway for vehicles to leave or enter a property or lot from a public street or private street.

**Accessory Dwelling Unit:** A subordinate dwelling unit located either within a principal residential dwelling, (inclusive of garage if attached thereto), or within an approved detached accessory structure, having its own ingress and egress and providing independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation. All ADUs should meet the requirements of habitable space as defined by the New York State Uniform Fire Prevention and Building Code and shall incorporate Universal Design Standards into their design. For the purposes of this law, an accessory dwelling unit shall not be considered a principal dwelling unit.

**Accessory Structure:** A subordinate structure located on the same lot as the principal structure, occupied by or devoted to an accessory use. Where an accessory structure is attached to the principal structure in a substantial manner, as by a wall or roof, such structure shall be considered part of the principal structure. This shall include, but not be limited to garages, porches, decks, storage sheds, or similar structures.

**Accessory Use:** A use incidental and subordinate to the principal use and located on the same lot with such principal use.



**Adult Entertainment:** Those uses which prohibit minors due to their age. Adult bookstores and video stores are included within this definition to the extent that at least 10% of the floor area of their stock-in-trade consists of books, magazines, other periodicals, films, slides and video tapes to which minors are denied access although the establishment is customarily open to the general public.

**Agricultural Use:** A primary use of the property that is directly related to the raising of livestock, or the growing of crops for the sale of agricultural produce, including farm structures, storage of agricultural equipment, horticulture and fruit operations, horse riding and boarding stables, and the like, or other commonly accepted agricultural operations, such as maple and honey, and as an accessory use, such as the sale of agricultural or forest products, including maple and honey.

**Applicant:** The person(s) who, except where otherwise provided herein, shall be the lot owner or the lot owner's designated representative.

**Battery(ies):** A single cell or a group of cells connected together electrically in series. In parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purpose of this law, batteries utilized in household consumer products are excluded from these requirements.

**Battery Energy Storage System:** One or more retention devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

**Bed & Breakfast:** A dwelling, or portion thereof, where short-term lodging rooms and meals are provided to guests. The operator of the bed & breakfast shall reside on the premises or on a property that is directly adjacent, meaning a contiguous lot or a property separated by no more than a public or private right-of-way, alley, or roadway. The adjacent property must be under the same ownership or control as the bed & breakfast property, or the operator must have documented permission for such residency.

**Boarding House:** A building or part thereof where, for compensation, lodging and meals are provided to at least three (3) but not more than six (6) sleeping rooms.

**Buffer Area:** An undeveloped part of a lot or an entire lot specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties.

**Building:** Structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, or property.

**Building, Principal:** The building on a lot that houses the primary use on a parcel of land.

**Campgrounds:** Land on which are located three (3) or more cabins, travel trailers, tents, campsites, shelters, or other accommodations suitable for seasonal or temporary living purposes, excluding manufactured homes.

**Campsite:** A plot of land designated and designed within a campground.

**Canopy:** a roof-like structure that protects from the sun and rain and can be used for decoration. Canopies can be attached to a building or can stand alone on their own.



**Cell:** The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

**Cemetery:** A property solely used for the burial of human remains.

**Commercial Use:** This shall include but not be limited to the following; all wholesale and retail sales and services, and also including sales and service for new and used automobiles, trucks, manufactured homes, boats, recreational vehicles, farm machinery, and other large items; businesses; institutional residences, care or confinement facilities; tree nurseries, storage and parking facilities, Laundromats, restaurants, wholesale and retail gasoline outlets, animal hospitals, airports, slaughterhouses, motor vehicle repair/paint shops, personal and professional services, professional offices, warehouses, etc.

**Community Building:** A building or accessory structure used for recreational, social, educational, religious, and cultural activities, owned and operated by a public or nonprofit group or agency.

**Composting Facility:** A solid waste management facility used to provide aerobic, thermophilic decomposition of solid organic constituents of solid waste to produce a stable, humus-like material.

**Construction and Demolition Debris:** Solid waste resulting from the construction, remodeling, repair and demolition of utilities, structures and roads; such as wood (including painted, treated and coated wood and wood products), wall coverings, plaster, drywall, plumbing fixtures, non-asbestos Insulations, roofing shingles and other roof coverings, asphaltic pavement, glass, electrical wiring and components containing no hazardous liquids, and pipe and metals that are incidental to any of the above.

**Construction and Demolition Debris Processing Facility:** A processing facility that receives and processes construction and demolition debris by any means excluding landfilling or incineration.

**Drainage:** A system of swales, ditches and culverts, catch basins, and piping to convey stormwater runoff to retention areas and stabilized discharge points.

**Driveway:** The established or traveled way leading to a particular building or destination from the margin of a public or private street.

**Dwelling:** A building or part thereof used as family living quarters. The terms "dwelling", "one-family dwelling", "two-family dwelling", or "multiple-family dwelling" shall not include a campsite, motel, hotel, boarding house, inn, resort, short-term rental, or any other customarily temporary housing accommodations.

**Dwelling Unit:** A completely self-contained residential unit, with living, sleeping, cooking and sanitary facilities within the unit, for use by one family.

**Dwelling, Multifamily:** A building containing three dwelling units or more.

**Dwelling, Single-Family:** A building containing no more than one dwelling unit.

**Dwelling, Two-Family:** A building containing no more than two dwelling units.

**Election Sign:** A sign relating to a candidate for public office, a political party, or a ballot measure in an election.

**Electronic Message Center:** A sign that is capable of displaying words, symbols, figures or images that electronically changes by remote or automatic means.

**Static Display:** A fixed image or text that does not change for a specified minimum duration.

**Dynamic Display:** Moving or changing content, including video or scrolling text.

**Energy Code:** The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

**Erosion Control:** The use of reseeding, revegetation, placement of mulch, artificial matting, application of rip rap, or other methods to prevent soil erosion.

**Essential Facilities:** The operation or maintenance by municipal agencies or public/private utilities of telephone dial equipment centers, electric or gas substations, water treatment, storage and transmission facilities and lines, pumping stations, and similar facilities, operated or maintained by municipal agencies or public/private utilities.

**Factory Manufactured Home:** see Modular Home

**Fence:** A man-made structure or landscaping hedge designed to enclose, screen, separate, or provide privacy, security, or decorative enhancement for a property.

**Fire Code:** The fire code section of the New York State Uniform Fire Prevention and Building Code adoption pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

**Freestanding Sign:** A sign supported by one or more poles, posts, or other structures that are not attached to any building or structure. Freestanding signs are often placed in yards, parking lots, or landscaped areas.

**Garage, Residential:** an accessory structure, either attached to or detached from a principal residential dwelling, designed and used primarily for the parking and storage of motor vehicles owned or used by the occupants of the residence. A residential garage may also accommodate incidental storage or activities typically associated with residential use, provided such use does not constitute a commercial or industrial activity.

**Grading:** The leveling of land for site development purposes including construction of roads building construction, drainage areas, and parking.

**Ground-Mounted Solar Energy System:** A Solar Energy System directly anchored to the ground and attached to a pole or other mounting system not attached or affixed to an existing building and detached from any other structure.

**Gross Floor Area:** The total interior floor area of a building, multiplied by the number of floors.

**Hedge:** A linear planting of shrubs, bushes, or similar vegetation, maintained to form a boundary, screen, or barrier on a property.

**Home Business, Minor:** A nonresidential activity conducted for financial gain within an owner-occupied dwelling unit or in a building or structure accessory to a dwelling unit that is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and meets all of the following standards and criteria:

1. No more than one nonresident is employed;
2. Total floor area devoted to the business does not exceed 400 square feet;
3. The business is not open to off-street customer or client traffic;
4. No more than two customers, clients, or delivery people are present or anticipated on the site at one time;
5. There are no operations outside of buildings;
6. The exterior of the structure as a residence has not been changed (except #7);
7. Signs that are flush with buildings do not exceed 10 square feet, free-standing signs do not exceed four square feet;
8. Customer parking shall be provided on-site and off the public right-of-way.

Any minor home business activity exceeding the standards and criteria above shall be considered a commercial use subject to a site plan review and/or special use permit, as applicable.

**Hotel:** An establishment that provides overnight sleeping accommodations for transient guests and provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone, and secretarial or desk service. A hotel may also provide restaurants, meeting rooms, entertainment, and recreational facilities. This term includes the terms "motel" and "inn".

**Incinerator:** An enclosed device using controlled flame combustion to thermally break down solid waste, including refuse-derived fuel, to an ash residue that contains little or no combustible materials.

**Industrial Use:** The utilization of a building, or of land to manufacture, process, store, or generate products or goods for commercial use or sale, or to store, treat, or dispose of a by-product of such an activity, including utility facilities, incinerators, and contaminated soils recycling facilities.

**Inn:** See "Hotel."

**Junk Vehicles, Junkyards, and Junkyard Items:** These terms are as defined by County of Lewis Junkyard Law, Local Law No. 5 of 1987, as amended, and are incorporated in this Local Law by this reference.

**Light Industrial Use:** A use involving the assembly, manufacturing and/or processing of a product, but not producing noisy or otherwise objectionable disturbances such as vibration, dust, odors, or heavy truck traffic, and not involving the use of heavy machinery.

**Litter:** Waste products that have not been discarded properly. Litter endangers our environment, our wildlife, and our economy. It pollutes our neighborhoods, decreases property values, and destroys our Village's natural beauty.

**Livestock:** Is defined to include, but not be limited to, horses, ponies, donkeys, mules, cows, llamas, alpacas, pigs, goats, sheep, and poultry such as geese, ducks, chickens, roosters, turkeys, pigeons or any flocks of the same. The definition shall not include dogs and cats.

**Lot:** A parcel of land whose boundaries are established by deed or survey, and entirely owned by the same person or persons.

**Manufactured Home:** A factory-manufactured dwelling unit built on or after June 15, 1976, and conforming to the requirements of the Department of Housing and Urban Development (HUD), Manufactured Home Construction and Safety Standards, 24 CFR Part 3208, 4/1/93, transportable in one or more sections, which in the traveling mode, is 8 feet (2438 mm) or more in width or 40 feet (12192 mm) or more in length, or, when erected on site, is 320 square feet (29.7 m<sup>2</sup>) minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term “manufactured home” shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Federal Department of Housing and Urban Development and complies with the standards established under the national Manufactured Housing Construction Safety Act of 1974, as amended. The term “manufactured home” shall not include any self-propelled recreational vehicle.

**Manufactured Home Park:** A lot consisting of three or more manufactured/mobile homes and buildings or other structures that may be pertinent to their use, any part of which may be occupied by persons for residential purposes other than recreation, traveling, or vacationing, and who are provided services or facilities necessary for their use of the property.

**Manufactured Home Site:** A designated parcel of land in a manufactured home park designated for accommodating one manufactured home, its accessory buildings or structures, and accessory equipment for the use of the occupants.

**Maximum Lot Coverage:** The maximum percentage of the lot area that may be covered by the combined area of all buildings, structures, or impervious surfaces on the lot.

**Mining:** The extraction or removal of sand, gravel, clay, topsoil, mulch, stone or other natural material deposits for use and/or sale, except that the extraction of oil and natural gas shall not be allowed. This term shall be interpreted to exclude mining on-site for agricultural purposes and to exclude the removal of soil, loam, sand, gravel or quarried stone when incidental to, or connected with a proposed subdivision or site plan or the removal of excess excavated material for any building, complex of structures or project that is authorized and in accordance with this Law.

**Mixed Use Development:** A lot or structure with a variety of complementary and integrated uses such as, but not limited to, residential, commercial, office space, light industrial, retail sales and service, general, restaurant/bar/hotel/motel, antique shop, and artisan shop.

**Mobile Home:** A manufactured dwelling structure built on a steel chassis and fitted with wheels that is intended to be hauled to a usually permanent site, built before June 15, 1976, where code requirements have changed and the terminology changes to Manufactured Home. A mobile home shall be constructed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. The term mobile home shall not include modular homes or travel trailers.

**Modular Home:** A structure designed primarily for residential occupancy constructed by a method

or system of construction whereby the structure or its components are wholly or in substantial part manufactured in manufacturing facilities, intended or designed for permanent installation, or assembly and permanent installation, on a building site built to local and state building code.

**Motel:** See “Hotel.”

**Motor Vehicle:** To include any and all road permittable vehicles, such as automobiles, vans, motorcycles, trucks, and self-propelled construction equipment in addition to off-road vehicles not limited to, all-terrain vehicles (ATV), utility task vehicles (UTV), snowmobiles, dirt bikes and farming equipment.

**Mural:** A work of art applied to a building wall, structure, or surface, typically consisting of paint or similar materials. A mural does not include commercial messaging, logos, or advertising.

**Nonconforming Use:** A use of a property or structure that was allowed prior to the current zoning regulations but which, because of subsequent changes and/or establishment of zoning regulations, is no longer a permitted use.

**Nonconforming Structure:** A structure that complied with zoning and development regulations at the time it was built but which, because of subsequent changes to the zoning and/or development regulations, no longer fully complies with those regulations.

**Nonconforming Lot:** A lot that, at the time of its establishment, met the minimum lot size requirements for the district in which it is located but which, because of subsequent changes to the minimum lot size application to that district, is now smaller than that minimum lot size.

**Onsite:** Located on the lot that is in the subject of an application for development.

**Off-premises Sign:** Any sign advertising or calling attention to any business or activity not located on the same continuous parcel of real estate as the sign or any sign advertising or calling attention to any commodity or service not sold or offered upon the same continuous parcel of real estate as the sign.

**Parking Lot:** An area where cars, trucks or other motor vehicles may be left temporarily.

**Parking Space:** An area reserved for the parking of a motor vehicle.

**Permanent Sign:** A sign designed, constructed, and intended to remain in a fixed location for an indefinite period. Permanent signs are typically made of durable materials and include freestanding, wall, and projecting signs.

**Person:** Any individual, group of individuals, partnership, firm, corporation, association, or other legal entity.

**Principal Structure:** A structure through which the principal use of the lot on which it is located is conducted.

**Projecting Sign:** A sign attached to a building and extending outward from the wall, typically mounted at a perpendicular angle.

**Real Estate Sign:** A temporary sign advertising the sale, lease or rental of the property or premises

on which it is located.

**Recreational Camping Vehicle:** Any enclosed motor vehicle or trailer used or designed to be used for recreational travel and temporary living and/or sleeping purposes including, but not limited to, motor homes, truck campers, camping trailers, campers, travel trailers, pop-up trailers, tent trailers, over-night trailers, and park models (small, transportable houses).

**Resort:** A commercial establishment designed to accommodate temporary guests, offering lodging, recreation, entertainment, and other amenities. Resorts may include facilities such as hotels, cabins, restaurants, swimming pools, spas, conference centers, and outdoor recreational areas. The primary purpose of a resort is to provide leisure, relaxation, and entertainment for its guests.

**Restaurant/Bar:** A commercial establishment where food and/or alcoholic beverages are prepared, served, and consumed.

**Road Centerline:** A line that runs down the middle of a road, dividing it into two sections for traffic going in opposite directions. When no physical lines are present, the centerline is presumed in the middle of the road.

**Roof-Mounted Sign:** A sign erected or placed on the roof of a building, extending above the highest point of the roofline.

**Screening:** Vegetation, fencing, or earthen materials used to block, in part or whole, visibility toward and/or away from a site. Screening may also be used to lessen noise or dust impacts from a particular site or from adjacent land uses.

**Setback:** The areas, measured from the property line to any structure, within which construction is prohibited, but which may include driveway areas or other similar surface improvements.

**Short-Term Rental (STR):** The use of a lot for the rental or lease of any, or part of any, residential use dwelling unit, for a period of no more than thirty (30) days. No rental or lease shall exceed thirty (30) days in duration. The STR may occur within an entire dwelling, in rooms with a dwelling, or a separate attached or detached dwelling unit or units on the parcel. Motels, hotels, resorts, inns, boarding houses, and bed & breakfasts, as defined in this law, are excluded from this definition. Examples of STRs include, but are not limited to, vacation rentals, Airbnb rentals, and VRBO rentals.

**Sign:** Any material, structure or device, or part thereof, composed of lettered, painted or pictorial information, which when used and located outside, displays any advertisement, announcement, notice, directional matter or name to advertise or promote the interests of any person, activity or business when the same is placed in view of the public which is either permanent or temporary.

**Site Plan:** Maps, drawings, and supportive data describing the project proposal or development plan on which are shown the existing or proposed conditions of the lot.

**Smoke Shop and/or Tobacco Store:** Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of cannabis, liquid nicotine and/or tobacco, cannabis, vaping and/or tobacco products, or cannabis, electronic smoking devices (vapes/electronic cigarettes) and/or tobacco paraphernalia; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes or tobacco as an ancillary sale shall not be defined as a "smoke shop and tobacco store" and shall not be subject to



the restrictions in this law.

**Solar Energy System:** The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment.

**Solar Energy System, Agricultural:** An on-farm, Small-Scale Solar Energy System that provides no more than 100% of the energy required to operate a farm operation as defined by New York State Agriculture and Markets Law 305-a. These may be roof-mounted or ground-mounted systems.

**Solar Energy System, Building Integrated:** A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other façade material, semitransparent skylight systems, roofing materials, and shading over windows primarily intended for producing electricity for onsite use.

**Solar Energy System, Ground Mounted:** A system of solar panels installed on the ground, rather than on a roof.

**Solar Energy System, Large Scale:** A Solar Energy System that produces energy primarily for supplying more than 25 kW of electrical energy into a utility grid for wholesale or retail offsite sale or consumption whether generated by photovoltaics or building-mounted.

**Solar Energy System, Roof Mounted:** A Solar Energy System located on the roof of any legally permitted building or structure that produces electricity for onsite or offsite consumption.

**Solar Energy System, Small Scale:** A roof-mounted, building-integrated, or ground-mounted solar energy system or solar thermal system servicing primarily the building or buildings on a parcel on which the system is located for on-site consumption for either residential or business use, and limited to building-integrated, roof-mounted, and ground-mounted solar collectors that produce up to 25kW of electricity.

**Solar Thermal System:** Uses sunlight to create heat. This heat can be used for a variety of purposes, including water heating, space heating, and electricity generation.

**Street, Private:** A deeded, established or proposed route, other than a public street, which affords vehicular access to one or more lots.

**Street, Public:** An established route for vehicular traffic which, under applicable law, constitutes a municipal, state, or federal highway.

**Street Right-of-Way:** The extreme margins of potential development of a street, as determined by deed, dedication, or other public record.

**Structure:** Anything constructed, prefabricated, or built; or building of any kind, which requires location on the ground, or is attached to something having a location on the ground, including but without limitation, swimming pools, covered patios, towers, poles, sheds, signs, tanks, etc. excepting outdoor areas, such as paved areas and walkways.

**Telecommunication Tower:** A structure, including but not limited to monopoles, lattice towers, or guyed towers, designed and constructed to support antennas or other communication devices for the transmission or reception of radio frequency signals, microwaves, or other wireless communications. This definition includes the tower, its associated base station, support structures, and any accessory equipment or facilities necessary for operation. It does not include structures such as utility poles, church steeples, or water towers that are not constructed primarily for communication purposes but may incidentally support wireless equipment.

**Temporary Sign:** A sign intended for short-term use, not to exceed 60 days, often made of non-durable materials such as fabric, paper, or plastic. For the purposes of this Law, temporary signs shall not include election signs.

**Tiny Home:** A dwelling unit that is built as a structure and not on a trailer or chassis that is intended to be used as a stationary continuously occupied dwelling unit and that is less than or equal to 400 square feet in total floor area, but not less than 200 square feet of total floor area.

**Transient Guest:** Any person visiting or residing in the Village of Croghan for a period of less than thirty (30) days.

**Unified Solar Permit, NYS:** A permit that allows municipal authorities to streamline the permitting process while providing a consistent and thorough review of solar photovoltaic (PV) applications and installations. Adoption of the New York State Unified Solar Permit process combines a standardized building and electrical permitting process for Grid-Tied, small-scale solar PV installations under the New York State Energy Research and Development Authority (NYSERDA) program, to benefit both the municipality having jurisdiction and the applicant. Applicable to Lewis County Local Law No. 3 of the Year 2017.

**Universal Design Standards:** The design and production of buildings that promote equal opportunity for use by individuals, whether or not they have a disability. At a minimum, this shall include no-step ground entryways (for wheelchairs), wide interior doors and hallways, bright lighting, handles with a lever (versus knob), light controls operated with large panels (versus toggle switch), and grab bars in bathrooms.

**Use, Principal:** The specific purpose for which land or a building is designed, arranged, or intended, or for which it is principally utilized.

**Vermin:** A general term for animals, insects, or invertebrates that may be considered harmful to humans and their property.

**Wall Sign:** A sign attached directly to a building façade, parallel to the wall surface.

**Window Sign:** A sign inside of a building but intended to be viewed from the outside.

**Zoning Enforcement Officer (ZEO):** An individual designated by resolution of the Village Board to assume, undertake, and exercise the duties and responsibilities as provided for this office in this law.

**Zoning Permit:** A permit issued under this law allowing the alteration or construction of a use after approval.

Village of Croghan Zoning Law: Attachment 1

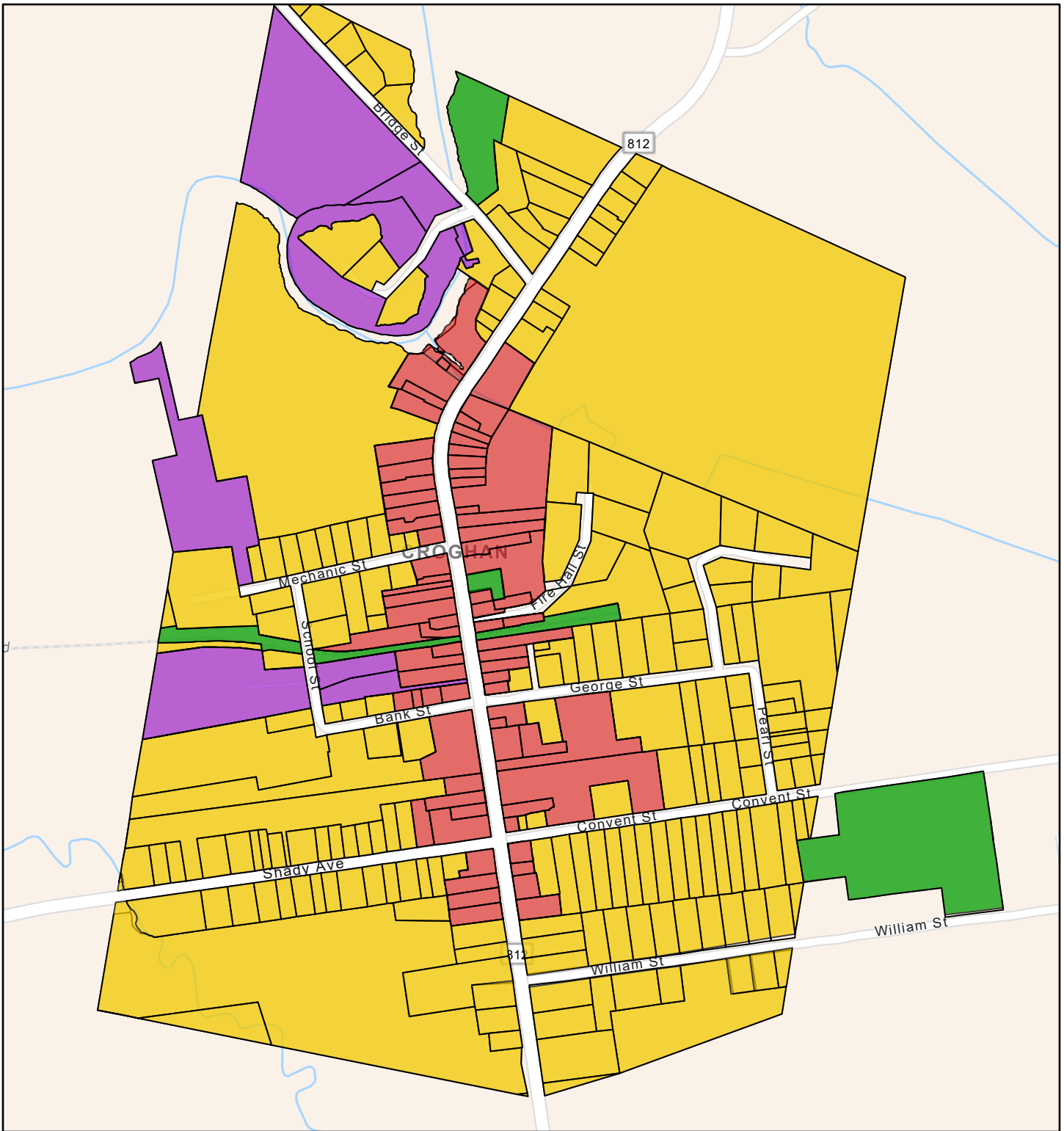
**Schedule A: Permitted Uses**

USE	DISTRICTS			
	R	VC	I	P
Accessory Use	Z	Z	Z	Z
Accessory Structure	Z	Z	Z	Z
Accessory Dwelling Unit	SPR	SPR		
Adult Entertainment			SUP	
Agricultural Use	Z	Z		
Battery Energy Storage System				
Bed & Breakfast	SPR	SPR		
Boarding House	SUP	SPR		
Campgrounds				SPR
Cemetery				Z
Commercial Use		SPR	SPR	
Community Building	Z	Z	Z	Z
Composting Facility			Z	
Dwelling, Single-family	Z	Z		
Dwelling, Two-family	Z	Z		
Dwelling, Multifamily	SUP	SUP		
Essential Facilities	Z	Z	Z	Z
Factory Manufactured Home (Modular Home)	Z			
Fence	Z	Z	Z	Z
Home Business, Minor	Z	Z		
Hotel		SUP		
Industrial Use			SPR	
Inn		SUP		
Light Industrial Use		SUP	SPR	
Junk Vehicle (s), Junkyards, Junkyard Items				
Manufactured Home (Mobile Home)	Z	Z		
Mining				
Mixed Use Development		SUP		
Manufactured Home Park	SUP			
Motel		SUP		
Mural		Z	Z	
Parking Lot		Z	Z	Z
Resort		SUP		
Restaurants/Bars		SUP		
Short-Term Rental	SUP	SUP		
Smoke Shop/Tobacco Store			SUP	
Solar Energy System, Agriculture	Z			
Solar Energy System, Building Integrated	Z	Z	Z	
Solar Energy System, Large Scale				
Solar Energy System, Roof Mounted	Z	Z	Z	
Solar Energy System, Small Scale	Z	Z	Z	
Telecommunication Tower		SUP	SUP	SUP
Tiny Home	Z			






**Z** = Zoning Permit Required | **SPR** = Zoning Permit and Site Plan Review Required | **SUP** = Zoning Permit, Site Plan Review, and Special Use Permit Required | **Blank** = Prohibited in Zone

**Any use not listed is assumed to be prohibited.**

Attachment 2  
Village of Croghan Zoning Map

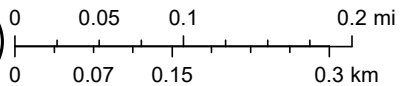


Adopted XX/XX//2025

- |  |  |
|--|--|
|  Village Center District   |  Park District        |
|  Industrial District       |  Residential District |
|  Lewis County Parcel Data |  |



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Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community