

## **PART V - APPENDICES**

VILLAGE OF SPECULATOR  
PART V

LAND USE CODE  
APPENDICES

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## APPENDIX 'A' - BOARD OF APPEALS

A Board of Appeals consisting of three (3) members shall be established by the Village Board to carry out the duties prescribed for such Board under this Code and according to the applicable provisions of law; the members of which Board shall be appointed by the Mayor subject to the approval of the Village Board.

### I. Powers and Duties

A. The Board of Appeals shall prescribe such rules for the conduct of its affairs as may be necessary to carry out its duties under this Code and all its determinations shall be made in accord therewith. In particular, the Board shall conduct itself according to the following:

1. Meetings - All meetings of the Board of Appeals shall be held at the call of the Chairman and at such times as a majority of the members of the full Board may determine. All meetings shall be conducted in accord with the guidelines established by the Chairman, or in his absence, the acting Chairman, and such Chairman may administer oaths and compel the attendance of witnesses.
2. Records - The Board shall keep minutes of its proceedings, including its examinations, findings and official actions and shall record the vote of each member upon every question put to vote or, if absent or failing to vote, indicating such fact. All decisions of the Board shall be recorded in the minutes which shall fully set forth the reasons for the decision of the Board and the findings of fact on which the decision was based, and an appropriate record of every official determination of the Board shall be on file in the office of the Board, together with all documents pertaining thereto. The Board of Appeals shall notify the applicant, the Enforcement Officer, Village Clerk and the Planning Board of all official actions.
3. Voting Requirements - The concurring vote of a majority of the full membership of the Board of

Appeals shall be required to constitute an official action by the Board.

4. Eligible Applicant or Appealee - An application or appeal to the Board of Appeals may be initiated by any person or party aggrieved under, or with a legitimate interest in, this Code, including the Village and its official instruments. An appeal for an interpretation or variance may be made only after a determination and notification of action taken by the Enforcement Officer or other body of original jurisdiction, except where such appeal is initiated by an official instrument of the Village.

B. The Board of Appeals shall have all the powers and duties prescribed by law and by this Code and may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made and to that end shall have all the powers of the officer or body from whom the appeal is taken. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Code, the Board of Appeals shall have the power in passing upon appeals, to vary or modify the application of any of the regulations or provision of this Code relating to the use, construction or alteration of buildings or structures, or the use of land, so that the spirit of the code shall be observed, public health, safety and welfare secured and substantial justice done. In particular, the powers of the Board of Appeals are as follows:

1. Interpretation - To decide any question involving the interpretation of any provision of this Code, including determination of the exact location of any zoning district boundary if there is uncertainty with respect thereto, or any other determination made in the administration or application of this Code. Such interpretation shall be considered and rendered by the Board only upon application or appeal following and based upon a determination made by the Enforcement Officer or other body to whom original jurisdiction has been assigned under the

Code; except as such may be requested by an official instrument of the Village.

2. Variance - To vary or adapt the strict application of any of the requirements of this Code where strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. No variance in the strict application of any provision of this Code shall be granted by the Board of Appeals unless it finds:

a. Because of the exceptional narrowness, shallowness, shape or area of the specific parcel, or location of the specific parcel, the strict application of the provisions of this Ordinance actually prohibit or unreasonable restrict the use of the land or building for which such variance is sought, that the granting of the variance is necessary for the reasonable use of such property, and that the variance granted by the Board is the minimum variance that will provide for the reasonable use of the property; or

b. The granting of the variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the owner, which conditions are peculiar to such land or buildings in the vicinity or neighborhood and have not resulted from any act of the applicant subsequent to the adoption of this Ordinance; and

c. In any case, the granting of the variance will be in harmony with the intent and purpose of this Ordinance, and will not constitute, in effect, an amendment of any district regulations or boundaries or uses, and will not be injurious to the neighborhood.

## II. Procedure

A. The Board of Appeals shall act in strict accordance with the procedures specified by law and by this Code and shall be in accord with the following:

1. Application - All appeals and applications made to the Board of Appeals shall be in writing, in the form prescribed by the Board. Every appeal or application shall refer to the specific provisions of the Code involved and shall exactly set forth the interpretation that is claimed, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. Such appeal shall be taken within thirty (30) days of the date of notification of the determination which is being appealed by filing with the Board of Appeals a notice of application or appeal specifying the grounds thereof. Upon such application, the Enforcement Officer shall transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.
2. Stay - An appeal stays all proceedings in furtherance of the action appealed from unless the Enforcement Officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal shall have been filed with him that by reason of acts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Enforcement Officer from whom the appeal is taken and on due cause shown.
3. Notification and Public Hearing - The Board of Appeals shall fix a reasonable time for any public hearing in connection with an appeal or application and shall give public notice thereof by publication in the official paper of a notice of such public hearing at least ten (10) business days prior to the date thereof; and shall, at least ten (10) business days before such public hearing, mail notice thereof to the applicant or appealee.
4. Referrals - Prior to the date of any public hearing, required by law on an application or appeal to the Board of Appeals, the Board shall transmit to the Planning Board a copy of said application or appeal, together with notice of the aforesaid public hearing and shall request that the Planning Board submit to the Board of Appeals its advisory opinion on said

application or appeal; and the Planning Board shall submit a report of such advisory opinion prior to the date of said public hearing. The Planning Board in its advisory opinion shall state the reasons for denial and whether the Board feels the use, structure or sign proposed is appropriate in the proposed location. In addition, where any appeal for variance involves lands within five hundred (500) feet of an adjoining municipality, State or County property or right-of-way, the appeal shall be referred to the Hamilton County Planning Board and acted upon in accord with the requirements of the applicable provisions of Section 239A of the General Municipal Law.

5. Decision and Notification - Within sixty-two (62) days from the date of any public hearing, the Board shall render a determination with respect to the subject under consideration, and the applicant or his authorized agent so notified in writing within five (5) business days of the date of determination. Every decision of the Board of Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board on file in the office of the Board, together with all documents pertaining thereto. The Board of Appeals shall notify the Enforcement Officer, Village Clerk and the Planning Board of each interpretation rendered and variance granted under the provisions of this Code.

## APPENDIX 'B' - REQUIRED SUBMISSIONS

Required plans, data and subdivision plats to be submitted in accord with the procedures as outlined in the respective Local Laws constituting this Code shall be in accord with the requirements of Article 9, Section 334 of the Real Property Law, where applicable, and shall be prepared according to the following; except as they may be specifically waived by the Planning Board or Enforcement Officer, as is applicable.

### I. Building/Use Permit

A. Site Plan - A minimum of two (2) copies and such additional copies as the Enforcement Officer may specify, to scale, to include:

1. Location map showing boundaries and dimensions of the parcel or tract of land, contiguous properties, zoning districts and any easements or public rights-of-way.
2. Existing features of the site including existing land use, land and water areas, existing buildings and water or sewer systems on or immediately adjacent to the site, and surface drainage characteristics.
3. Delineation of proposed location and arrangement of buildings or installations on the site.
4. Sketch of any proposed building or structure, including exterior dimensions and elevations of front, side and rear view.

B. Accompanying Data - To include the following:

1. Application and required fee, if any.
2. Name and address of applicant and any professional advisors.
3. Authorization of owner if applicant is not the owner of the property in question.
4. Description of materials and method of installation for any equipment or installation for which the Permit is being sought.

5. Results of any required on-site investigation including percolation test, where applicable.

C. Special Considerations - To include, where applicable:

1. Such additional information, data and analysis as the Enforcement Officer or Planning Board may reasonably specify in their review of any proposal governed by this Code.

## II. Certificate of Compliance

A. Application and required fee, if any - made at the time of application for the Building/Use Permit.

B. Upon notification of project completion, the following shall be submitted to supplement the application:

1. Copy of approved application for Building/Use Permit with any change in the course of construction noted thereon.

2. Certification by the applicant that all improvements were carried out in accord with the approved Building/Use Permit.

3. Any other certification as may be applicable, including that from any professional advisor, builder or contractor, as required by the Enforcement Officer.

## III. Sketch Plan

A. Site Plan - Two (2) copies, to scale, to include:

1. Location of proposed project in the Village, boundaries of the tract, contiguous properties, zoning districts and any easements.

2. Existing features consisting of land use, land and water areas and other important elements of the site.

3. General layout showing conceptual street, lot and building arrangement.

B. Accompanying Development Data - to include the following:

1. Total acreage of tract.
2. Proposed timetable or stages for sale or development.
3. Type of project, e.g.; sale of lots, buildings, condominiums.
4. Existing and proposed utilities and service facilities.
5. Proposed number of lots, typical lot size, number of units, overall density.
6. Names and addresses of owner, subdivider or developer and professional advisors.

#### IV. Preliminary Plat/Plan

- A. Site Plan - minimum of four (4) copies at a minimum scale of 1" = 100'; Preferred scale of 1" = 40', to include:
  1. Title, scale, north arrow and date.
  2. Tract boundaries and owners of record of adjoining properties.
  3. Topographic data based on USGS or equivalent and other site characteristics including soils, drainage and tree cover.
  4. Existing land use on and immediately adjacent to the parcel.
  5. Lot layout or building arrangement.
  6. Street layout, including right-of-way and improved surface widths and suggested street names.
  7. Location and description of utilities on and adjacent to the tract and proposed connection thereto; or alternative means of water supply, sewage disposal, electric, telephone and other service facilities.
  8. Location, dimensions and purpose of any easement.
  9. Existing drainageway and provision for collecting and discharging surface drainage and runoff.

10. Location, dimension and description of land or facilities to be dedicated or reserved for public use.
11. Off-street parking and service areas.
12. Landscaping and site amenities.

B. Accompanying Development Data - To include the following:

1. Application and required fee, if any.
2. Description of existing and proposed utilities and service facilities, including documentation from on-site investigation, detailing type, size and arrangement for connection to any existing system.
3. Lineal feet of streets, acres in recreation or open space areas.
4. Description and count of all trees to be removed or within twenty-five (25) feet of the edge of the improved travel surface of any roadway or other area where the natural contour is to be altered which are of eight (8) inch caliper or more as measured at designated breast height.
5. Signs, including type, location and size.
6. Restrictive covenants and arrangements for maintenance and operation of common facilities, if any.
7. Evaluation of Development Considerations as set forth in Appendix 'C', where applicable.

V. Final Plat/Plan

A. Site Plan - A minimum of four (4) copies in addition to the original, scale to be same as for Preliminary Plat/Plan unless otherwise approved, to include:

1. As required for Preliminary Plat/Plan.
2. Tract boundary lines, right-of-way lines, easements and individual lot lines with accurate dimensions, bearings, radii, arcs, and central angles of all curves and location and description of all monuments.

3. Reference to adjoining platted land or names of owners of record of unplatted lands.
  4. Topographic data showing contours at a minimum of two (2) foot intervals related to USGS or other permanent bench mark where natural contours are to be changed; otherwise at five (5) foot intervals.
  5. Typical cross sections of streets, including pavement, shoulders, ditches, and walks and cross sections of drainage easements, as necessary.
  6. Profiles of street centerlines showing vertical curve data, slope of tangents and elevations of street intersections and other critical points.
  7. Profiles of water distribution lines and storm and sanitary sewers, if any, showing diameter of pipe and distance between individual lines, manholes and catch basins.
  8. Preliminary drawings for buildings to be constructed, if any, including floor plans, exterior elevations and sections.
  9. Landscaping, lighting and all site improvements, including final grading plan where natural contours are changed beyond the road and building area.
- B. Accompanying Development Data - To include the following:
1. Application and required fee, if any.
  2. As required for Preliminary Plat/Plan.
  3. Certification of title showing that applicant is the landowner.
  4. All drawings to be appropriately signed and sealed by a licensed professional engineer, licensed surveyor, architect and/or landscape architect as is appropriate and as is otherwise required by law.
  5. Protective covenants in form for recording, including covenants governing the maintenance of unceded public space or reservations.

6. Offers of cession dedicating streets, easements, open space and other facilities.
7. Copies of agreements showing the manner in which areas reserved by the subdivider are to be maintained.
8. Sufficient building dimensions and data to assure that applicable provisions of the N.Y.S. Building Construction Code and Multiple Residence Law will be complied with, where applicable.
9. Detailed drawings and specifications for water supply, storm water disposal, sanitary sewage disposal and any other required facilities, services or installations.
10. Preliminary approval by the N.Y.S. Department of Health or Department of Environmental Conservation, as applicable, of sewer and water facility drawings and proposals.
11. All offers of cession, deeds, abstracts and easements for any street, sewer, water or other facilities, as approved by the Village Attorney.
12. Any other data as may be required by the Planning Board, Village Board or Board of Appeals in the administration and enforcement of this Code.

#### VI. As-Built Drawings

- A. As-built drawings shall be filed upon completion of any underground installations or any facility or improvements, other than a roadway or recreation area, to be offered for cession to the Village.

## APPENDIX 'C' - DEVELOPMENT CONSIDERATIONS

The following types of considerations shall be applied, to the extent that they are applicable, in a manner that reflects the size, nature and public interest as these factors relate to any use or project considered under the Subdivision, Planned Development, Conditional Use or Class 'A' or 'B' Regional Project or Subdivision review processes of this Code.

Adequate information shall be submitted and the responsible Village body shall evaluate the types of development considerations outlined following in order that any undue adverse impact on the natural, physical, social and economic resources of the Village may be avoided. The accompanying Zoning Map No. 3 - 'Development Considerations' is a partial inventory of these features, depicting those most readily mapped natural resource considerations to assist in this assessment.

### I. General Development Considerations

A. The proposed use or project shall be reviewed to determine:

1. The need for the proposed project, including any market or feasibility study that may be appropriate to the proposed project.
2. The extent to which the proposal is consistent with the stated purposes of the Village Plan and the process according to which the use or project is being considered.
3. The relationship of the proposed project to the standards of the existing zoning district, including, but not limited to, overall density and types of uses to be accommodated.
4. The relationship of the proposal to the existing land use makeup and character of areas immediately adjoining or likely to be impacted by the proposal.
5. The relationship of any principal and accessory building(s) on the proposed site to one another and to other structures and uses in the vicinity as well as to the natural features of the site and historic or cultural sites and structures in the area.

6. The provision for satisfactory accommodation of all utilities including surface runoff, water supply, sanitary sewage disposal, and any others that may be anticipated or necessary.
  7. The provision for open space and any appropriate recreational facilities in the proposed project, including adequate assurances for their maintenance and continuation.
  8. The amount of traffic to be generated and the provisions for adequately handling such volumes, as well as traffic circulation features within the site including the amount of, location of, and access to automobile parking and any service areas.
  9. The overall sensitivity of the proposed project to the neighborhood and the site and its provisions for the location, size and type of any signing, lighting and landscape features.
- B. It shall be the objective of the reviewing body to take into account whether or not the proposed use or project satisfies, to an appropriate degree, the objectives of the Village Plan and this Code relative to the factors outlined above, and based on their findings, and on the additional development considerations which follow, to render their determination accordingly.

## II. Natural Resource Considerations

- A. The recognition and satisfactory accommodation of important natural and physical limitations and opportunities of the site will be determined and will include consideration of and likely impact on the following:
1. Ground and Surface Water Characteristics - including water quality, supply, recharge, flow and runoff patterns, water table, sedimentation, siltation and eutrophication.
  2. Landforms, Elevation and Slope - including aesthetics, slippage, erosion, fragile ecosystems and drainage patterns.

3. Soil and Subsurface Characteristics - including absorption qualities, erosion, depth to bedrock and mineral resources.
  4. Forest and Vegetative Cover - including commercial forest lands, visual factors and screening, exposure to erosion and wind-throw, wildlife habitat and rare plant communities.
  5. Air Quality - including levels of pollution, prevailing wind directions, natural buffers, abatement devices.
  6. Noise Levels - including standards promulgated by the Department of Environmental Conservation and the Environmental Protection Agency under the Noise Control Act of 1972, as well as provision for natural buffers and relationship to surrounding uses.
  7. Scenic Views and Visual Considerations - including scenic vistas, travel corridors, relationship between natural and man-made features and screening.
  8. Critical Resource Areas - including unique plant and animal habitats, proximity of State lands, travel and river corridors, flood hazard areas, wetlands and elevations of 2,500 feet or more.
  9. Fish and Wildlife - including native habitat and population levels.
- B. It shall be the objective of the reviewing body to take into account the relationship and likely affect of a proposed use or project relative to the above considerations and to guide development in a manner that reflects the existing natural resource constraints of the site and the need to adequately protect and preclude a negative impact upon the Village's natural resources.

### III. Governmental Service and Impact Considerations

- A. The initial and projected requirements of the proposed use or project relative to the following will be determined:

1. Town/Village Sewer and Water Systems - including capacity for service and responsibility for connections and maintenance.
  2. Health Services - including availability, distance, capacity and arrangement.
  3. Public School System - including initial and projected enrollment relative to school plant capacity and any schedule for expansion, as well as school bus routes.
  4. Town/Village Recreation Facilities and Services - including location, capacity and contribution.
  5. Fire/Police Protection - including requirements, distance and any special considerations.
  6. Village Street System - including assumption of responsibility, traffic flow, access/egress, and relationship to future extensions or connections.
  7. Tax Base - including contribution to and likely burden on Village, school and special districts.
- B. It shall be the objective of the reviewing body to take into account the ability of the responsible unit of government to provide the services and facilities that will be required by the use or project under consideration and to guide development in a manner that reflects the physical capacity of the service system or facility and the financial capacity of the responsible unit of government to respond to additional requirements generated by such use or project.

## APPENDIX 'D' - DEFINITIONS

- I. For the purpose of this Code, certain words and terms used herein shall be interpreted or defined as follows:
  - A. Unless otherwise defined herein, words and terms used in the Code shall be interpreted to have their customary meaning.
  - B. Further, words in the present tense include the future tense; the singular includes the plural; the word 'person' includes a corporation as well as an individual; the word 'lot' includes the word 'plot' or 'parcel'; the word 'shall' is always mandatory; and the word 'used' or 'occupies' as applied to any land or building shall be construed to include 'intended, arranged, or designed to be used or occupied'.
  - C. Upon application, the precise meaning and application of any word or term used in this Code shall be as determined by the Board of Appeals as provided for under its power of interpretation.
- II. The interpretation of certain words and terms under this Code shall include the following:

ACCESSORY USE: A use customarily incidental and subordinate to the principal use or building and consistent in use with the permitted principal use.

BASEMENT: A story partly underground but having at least one-half of its height above the average level of the adjoining ground.

BUILDING: Any roofed structure intended for the shelter, housing or enclosure of persons, animals or property.

BUILDING, ACCESSORY: A supplemental building, the use of which is incidental to and consistent in use with that of the principal building and located on the same lot therewith. On a piece of property deemed to be a single lot, accessory buildings may include garages, storage sheds, playhouses, boathouses, guest cottages, etc. Accessory buildings may not have a bathtub, shower or kitchen/cooking facilities. Accessory buildings are limited by Code to one and one-half stories, maximum 22 feet in height. Vehicles, including vans, semi-trailers, trucks, truck

bodies, house trailers, mobile similarly-constructed units shall not be deemed to be accessory buildings and shall not be used for purposes generally associated with accessory buildings.

**BUILDING AREA:** The total ground floor area of a principal building and accessory buildings exclusive of uncovered porches, steps and terraces.

**BUILDING, DETACHED:** A freestanding building surrounded by open space on all sides and not physically joined to another building.

**BUILDING FRONT:** That side of any building facing a public street as designated on any application for a Permit by the applicant providing, however, that any building shall have only one designated front for the purpose of computing and applying any applicable requirement or standard under this Code.

**BUILDING HEIGHT:** The vertical distance (not to exceed 38') measured from the average level of the proposed finished grade across the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gambrel or peaked roofs.

**BUILDING LINE:** A line parallel with the front, side and rear lot lines, respectively, beyond which a principal building or use may not extend as determined by this Code.

**BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the lot on which said building is situated.

**BUILDING/USE PERMIT:** The instrument of authorization as required under the provisions of this Code prior to the initiation of any action requiring such authorization and subject to the requirements and procedures specified for the action under consideration.

**BUSINESS, PROFESSIONAL OFFICE:** An office in which is conducted a professional or business occupation of a service character and not involving the sale of merchandise or stock-in-trade.

**CELLAR:** A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground.

CERTIFICATE OF COMPLIANCE: The instrument of verification as required under the provisions of this Code, subsequent to the completion of any action for which a Building/Use Permit was required and prior to the use or occupancy of the land or building to which the Permit pertained.

COMMERCIAL EXCAVATION: A parcel or part thereof used for the purposes of extracting stone, sand, gravel or topsoil as a commercial product and exclusive of the process of site improvement or alteration preparatory to the location of a building or use for which a Building/Use Permit has been issued.

COMMERCIAL RECREATION/TOURIST ATTRACTION: Any man-made or natural place of interest open to the general public and for which an admittance fee is usually charged, including but not limited to, alpine ski area, cross country ski trail systems, golf courses, and natural geological formations.

CONDITIONAL USE: A use that would not be appropriate generally or without restriction throughout a zoning district but which, if controlled as to number, area, location or relation to the neighborhood, may be permitted in certain zoning districts if specific provision for such conditional use is made in the Zoning Regulations of this Code to the standards and process therein required.

CONDOMINIUM: A legal arrangement involving a combination of two kinds of ownership of real property:

- a. fee simple ownership of the individual structure or part thereof, and
- b. undivided ownership together with other purchasers of the common elements of the structure, land and appurtenances, the management of which is controlled by a property owners' or like association.

CONVENIENCE STORE: A retail business establishment offering for sale to the public various and sundry items as usually found in a general store, including, but not limited to, dairy products, breads and cake, snacks, film, camping supplies, beer, soda, etc. It shall not be an 'Eating, Drinking Establishment' as defined in Part V, Appendix D, but hot drinks, doughnuts, snacks, etc., may be made available on a self-service basis. The retail sale of motor vehicle fuel is allowed as an ancillary use so long as the establishment is not a 'Gasoline Station' as defined in Part V, Appendix 'D'.

DEVELOPMENT CONSIDERATIONS: Those factors pertinent to the evaluation of projects and uses as called for in the respective portions of this Code as set forth in Appendix 'C'.

DOCK, EXTENDED: Any dock which exceeds six feet in width, five feet above water level or is extended to water over four feet deep at usual summer levels. Such docks shall require a permit after review and approval by the Planning Board, which may reject the proposal based upon Section 3, "Purpose" of the Code.

DOCKS, STANDARD: An open structure extending into a lake, pond or river to provide access for boating, swimming, fishing, etc., and which is removed from the water each fall, is no more than six feet wide and extends into the water body no further than that length necessary to reach a water depth of three feet except that no dock shall intrude into a river or stream more than one-third of the way across any river or stream. Except for a handrail and support posts, no portion of the dock shall be higher than the walking surface of the dock.

DWELLING, DOUBLE WIDE: Two or more new factory fabricated units which are designed to be joined together to make a dwelling unit and which are transported to the site, by means of a chassis which is an integral part of the unit, where they are placed on a permanent foundation and joined permanently to make a dwelling unit. The foundation shall be full perimeter of concrete construction on a footing, the bottom of which, shall be no less than four feet below finished grade. All trailer hitches, heels, and springs must be removed so that no portion shall be visible from outside the foundation. The completed dwelling unit shall have a certifying label and a data plate conforming to New York State standards as expressed in Article 3, Chapter D of the New York State Uniform Fire Prevention and Building Code.

DWELLING, GROUP: A building or portion thereof designed primarily for residential purposes for year-round or seasonal occupancy by more than three (3) persons not constituting a family, with or without common dining facilities, constituting one or more complete dwelling units.

DWELLING, MULTIPLE-FAMILY: A building or portion thereof designed for year-round or seasonal occupancy, containing separate dwelling units for three (3) or more families living independently of each other. It does not include hotels, motels, campsites or rooming and tourist homes.

DWELLING, ONE-FAMILY: A detached dwelling unit designed for year-round or seasonal occupancy by one family only. It does not include a mobile home, temporary or transitory accommodations. One-family dwellings shall be constructed in accord with the provisions of Chapter B of the New York State Uniform Fire Prevention and Building Code.

DWELLING, SECTIONAL: Two or more factory fabricated units, which are transported to the site by means of a trailer or dolly which is not a permanent part of the structure and is removed from the building site after the units are placed on a permanent foundation and are joined together to make a dwelling unit. The dwelling unit and the foundation shall be constructed to conform to the requirements of the New York State Uniform Fire Prevention and Building Code. Chapter B 'Building Construction' and Chapter D 'Manufactured Housing' Article 2 'Factory Manufactured Homes'. The term 'sectional' shall include the term 'modular' and such units shall be considered a one-, two- or multiple-family dwelling as is appropriate in the context of this Code.

DWELLING, TWO-FAMILY: Attached dwelling units designed for year-round or seasonal occupancy by two families living independently of each other. It does not include a mobile home, temporary or transitory accommodations. Two-family dwellings shall be constructed in accord with the provisions of Chapter B of the New York State Uniform Fire Prevention and Building Code.

DWELLING UNIT: A building or portion thereof providing housekeeping facilities for one family, including living, sleeping, cooking and sanitary facilities and constructed in accord with the applicable standards of this Code.

EASEMENT: The legal and binding assignment of interest by deed or contract for the specified use of a designated portion of property to other than the landowner.

EATING, DRINKING ESTABLISHMENT: A business or commercial activity designed primarily for the preparation and distribution or consumption of food and/or beverage, for consumption on the premises.

ENFORCEMENT OFFICER: The duly designated official responsible for enforcing this Code as prescribed herein. The duties of such Enforcement Officer may be assigned to a Building Inspector, Health Officer, Zoning Officer, Highway

Superintendent, Village Engineer or others as directed by the Village Board.

EXEMPT BUILDING/USE: A minor ancillary structure or use such as a play or tree house, play equipment, outdoor barbecue, wood storage rack, a dog house and like facilities common to and generally not affecting the principal use of the premises in any significant manner. Such structure or use shall not require a Permit under this Code and shall not be counted against the allowable number of, or area to be occupied by, accessory buildings or uses, but shall otherwise comply with all requirements of this Code related thereto.

FAMILY: One or more persons occupying the premises related by blood, marriage or adoption, living as a single housekeeping unit, as distinguished from a group occupying rooming house, club, fraternity, hotel or commune.

FINAL PLAT/PLAN: The final map or drawing and supplementary information as required in Appendix 'B' which plan of subdivision or project development is presented to the appropriate Village instrument for final approval.

FISHING/HUNTING CLUB: Land and necessary appurtenant facilities for use by a membership club or organization and permitted guests for fishing and/or hunting purposes. Such land and buildings need not have frontage on or public access to a public highway or body of water.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers or other inland areas of water.

FLOOD HAZARD AREA: A land area adjoining a river, stream, watercourse or lake, which is likely to be flooded during a 100-year flood as depicted by the U. S. Department of Housing and Urban Development.

FLOOD, 100-YEAR: The highest level of flood that, on the average, is likely to occur once every 100 years (i.e., a one (1) percent chance of occurring each year).

FLOOD PLAIN MANAGEMENT: The operation of an overall program of corrective and preventative measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and land use and control measures.

FLOODPROOFING: Any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.

FLOOD PROTECTION ELEVATION: The 100-year flood elevation.

FLOODWAY: The channel of a river or other watercourse and the adjacent land area required to carry and discharge a flood of a given magnitude.

FLOOR AREA: The sum of a gross horizontal areas of the several floors of the building or buildings, measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings.

FOREST PRACTICES: The production, management and harvest of forest and woodland products including related research and educational activities. Such term shall include the construction and maintenance of directly related structures for the storage of materials and equipment and access trails and roadways.

GARAGE, SERVICE: A building or part thereof operated for gain and used for the storage, selling, renting, servicing, washing or painting and major repair of motor-driven vehicles.

GASOLINE STATION: Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline or oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof. The term 'gasoline station' shall be deemed to include 'filling station' and 'service station'.

HABITABLE SPACE: The space within a dwelling unit occupied for living, sleeping, bathing, eating and cooking purposes and exclusive of a cellar, attic or such other portions of the dwelling unit not generally occupied by the residents of the dwelling unit.

HIGHWAY SUPERINTENDENT: The duly elected or appointed official responsible for overseeing construction and maintenance of the Village street system.

HOME OCCUPATION: An occupation or a profession which is carried on in the dwelling unit or in a building or other structure accessory to a dwelling unit; is carried on by a member of the family residing in the dwelling unit; is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and does not change the residential character thereof. Retail sales of gift, craft, novelty, antique and similar items is permitted.

IMPROVED UNIT AREA: The pad or area of land on which a recreational living unit is to be situated while located in a recreational campsite, which pad or surface area shall be of the size, location and degree of improvement as is required for such areas.

JUNKYARD: Any lot, land or structure or part thereof, used for the collection, storage or sale of waste paper, rags, scrap metal, used or salvaged building or other discarded material, or for the collecting, dismantling, storing and salvaging of machinery or vehicles. It shall mean any place of storage or deposit, whether in connection with another business or not, where three (3) or more unlicensed, old or secondhand motor vehicles, no longer in condition for legal use on the public highways are held, whether for the purpose of used parts or materials therefrom or not. Such term shall include any place of storage or deposit for any such purpose of used parts or waste materials from motor vehicles which, taken together, equal in bulk two (2) or more such vehicles.

LANDFILL, SANITARY: The depositing of refuse in a natural or man-made depression or trench, or dumping it at ground level, compacting to the smallest practical volume, and covering with earth or other material in a systematic and sanitary manner.

LOT: A single and contiguous parcel of land considered as a unit, occupied or capable of being occupied by a principal building or use and accessory buildings or uses, or by a group of buildings united by a common use or interest and responsibility therefor.

LOT AREA: The total area included within front, side and rear lot lines.

LOT COVERAGE: That portion of the lot area covered by building area and expressed as a percentage of total lot area.

LOT LINE: Any line dividing one lot from another or from an established public right-of-way or the shoreline.

LOT LINE, FRONT: The lot line adjoining and separating the lot from any road or highway right-of-way line or the shoreline; or where there is neither, as designated by the applicant.

LOT OF RECORD: A parcel of land described and filed as distinct and separate real property on the latest adopted County tax roll in the Office of the Hamilton County Clerk on, or in conformity with the requirements herein set forth subsequent to, the effective date of this Code.

LOT, UNIMPROVED: A lot on which no building or structure has been constructed or located and on which no excavation, improved driveway or the installation of water supply or sewage disposal systems have been initiated with the intent to serve a building or use allowed for under the provisions of this Code.

LOT WIDTH: The distance between side lot lines measured parallel to the front lot line where such parallel line is a straight line, or the chord of such parallel line where it is curvilinear, at a distance from the front lot line equal to the minimum required front yard specified for the district, except for shoreline lots. See definition of Shoreline Lot Width.

MAJOR LANDFORM, ALTERATION OF: The manipulation or movement, whether by dumping, filling or extracting, of an amount of earthen material to a differential of two (2) feet from the natural contour of the landform over an area in excess of two thousand five hundred (2,500) square feet or one hundred (100) linear feet.

MOBILE HOME: A factory-finished, movable dwelling unit, having a minimum floor area of five hundred (500) square feet, designed and built on frame and wheels to be towed on its own chassis and designed for and providing housekeeping facilities for year-round or seasonal occupancy after being transported to the site. It does not include a recreational living unit. Such unit shall have been designed and installed in compliance with the New York State Code for Construction and Installation of Mobile Homes and Standards, Rules and Regulations for Mobile Homes, effective January 15, 1974, and as it may be amended; (as set forth in Volume 9, Executive (B) of the "Official Compilation of Codes, Rules and Regulations of the State of New York") and further,

any such unit shall bear the required seal noting such compliance.

MOBILE HOME PARK: A parcel of land which is designed and improved for the placement of three (3) or more mobile homes for dwelling purposes and which mobile homes are located on sites rented or leased to the occupants of the mobile homes. The term shall include 'mobile home court' or other area designed and improved for the location and rent of three (3) or more mobile home sites.

NONCONFORMING BUILDING: A building or structure which does not conform to the requirements for location or dimension of such building or structure in the zoning district in which it is situated as regards minimum yard dimensions, maximum height or maximum lot coverage.

NONCONFORMING LOT: A lot which does not conform with the minimum area and/or dimensions required for a specified use in the zoning district in which it is situated and where the owner of said lot does not own any adjoining unimproved property, the subdivision of which could create one (1) or more conforming lots.

NONCONFORMING SITUATION: Any lot, building, use or other action regulated under the provisions of this Code which does not comply with the requirements therefor, but which situation existed legally on the effective date of the applicable provisions of this Code.

NONCONFORMING USE: Use of a building or of land that does not comply with the Standard and Conditional Use regulations for the zoning district in which it is situated and where such use existed legally on the effective date of this Code or its applicable amendment.

OFFICIAL MAP: The map established by the Village of Speculator, if any, pursuant to Village Law showing the streets, highways and parks theretofore laid out, adopted and established by law and any amendments thereto adopted by the Village or additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats. Streets not accepted by the Village as public streets may be shown thereon, but shall be marked as private streets.

OPEN SPACE RECREATION: A recreation activity particularly oriented to and utilizing the natural landscape and outdoor character of an area, including hiking, equestrian, and

recreational vehicle trail; park, picnic or beach area; and similar outdoor, non-intensive structures and uses.

ORGANIZED GROUP CAMP: Land and the use thereof for seasonal or temporary housing and accompanying recreational or educational use, including all accompanying facilities and structures thereon; and including such private and semi-private facilities as boy or girl scout camps, fraternal, service, educational or religious lodge or conference center and nature or conservation center or club.

PERFORMANCE SECURITY: A bond, certified check, letter of credit or other acceptable security to cover the cost of any required improvements, the amount of which shall be established upon recommendation of the Planning Board and as agreed upon by the Village Board, and which shall be further approved as to form, sufficiency, manner of execution and surety by the Village Attorney.

PERSONAL SERVICE: A business or commercial activity involving primarily the application of a technical skill or trade in the attention to one's person or personal effects, as differentiated from a profession or business office, and not involving primarily the sale of merchandise or stock-in-trade.

PRELIMINARY PLAT/PLAN: The preliminary drawing or drawings and supplemental information as required in Appendix 'B' indicating the proposed manner or layout of a subdivision or project to be submitted for consideration to the appropriate Village instrument in accord with the requirements of this Code.

PUBLIC, SEMI-PUBLIC FACILITY, INSTITUTION: A structure, use or land designed and maintained as a public or municipal facility for education, recreation, fire and police protection, and like not-for-profit public and municipal functions, or a public or quasi-public not-for-profit institutional facility designed to provide learning, health, religious or like services.

PUBLIC, PRIVATE UTILITY: A structure, use or land designed and maintained as a public or private utility or service facility in the provision of electric, telephone, radio/television, water and sewer services.

RECREATIONAL CAMPSITE: A parcel of land designed to accommodate ten (10) or more recreational living units or other accommodations for seasonal or other more or less temporary or

transitory living arrangements, including buildings and facilities thereon.

RECREATIONAL LIVING UNIT: A mobile recreational housekeeping unit including travel trailer, pick-up camper, converted bus, tent-trailer, camper-trailer, tent or similar device used for temporary portable housing.

REGIONAL PROJECT: Any Class 'A' or Class 'B' Regional Project as defined by the Adirondack Park Agency Act.

REGIONAL SUBDIVISION: Any Class 'A' or Class "B" Regional Subdivision as defined by the Adirondack Park Agency Act.

RESORT LODGE, CLUB: A premises with facilities thereon for temporary or seasonal housing and associated accommodation, including recreational, educational, conference or convention activities of groups, membership clubs or individuals including sleeping, eating and other related services. Such term does not include motel or tourist cabins designed primarily for overnight sleeping accommodations of the motoring public.

RETAIL TRADE: A business or commercial activity involving primarily the sale of merchandise or stock-in-trade to the public which business or commercial activity shall be conducted from within a permanently situated building.

ROADWAY: A public or private way for vehicular traffic, including the following:

- \* Arterial roadways are those principal through traffic arteries.
- \* Collector roads are those that interconnect and carry traffic between local residential and arterial highways.
- \* Local roadways are those which are used primarily for access to abutting residential properties. A 'cul-de-sac' is a minor roadway with only one outlet and having a turning loop at the closed end.
- \* Frontage or access roads are generally parallel with and adjacent to an arterial highway designed to provide access to abutting properties and protection from through traffic.

ROOF LINE: The lowest point of the top or peak of the structural roof of a building, above which point no sign shall extend or project.

SEWAGE DISPOSAL SYSTEM: An approved method and installation for the proper accommodation and disposal of sanitary wastes. Such

system may include connection to an approved public, community or individual disposal system as provided for in this Code.

SHORELINE: The point at which land and water meet as determined by the mean high water mark of a navigable body of water.

SHORELINE LOT WIDTH: The linear distance of that straight line connecting the side lot lines at their first point of intersection with the shoreline. Minimum lot width as stipulated in Attachment I of the Zoning Regulations shall apply to the shoreline of all shoreline lots.

SIGN: Any device affixed to, painted, or represented directly or indirectly upon a building, structure or land and which directs attention to an object, product, place, activity, person, institution, organization or business. Each graphic display surface shall be considered to be a 'sign'.

SIGN, ADVERTISING: A sign which announces and directs attention to a business, commodity, service or entertainment sold or offered elsewhere than upon the premises where such sign is located.

SIGN AREA: The area of a sign shall be that area as determined by circumscribing the exterior sign structure with the appropriate geometric form connecting all extreme points. The structure supporting a sign is not included in determining the sign area unless the structure is designed in a way to form an integral background for the display. Only one face of a double-face sign is to be considered in determining the area of a sign.

SIGN, BUSINESS: A sign which directs attention to a business or profession conducted or a commodity, service or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

SIGN DIRECTORY: A panel, booth or similar structure identifying and giving direction to business, civic, recreational or other attractions in the Village.

SIGN, DOUBLE-FACE: Any sign designed to be viewed from two (2) directions and which at no point is more than eight (8) feet wide as measured from the exterior surface of each face and the two (2) faces of the sign are either parallel or the angle between them is forty-five (45) degrees or less.

SIGN ERECTION: To build, construct, attach, hang, place, suspend, affix or paint a sign.

SIGN, EXEMPT: A sign which may be placed without a Permit but which shall otherwise comply with the applicable provisions of this Code. Such signs shall include official traffic signs, posting or trespass notices, temporary signs and any official flag, emblem or insignia of a nation, state or municipality.

SIGN, FLASHING: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Code any revolving, illuminated sign shall be considered a 'flashing sign'.

SIGN, FREE-STANDING: A sign which is supported by one (1) or more uprights, poles or braces, or by a base of wood, stone or concrete, in or upon the ground. This definition shall not include a 'portable sign'.

SIGN, ILLUMINATED: Any sign lighted by an exterior or interior light source other than the natural light of day.

SIGN, MOBILE: A sign attached to or suspended from any type of vehicle which is capable of being moved from place to place, whether actually moved or not, either under its own power or by attachment to any vehicle and intended primarily for the display of such sign. Such sign shall not include lettering, or other graphics painted or attached flush to the side or body of service, delivery or other such vehicles.

SIGN, NONCONFORMING: A sign which was legally installed prior to the effective date of this Code, but which is in conflict with the provisions thereof.

SIGN, ON-PREMISE ADVANCE-NOTICE: Any sign which directs attention to, announces, or advertises goods sold or produced, or services used or rendered on the property upon which such sign is located.

SIGN, PORTABLE: A sign that is designed to be movable and is not permanently attached to the ground, a building, a structure or any other sign. A portable sign shall not be deemed to include a mobile sign.

SIGN, PROJECTING: A sign attached to a building, structure or other sign that extends to a distance of more than one and one-

half (1 1/2) feet and not more than six (6) feet from the building, structure or sign to which it is attached.

SIGN STRUCTURE: The standards, supports, uprights, braces and framework of the sign.

SIGN, TEMPORARY: A poster, handbill, flyer or sign erected for a non-permanent purpose such as to announce a forthcoming event or for the purpose of sale, rent or project notification, which sign shall be designed to be removed upon completion or termination of the purpose for which it was temporarily placed.

SIGN, WALL: Any sign attached to, painted upon, or erected against the wall, a building or structure, and not extending more than eighteen (18) inches beyond the building face.

SIGN, WINDOW: A sign maintained in or painted upon a window which is clearly visible to the general public from an out-of-doors position, but not including the customary display of merchandise.

SITE ALTERATION/IMPROVEMENT: The excavation or significant alteration of the site so as to affect surface drainage, removal of significant tree or soil cover or the provision for new or altered access to; but not to include landscaping, minor site work or improvements, or tilling the land for agricultural purposes.

SKETCH PLAN: An informal plan or plat indicating salient existing features of a site and its surroundings, and the general layout of the proposed subdivision or project and such additional information as required in Appendix 'B' of this Code.

STANDARD USE: A use permitted in one or more of the respective zoning districts, upon application for and issuance of a Permit by the Enforcement Officer in accord with the standards applicable thereto.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

STORY, ONE-HALF: That portion of a structure which is above a floor of a building which is deemed to be a story; to be deemed a '1/2 story', that floor of a structure shall have full length, uncut rafters joined at the ridge line and resting on the top

plates of the outer walls of the story below and shall have legal habitable space. The Planning Board shall have review and approval powers to modify this rule to allow full or partial length dormers, dormer windows or 'salt-box' type of construction where one side of the structure on the eaves side may have an exterior wall of a maximum height of eight feet. Any such modification shall be reviewed as a conditional use by the Planning Board.

STRUCTURE: Any permanent man-made building, assembly or installation in conjunction with the principal or accessory use of a lot, other than an exempt building/use, including a building, sign, platform, ski-tow or jump, storage tank, parking garage, boat dock and such similar constructed or assembled objects affecting the principal or accessory use of the property so as to require a Permit under this Code.

STRUCTURE, PRINCIPAL: A primary building, structure or combination of units constituting one (1) such unit of measure as used to compute intensity guidelines under the Adirondack Park Agency Act. In particular, it shall mean any primary structure with floor space in excess of three hundred (300) square feet; each unit of a multiple-family residence; a combination of ten (10) units or fraction thereof for motel or like tourist accommodations with a common wall or detached and with less than three hundred (300) square feet of floor space; and accessory, secondary, or ancillary structures with more than twelve hundred fifty (1,250) square feet of floor space.

SUBDIVIDER: Any person, firm, corporation, partnership or association who shall lay out or otherwise create any subdivision or part thereof as defined herein, either for himself or others.

SUBDIVISION: A subdivision of five (5) or more lots shall be a Major Subdivision, and shall conform with the provisions of Part I, "Subdivision Regulations". A subdivision of two, three or four lots shall be a Minor Subdivision, and shall meet the requirements of Part I, Article II, Sections 8-a., b., and c. The Planning Board shall approve or disapprove Class II Subdivisions using Section 3, Article I - 'Purpose' as guidelines.

SWIMMING POOL: A private, outdoor pool designed and built for swimming purposes as an accessory use on the same parcel as the principal use, for use primarily by the occupants or tenants of said property. Such pools shall include any permanent under- or

aboveground pool and any portable pool more than three (3) feet in height and fifteen (15) feet in length or diameter.

TILE FIELD: An approved leaching or drainage field which is connected to and part of a septic tank or other approved disposal process and which is located and constructed in accord with the requirements of this Code.

TOURIST ACCOMMODATION: A building or group of buildings where overnight guests are lodged for remuneration, and designed primarily to accommodate the motoring public. Such uses may include accompanying eating, drinking and related sales uses as long as a minimum of ten (10) operating rentable units are provided and further, that any such ancillary service uses are directly related and secondary to the principal function of overnight sleeping accommodations.

TOURIST ATTRACTION: A permanent commercial enterprise designed for the entertainment and amusement of tourists but not to include such things as roller coasters, pavilions, haunted houses, arcades, etc. The Planning Board, in its decision to approve or disapprove a proposed tourist attraction shall consider existing land uses and the impact on community character and aesthetics.

TOURIST, ROOMING HOUSE: A dwelling in which overnight accommodations are provided or offered for transient or nonpermanent guests or lodgers for compensation.

USE: The specific purpose for which a building, structure or land is designed, arranged, intended or for which it is or may be occupied or maintained.

USE, PRINCIPAL: The main or primary purpose or activity conducted on the lot.

USGS: United States Geological Survey.

VARIANCE: An authorized departure by the Board of Appeals from the terms of this Code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Code would result in practical difficulty or unnecessary hardship.

VILLAGE ENGINEER: A licensed professional engineer or other individual duly designated by the Village Board to carry out his duties.

VILLAGE, INSTRUMENT OF: The duly appointed or delegated official or body responsible for the administration of this Code or applicable portions thereof, including the Enforcement Officer, Planning Board, Board of Appeals, Village Attorney and Village Board.

VILLAGE PLAN: A comprehensive plan prepared for and by the Village of Speculator setting forth the objectives and policies with regard to that general physical development of the Village, including any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

VEHICLE SALES, SERVICE: A business or commercial activity involving the display, sale and service of automobile, truck, recreational living units, heavy or farm equipment, boat, mobile home and like vehicular or transport mechanism.

WATER, NAVIGABLE BODY OF: A lake, river, reservoir, channel, pond, stream, or other natural or man-made configuration encompassing a quantity and depth of water which make it navigable under normal conditions by canoe or other like small water craft.

WATER SUPPLY SYSTEM: An approved source and connecting supply system for the provision of water for any use required to have such system. Such system may include water derived from approved spring, well, lake or river sources as part of an approved public, community or individual system as provided for in this Code.

YARD DIMENSION, MINIMUM: The required minimum horizontal distance between the road right-of-way, shoreline and side and rear yard lot lines, respectively, and the principal building line as specified in Attachment I on the Zoning Regulations and as elsewhere referred to in this Code. All shoreline lots shall observe the minimum required front yard dimension from the shoreline to the principal building or use.

YARD, FRONT: The open space on the same lot with a building or use between the front line of the building or use and the front lot line, extending the full width of the lot.

YARD, REAR: The open space on the same lot with a building or use between the back or rear line of the building or use and the rear lot line, extending the full width of the lot.

YARD, SIDE: The open space on the same lot with the building or use between the side of the building or use and the side lot line, extending from the front yard to the rear yard.

## APPENDIX 'E' - REGIONAL PROJECTS

Until such time as the Village of Speculator submits, and the Adirondack Park Agency approves, the Village's local land use program or an acceptable portion of such program, the Adirondack Park Agency shall retain jurisdiction over Class 'A' and 'B' Regional Subdivisions and Projects as provided for in the Adirondack Park Agency Act; and the Village of Speculator shall have no responsibility for or formal privilege in the review of such Regional Subdivisions and Projects as they pertain to the requirements of the Adirondack Park Agency Act.

This Appendix and the accompanying Zoning Map No. 4, representing the Adirondack Park Land Use and Development Plan superimposed over the Village Zoning Districts, are designed to be used by the Village and the Park Agency to cross-reference Class 'A' and 'B' Regional Subdivisions and Projects as established by Section 810 of the Adirondack Park Agency Act with the Village Plan and Land Use Code. Part I of the Appendix is a listing of land use and subdivision activities that constitute Class 'A' or 'B' subdivisions or projects under the Park Agency Act and which may or may not be allowed for in some form under the Village Plan and Land Use Code. Part II of the Appendix outlines a coordination and review process between the Park Agency and the Village which shall become effective only upon approval by the Park Agency of the Village's local land use program. Until such time, only such informal means and procedures as the Agency and the Village may establish by mutual agreement shall pertain to the coordination of such Regional Projects.

### I. Class 'A' and 'B' Regional Subdivisions and Projects

A. The following land use activities, by Park Plan classification, are subject to the Class 'A' Regional Review procedure as set forth in the Adirondack Park Agency Act.

#### 1. Hamlet:

a. All land uses and development and all subdivisions of land involving wetlands except for forestry uses (other than timber harvesting that includes a proposed clear-cutting of any single unit of land of more than twenty-five acres), agricultural uses,

public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.

- b. Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in local ordinance or local law.
- c. All land uses and development and all subdivisions of land involving one hundred or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.
- d. All structures in excess of forty feet in height, except residential radio and television antennas.
- e. Commercial or private airports.
- f. Watershed management and flood control projects.
- g. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

## 2. Moderate Intensity Use:

- a. All land uses and development and all subdivisions of land located in the following critical environmental areas - within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law during the period of such designation; involving wetlands; at elevations of twenty-five hundred feet or more; within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry

uses (other than clear-cutting as specified under letter 'I' below), agricultural uses, open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such uses or to any pre-existing use.

- b. Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.
- c. All land uses and development and all subdivisions of land involving seventy-five or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.
- d. Commercial or agricultural service uses involving ten thousand or more square feet of floor space.
- e. All structures in excess of forty feet in height, except residential radio and television antennas.
- f. Tourist attractions.
- g. Ski centers.
- h. Commercial or private airports.
- i. Timber harvesting that includes a proposed clear-cutting of any single unit of land of more than twenty-five acres.
- j. Sawmills, chipping mills, pallet mills and similar wood using facilities.
- k. Mineral extractions.
- l. Mineral extraction structures.
- m. Watershed management and flood control projects.
- n. Sewage treatment plants.

- o. Major public utility uses.
- p. Industrial uses.
- q. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

3. Low Intensity Use:

- a. All land uses and development and all subdivisions of land located in the following critical environmental areas - within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law during the period of such designation; involving wetlands; at elevations of twenty-five hundred feet or more; within one-eighth mile of tracts of forest preserve land now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single family dwelling and accessory uses or structures thereto. Provided however, that the above shall not include forestry uses (other than clear-cutting as specified under letter 'i' below), agricultural uses, open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.
- b. Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at a time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.
- c. All land uses and development and all subdivisions of land involving thirty-five or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.

- d. Commercial or agricultural service uses involving five thousand or more square feet of floor space.
  - e. All structures in excess of forty feet in height, except residential radio and television antennas.
  - f. Tourist attractions.
  - g. Ski centers.
  - h. Commercial or private airports.
  - i. Timber harvesting that includes a proposed clear-cutting of any single unit of land of more than twenty-five acres.
  - j. Sawmills, chipping mills, pallet mills and similar wood using facilities.
  - k. Mineral extractions.
  - l. Mineral extraction structures.
  - m. Watershed management and flood control projects.
  - n. Sewage treatment plants.
  - o. Waste disposal areas.
  - p. Junk yards.
  - q. Major public utility uses.
  - r. Industrial uses.
  - s. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.
4. Rural Use
- a. All land uses and development and all subdivisions of land located in the following critical environmental areas - within one-quarter mile of rivers navigable by boat designated to be studied as

wild, scenic or recreational in accordance with the environmental conservation law during the period of such designation; involving wetlands; at elevations of twenty-five hundred feet or more; within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single family dwelling and accessory uses or structures thereto; within one hundred fifty feet of the edge of the right-of-way of federal or state highways, except for an individual single family dwelling and accessory uses or structures thereto; within one hundred fifty feet of the edge of the right-of-way of county highways designated by rule or regulation of the agency adopted pursuant to subdivision fourteen of section eight hundred nine or in an approved local land use program, as major travel corridors by the agency or local government, except for an individual single family dwelling and accessory uses or structures thereto. Provided however, that the above shall not include forestry uses (other than clear-cutting as specified under letter 'j' below and sand and gravel pits associated with such uses located within one hundred fifty feet of the edge of the right-of-way of the above described travel corridors), agricultural uses (other than sand and gravel pits associated with such uses located within one hundred fifty feet of the edge of the right-of-way of the above described travel corridors), open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such uses or to any pre-existing use.

- b. Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at a time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.
- c. All land uses and development and all subdivisions of land involving twenty or more residential lots,

parcels or sites or residential units, whether designed for permanent, seasonal or transient use.

- d. Commercial or agricultural service uses involving twenty-five hundred or more square feet of floor space.
- e. All structures in excess of forty feet in height, except residential radio and television antennas.
- f. Tourist attractions.
- g. Ski centers.
- h. Commercial seaplane bases.
- i. Commercial or private airports.
- j. Timber harvesting that includes a proposed clear-cutting of any single unit of land of more than twenty-five acres.
- k. Sawmills, chipping mills, pallet mills and similar wood using facilities.
- l. Mineral extractions.
- m. Mineral extraction structures.
- n. Watershed management and flood control projects.
- o. Sewage treatment plants.
- p. Waste disposal areas.
- q. Junk yards.
- r. Major public utility uses.
- s. Industrial uses.
- t. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

5. Resource Management:

- a. All land uses and development and all subdivisions of land located in the following critical environmental areas -
- within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law during the period of such designation;
  - involving wetlands; at elevations of twenty-five hundred feet or more;
  - within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single family dwelling and accessory uses or structures thereto;
  - within three hundred feet of the edge of the right-of-way of federal or state highways, except for an individual single family dwelling and accessory uses or structures thereto;
  - within three hundred feet of the edge of the right-of-way of county highways designated as major travel corridors by rule or regulation of the agency adopted pursuant to subdivision fourteen of section eight hundred nine or in an approved local land use program, except for an individual single family dwelling and accessory uses or structures thereto, *provided however*, that the above shall not include forestry uses (other than clear-cutting as specified under letter 'k' below and sand and gravel pits associated with such uses located within three hundred feet of the edge of the right-of-way of the above described travel corridors), agricultural uses other than sand and gravel pits associated with such uses located within three hundred feet of the edge of the right-of-way of the above described travel corridors, open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such uses or to any pre-existing use.
- b. Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at a time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any

class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.

- c. All subdivisions of land (and all land uses and development related thereto) involving two or more lots, parcels or sites.
- d. Campgrounds involving fifty or more sites.
- e. Group camps.
- f. Ski centers and related tourist accommodations.
- g. Agricultural service uses.
- h. All structures in excess of forty feet in height, except residential radio and television antennas.
- i. Sawmills, chipping mills, pallet mills and similar wood using facilities.
- j. Commercial sand and gravel extractions.
- k. Timber harvesting that includes a proposed clear-cutting of any single unit of land of more than twenty-five acres.
- l. Mineral extractions.
- m. Mineral extraction structures.
- n. Watershed management and flood control projects.
- o. Sewage treatment plants.
- p. Major public utility uses.
- q. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

6. Industrial Use:

- a. Mineral extractions.

- b. Mineral extraction structures.
- c. Commercial sand and gravel extractions.
- d. Major public utility uses.
- e. Sewage treatment plants.
- f. Waste disposal areas.
- g. Junk yards.
- h. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

B. The following land use activities, by Park Plan classification, are subject to the Class 'B' Regional Review procedure as set forth in the Adirondack Park Agency Act.

1. Hamlet - none

2. Moderate Intensity Use:

- a. Subdivisions of land (and all land uses and development related thereto) involving fifteen or more but less than seventy-five lots, parcels or sites, other than subdivision of land involving mobile homes.
- b. Subdivisions of land (and all land uses and development related thereto) involving less than fifteen lots, parcels or sites, other than subdivision of land involving mobile homes, which do not meet the following criteria - In the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least twenty-five thousand square feet in size and complies with all of the provisions of the shoreline restrictions; in the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least forty thousand square feet in size. Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a Class B regional project where the total number of lots, parcels or sites resulting from

such subdivision and any prior subdivision or subdivisions exceeds fourteen.

- c. Multiple family dwellings.
- d. Mobile home courts.
- e. Subdivisions of land involving mobile homes (and all land uses and development related thereto) and involving two or more lots, parcels or sites.
- f. Public and semi-public buildings.
- g. Municipal roads.
- h. Commercial or agricultural service uses involving less than ten thousand square feet of floor space.
- i. Tourist accommodations.
- j. Marinas, boatyards and boat launching sites.
- k. Golf courses.
- l. Campgrounds.
- m. Group camps.
- n. Commercial seaplane bases.
- o. Commercial sand and gravel extractions.
- p. Land use or development or subdivisions of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
- q. Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for moderate intensity use area.
- r. An individual single family dwelling within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands.

- s. All land uses and development and all subdivisions of land within one-half mile of rivers designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law, other than those navigable by boat, during the period of such designation.
- t. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

3. Low Intensity Use:

- a. Subdivisions of land (and all land uses and development related thereto) involving ten or more but less than thirty-five lots, parcels or sites, other than subdivisions of land involving mobile homes.
- b. Subdivisions of land (and all land uses and development related thereto) involving less than ten lots, parcels or sites which do not meet the following criteria - In the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least fifty thousand square feet in size and complies with all of the provisions of the shoreline restrictions; in the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least one hundred twenty thousand square feet in size. Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a Class 'B' regional project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds nine.
- c. Multiple family dwellings.
- d. Mobile home courts.
- e. Mobile homes subdivisions (and all land uses and development related thereto) and involving two or more lots, parcels or sites.
- f. Public and semi-public buildings.

- g. Municipal roads.
- h. Commercial or agricultural service uses involving less than five thousand square feet of floor space.
- i. Tourist accommodations.
- j. Marinas, boatyards and boat launching sites.
- k. Golf courses.
- l. Campgrounds.
- m. Group camps.
- n. Commercial seaplane bases.
- o. Commercial sand and gravel extractions.
- p. Land use or development or subdivisions of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
- q. Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for low intensity use areas.
- r. An individual single family dwelling within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands.
- s. All land uses and development and all subdivisions of land within one-half mile of rivers designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law, other than those navigable by boat, during the period of such designation.
- t. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

#### 4. Rural Use

- a. Subdivisions of land (and all land uses and development related thereto) involving five or more but less than twenty lots, parcels or sites, other than subdivisions of land involving mobile homes.
- b. Subdivisions of land (and all land uses and development related thereto) involving less than five lots, parcels or sites which do not meet the following criteria - In the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least eighty thousand square feet in size and complies with all of the provisions of the shoreline restrictions of the plan; in the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least three hundred twenty thousand square feet in size. Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a class B regional project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivisions or subdivisions exceeds four.
- c. Multiple family dwellings.
- d. Mobile home courts.
- e. Mobile home subdivisions (and all land uses and development related thereto) involving two or more lots, parcels or sites.
- f. Public and semi-public buildings.
- g. Municipal roads.
- h. Marinas, boatyards and boat launching sites.
- i. Golf courses.
- j. Campgrounds.
- k. Group camps.
- l. Commercial sand and gravel extractions.

- m. Land use or development or subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
- n. All land uses and development and all subdivision of land within one-half mile of rivers designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law, other than those navigable by boat, during the period of such designation.
- o. Any land use and development not now or hereafter included on either the list of primary uses or the list of secondary used for rural use areas.
- p. Commercial or agricultural service uses involving less than twenty-five hundred square feet.
- q. An individual single family dwelling within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, or within one hundred fifty feet of a designated travel corridor.
- r. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

5. Resource Management:

- a. Single family dwellings.
- b. Individual mobile homes.
- c. Forestry use structures.
- d. Hunting or fishing cabins and hunting and fishing and other private club structures involving five hundred or more square feet of floor space.
- e. Land use or development or subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings

- per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
- f. Any land use and development not now or hereafter included on either the list of primary uses or the list of secondary uses for resource management areas.
  - g. Municipal roads.
  - h. Golf courses.
  - i. An individual single family dwelling within one-eighth mile of tracts of forest preserve land or waters now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, or within three hundred feet of a designated travel corridor.
  - j. Campgrounds involving fewer than fifty sites.
  - k. All land uses and development and all subdivisions of land within one-quarter mile of rivers designated to be studied as wild, scenic and recreational in accordance with the environmental conservation law, other than those navigable by boat, during the period of such designation.
  - l. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

6. Industrial Use:

- a. Sawmills, chipping mills, pallet mills and similar wood using facilities.
- a. Industrial uses.
- b. Commercial uses.
- c. Agricultural service uses.
- d. Public and semi-public buildings.
- e. Municipal roads.

- f. Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for industrial use area.
- g. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

## II. Coordination of Regional Subdivisions and Projects

A. Applicability - When a proposed subdivision or project is determined to be a Class 'A' or 'B'; Regional Subdivision/Project, and at such time as this Code or designated portions thereof may become part of an approved local land use program for the Village under the Adirondack Park Agency Act, the provisions of this Appendix shall apply in addition to all other provisions of this Code.

B. Class 'A' Regional Subdivisions/Projects - The Adirondack Park Agency's review the Class 'A' Regional Subdivisions/Projects within the territory of the Village pursuant to and in accordance with Section 809 of the Adirondack Park Agency Act shall be governed by the criteria and procedures hereinafter set forth, as well as those set forth in the Act as follows:

1. As soon as reasonably practicable following receipt by the Planning Board from the Adirondack Park Agency of notice of application completion with regard to a Class 'A' Regional Subdivision/Project, the Planning Board or one or more designees thereof shall consult with the Agency for the purpose of analyzing the application and formulating advisory recommendations as to whether the subdivision/project meets all of the pertinent requirements and conditions of the Village of Speculator Plan and Land Use Code.
2. Not later than forty-five (45) days following receipt by the Planning Board from the Agency of such notice of application completion with regard to a Class 'A' Regional Subdivision/Project, the Planning Board shall provide to the Agency its advisory recommendations as to whether the subdivision/project meets all of the pertinent requirements and conditions of the Village

Plan and Land Use Code. Should the Planning Board fail to provide such recommendations within the said period, the Agency may make the required finding without receipt of such recommendations.

3. The Adirondack Park Agency shall not approve a Class 'A' Regional Subdivision/Project unless it first determines, after consultation with the Planning Board and receipt of its advisory recommendations relative to the subdivision/project, that the subdivision/project would comply with all the pertinent requirements and conditions of the Village Plan and Land Use Code.
  4. In making the determination required by Section 809 of the Adirondack Park Agency Act as to the impact of a proposed Class 'A' Regional Subdivision/Project upon the resources of the Adirondack Park, including the ability of all levels of government to provide supporting facilities and services made necessary by the subdivision/project, the Agency shall consider these factors pertinent to the subdivision/project contained in the Development Considerations set forth in Appendix 'C' and such others as the Agency may establish for the review process under and according to the Park Agency Act.
  5. The Planning Board may establish whatever joint procedures with the Adirondack Park Agency for review of Class 'A' Regional Subdivision/Projects which the Board and the Agency, at their discretion, deem desirable to minimize duplication and generally expedite the review process.
- C. Class 'B' Regional Subdivision/Projects - The Planning Board's review of any Class 'B' Regional Subdivision/Projects shall determine that the subdivision/project would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Adirondack Park or upon the ability of the public to provide supporting facilities and services made necessary by the subdivision/project taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the subdivision/project. In making this determination, the Planning Board shall consider those factors pertinent to

the subdivision/project contained in the applicable Development Considerations set forth in Appendix 'C' and according to the following:

1. If a Class 'B' Regional Subdivision/Project is also a Class 'A' Regional Subdivision/Project, the subdivision or project will be deemed to be a Class 'A' Regional Subdivision/Project in its entirety, and subject to the review authority of the Adirondack Park Agency as set forth above.
2. The Planning Board shall not approve a Class 'B' Regional Subdivision/Project unless it shall determine that the proposed subdivision/project is consistent with this Code, any other pertinent requirements of the Village land use program and is consistent with those Development Considerations as set forth in Appendix 'C'.
3. Application for approval of a Class 'B' Regional Subdivision/Project shall be made to the Enforcement Officer who shall refer the same to the Planning Board as is otherwise appropriate. All applications shall be in such form and include such information as the Board determines necessary to evaluate the subdivision/ project under the requirements of this Section and according to the Development Considerations set forth in Appendix 'C'. In particular, any such application shall include those items of information set forth in Appendix 'B' which are appropriate to the subdivision/project under consideration.
4. Within ten (10) business days following a determination by the Enforcement Officer that an application is complete, the Enforcement Officer shall notify the Adirondack Park Agency of the receipt of same and shall furnish the Agency a description of the subdivision/project application and afford the Agency the opportunity to comment thereon.
5. Within ten (10) business days following a determination that an application is complete, the Planning Board will determine whether or not, based on the subdivision/project scale, complexity, significance, relationship to the public interest and

other requirements of this Code, a public hearing will be held.

6. No Class 'B' Regional Subdivision/Project may be disapproved unless a public hearing has first been held. If the Planning Board determines that a public hearing will be held, the hearing shall be scheduled in accord with the timetable elsewhere established, or if not elsewhere established, for a date not less than fifteen (15) days, nor more than forty-five (45) days, following the date of determination of subdivision/project application completeness. Any such public hearing will be advertised and conducted as elsewhere stipulated in this Code for public hearings. A copy of the notice of such hearing shall be provided to the Adirondack Park Agency and the Agency shall be a full party in interest with standing to participate in any and all proceedings conducted pursuant to the provisions herein set forth.
7. If the Planning Board determines that a public hearing shall not be held, then in accord with the timetable elsewhere established, but not later than forty-five (45) days following a determination that the application is complete, the Board shall approve the subdivision/project or approve it subject to conditions.
8. If the Planning Board holds a public hearing pursuant to the provisions of this section, then in accord with the timetable elsewhere established, but not later than forty-five (45) days after the completion of said hearing, the Board shall approve, approve subject to conditions, or disapprove the subdivision/project.
9. Every Class 'B' Regional Subdivision/Project decision rendered by the Planning Board shall be in writing, and shall contain such findings of fact as are required by this Appendix. The Planning Board, in conjunction with its approval of any Class 'B' Regional Subdivision/Project, may impose such requirements and conditions upon the issuance of any Permit as are allowable within the proper exercise of the police power to insure that the intent of this Code and provisions of this Appendix are recognized.

10. Notice of final action on any Class 'B' Regional Subdivision/Project shall be transmitted to the Adirondack Park Agency within five (5) business days following the date of such action.