

# Town of Springfield

## Local Law # 2 of 2017

### ZONING LAW

## OTSEGO COUNTY, NEW YORK

2025 Local Law # 2 Amendments to Local Law # 2 of 2017 Zoning Article 3 Districts and District Map Section 3.10 Buildings and Structures, and Article 6 Agricultural- Residential (AR) District Regulations Section 6.5, and Article 7 Lake District Section 7.1 Applicability, and Article 10 Additional Developmental Standards Section 10.7, and Appendix B Lot area dimensions,

2025 Local Law# 4

Industrial Wind Energy Facilities Law Town of Springfield Additions to Article 2, Section 2.2 Definitions, and Article 3 Section 3.6 Prohibited Uses, amendments of Local Law # 2 2017 Zoning

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PLANNING & SOLID WASTE DEPT

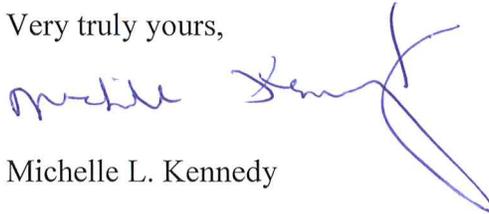
June 28, 2017

Ms. Karen Sullivan  
Otsego County Planning Department  
197 Main Street  
Cooperstown, NY 13326

Dear Karen:

Enclosed is the adopted Town of Springfield Zoning Law and Notice of Final Action.

Very truly yours,



Michelle L. Kennedy

Encs.



## ZONING LAW FOR THE TOWN OF SPRINGFIELD

### ARTICLE 1 TITLE, ENACTMENT, AND PURPOSE

#### Section 1.1 Title

This Local Law shall be known and may be cited as "The Town of Springfield Zoning Law, Otsego County, New York," adopted as Local Law No. \_\_\_\_ of 2017.

#### Section 1.2 Enactment

Be it enacted by the Town Board of the Town of Springfield, Otsego County, New York as follows: This Zoning Law is adopted and enacted pursuant to the power and authority granted by the New York State Constitution, Article IX, Municipal Home Rule Law of the State of New York, Articles 2 and 3, Statute of Local Governments, Article 2, the Town Law of the State of New York, Article 16, Environmental Conservation Law Articles 17 and 27, and New York State Public Health Law §228(2) in conformance with the Comprehensive Plan for the Town of Springfield.

#### Section 1.3 Purpose

This Zoning Law is created in accordance with, and as a means to implement the adopted Town of Springfield Comprehensive Plan to protect and promote public health, safety, and general welfare of the Town. This Law is designed to encourage sustainable economic development and the creation of employment and business opportunities for the residents of the Town. By careful land use planning, economic growth can be achieved in a manner compatible with other objectives of the Comprehensive Plan. Additionally, this Law is intended to carry out the following purposes:

1. To provide for orderly economic growth while protecting the health and safety of citizens and visitors, the quality of the environment, and the historical and natural character of the Town.
2. To maintain the rural, small town, and scenic character of Springfield.
3. To protect environmental resources including drinking water, watersheds, Otsego Lake, streams, and wetlands.
4. To ensure that new development and infrastructure are rural in scale and to facilitate the adequate provision of transportation, water, sewage, schools, and other public requirements.
5. To encourage a mix of uses in hamlets that are consistent with the traditional building forms and patterns located there.
6. To promote a mix of residences, home based businesses, agricultural activities and small scale businesses outside the hamlets that are consistent with the rural character and environment of Springfield.
7. To promote agricultural activities and protect farmlands.
8. To allow for small business development, business diversity, and technology-based and low-impact businesses scaled to fit into Springfield.

9. To provide for recreational facilities and open spaces for public and private use.
10. To protect Springfield's community character, including historic and cultural resources, scenic views, and rural landscapes.
11. To establish fair and equitable procedures for administration and effective enforcement of this Law.

## **ARTICLE 2 DEFINITIONS**

### Section 2.1 Meaning of Words

Except where specifically defined by this article, all words used in this Law shall carry their customary meanings. Words used in the present tense include the future, and the singular includes the plural; the word "lot" includes the words "plot" and "parcel"; the term "shall" is always mandatory; and the word "used" or "occupied" as applied to any land or building shall be considered as though followed by the words "as intended, arranged or designed to be used or occupied."

### Section 2.2 Definitions

**Access:** Entrance way for vehicles to leave or enter a property or lot from a public highway or private road.

**Accessory Structure, Building or Use:** A secondary structure or use on the same lot in the same ownership which is associated with principal use or structure, and which is incidental and subordinate to the principal use or structure. An accessory structure or building is a detached subordinate building on a lot, the use of which is customarily incidental to that of the main or principal building.

**Addition:** A room or rooms added to a building.

**Agriculture:** The land and on-farm buildings, equipment, manure processing and handling facilities and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise as defined in AML Article 25-AA, Section 301.

**Agricultural Data Statement:** an identification of farm operations located within five hundred feet of the boundary of property upon which an action requiring municipal review and approval by the planning board is proposed, as provided in section three hundred five-a of Article 25-AA of the New York State Agriculture and Markets law.

**Agricultural District:** That portion of the Town of Springfield that is included in the New York State Certified Agricultural District established as per State Agriculture and Markets Law 25-AA.

**Agricultural Structure:** A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation, but used in the raising, growing or storage of agricultural products by a farmer engaged in a farming operation including but not limited to barns, sheds, poultry houses and other buildings and equipment on the premises used directly and solely for agricultural purposes.

**Agricultural Use, Animals:** The use of land for raising, harvesting, selling, or feeding, including but not limited to, grazing, breeding, managing, selling, or producing livestock, poultry, fur-bearing animals or honeybees, or by dairying and the sale of dairy products, or by any combination thereof. It also includes the use of land for stabling or training equines, including, but not limited to providing riding lessons, training clinics, and schooling shows, including other on-farm niche marketing promotions. Slaughterhouses, meat-packing facilities, hide tanning operations, and operations which utilize animals in research shall not be considered an animal agricultural use.

**Alteration, Structural:** To change or rearrange the walls, roof, ceiling, floors, supporting beams, columns or other structural parts; interior plan or layout, the exterior architectural features; the exit facilities of a structure; or the relocation of a building from one location to another. Does not include the expansion of a structure or a use.

**Animal Hospital/Services:** A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

**Applicant:** The person(s), corporation, agency or other legal entity responsible for submitting site plan or special use applications for review and approval by the Planning Board or variance application for review and approval by the Zoning Board of Appeals.

**Aquifer:** A geologic formation, group of formations or part of a formation capable of storing or transmitting and yielding ground water to wells or springs.

**Area, Building:** The total area on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

**Area, Lot:** The total area contained within the property lines of an individual parcel of land, excluding any area within an existing street right-of-way.

**Bar/Tavern:** Premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use.

**Bed and Breakfast:** An owner-occupied residential building also used for renting accommodations to transient, fee-paying guests, and providing not more than one (1) meal daily to guests only. Not more than ten (10) rooms may be let.

**Billboards:** A sign or structure which directs attention to an idea, product, business activity, service or entertainment which is conducted, sold, or offered elsewhere than upon the lot on which such sign is situated.

**Boarding House:** A building, other than a hotel, containing a general kitchen and a general dining room, in which at least three but not more than six sleeping rooms are offered for rent, with or without meals. A lodging house, tourist house or rooming house shall be deemed a boarding house.

**Boat Hoist:** A structure typically mounted in alongside a dock or pier used to lift a boat out of the water for temporary storage.

**Boathouse:** A structure with direct access to a navigable body of water (1) which is used for the storage of boats and associated equipment and (2) which does not have bathroom or kitchen facilities and is not designed or used for lodging or residency.

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

**Building Height:** The vertical distance measured from the mean elevation of the proposed finished grade at the front entrance of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the median height between eaves and ridges for gable, hip and gambrel roofs.

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

**Building:** Any structure having a roof supported by columns, or by walls, and intended for the shelter, housing or enclosure of persons, animals or chattel.

**Camp, Summer:** A location where campers spend all or part of the summer between Memorial Day and Labor Day during the daytime or overnight living in tents, barracks, or dormitories, participating in organized activities, sports and arts and crafts, and usually eating together in a central dining facility.

**Car Repair:** A building or portion of a building arranged, intended or designed to be used for making repairs to motor vehicles, their mechanical systems and their body structure, including painting.

**Car Sales:** A building and/or area arranged, intended or designed to be used for the rental, lease, sale and/or resale of motor vehicles, new or used.

**Car Wash:** Any building or premises or portions thereof used for washing automobiles. This may include automatic or semiautomatic application of cleaner, brushes, rinse water and heat for drying.

**Cell Tower (also known as Telecommunication Tower):** Any structure or facility which supports one or more antennas capable of receiving and/or transmitting radio, television, cellular, paging, personal communication services, or microwave communications, but excluding those used exclusively for fire, police and other dispatch communications, or exclusively for private radio and television reception and private citizens band, amateur radio and other similar communications that do not exceed height limitations addressed in the Town Zoning Law. It includes free-standing towers, guyed towers and mono-poles.

**Change of Use:** The change of use or occupancy of land, or building, structures, or other improvements on land, from either residential, commercial or industrial to one of the other uses, or change in the nature, substance or intensity of the same use including, but not limited to, changes in use which require the issuance of a Certification of Occupancy pursuant to the New York State Building and Fire Code. Any use that substantially differs from the previous use of a building or land. Chapter 3 (Use and Occupancy Classification) of the Building Code of the New York State shall be used to define uses that are not specifically defined in this local law. Change of occupancy or change of ownership shall not be construed as a change of use.

**Church or Place of Worship:** A building or structure or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

**Commercial Slippage Site:** any slippage that is leased, whether privately or publicly. For the purposes of this Law any slippage site that leases space to more than three (3) vessels shall be considered a Commercial Slippage Site.

**Comprehensive Plan:** A long-range plan intended to guide the growth and development of the Town of Springfield which includes inventory and analysis leading to recommendations for the Town's land use, future economic development, agriculture, housing, recreation and open space, transportation, community facilities, and community design, all related to the Town's goals and objectives for these elements and adopted pursuant to New York Town Law Section 272-a.

**Condominium:** Multiple housing units that are individually owned, but that share land and infrastructure. They can be in the form of a multi-family house, multi-unit apartment building or town houses. Ownership is shared and attendant responsibilities for the provision, maintenance and/or repair of common internal facilities, utilities, services, exterior building surfaces, land, landscaping and other outdoor facilities are shared.

**Consistent in Size and Scale:** Conveys the Town's intent that new development be similar to existing development in terms of size, height, bulk, intensity and aesthetics to its surroundings. New and modified structures should match the context established by neighboring buildings.

**Contamination:** The degradation of natural water quality as a result of human activities to the extent that its usefulness is impaired.

**Convenience Store:** A one-story retail store containing less than 4,000 square feet of gross floor area that is designed and stocked primarily to sell food, beverages and household supplies to customers who purchase only a relatively few items. Such establishments may include the retail sale of gasoline, oil and other automotive fluids, although no repairs or servicing of vehicles is permitted.

**Conversion:** A change in use or occupancy of a dwelling by alteration or by other reorganization as to increase the number of families or dwelling units in a structure.

**Country Inn:** A building or group of buildings for no more than 25 sleeping units, whether detached or in connected units, used as individual sleeping units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term does not include boardinghouses.

**Cultural Facility:** Establishments such as performing arts centers, museums, art galleries, botanical parks, theaters, or other structures promoting natural, historic, education or cultural interests.

**Curb-cut:** A defined opening to provide vehicular access from a public highway to a lot or property.

**Customary:** Used as "commonly associated with."

**Cut and Fill:** A portion of land surface or area from which earth has been removed or will be removed by excavation and then the earth is moved and deposited to fill in another location.

**Day Care:** See Family Day Care.

**DEC:** New York State Department of Environmental Conservation.

**Deck:** A floor like platform not extending over the water and not closer than 10 feet from the shoreline.

Density: The number of residential and non-residential structures allowed per acre. It is not the same as minimum lot size. Also the number of individuals, families, dwelling units, households, or housing structures per unit of land.

Development Rights: The right of a landowner to develop property based on a community's land use regulations.

Disposal: The abandonment, discharge, deposit, injection, dumping, spilling, leaking, or placing by any other means of any solid waste, petroleum, radioactive material, hazardous substance, hazardous waste, or aqueous carried waste into or onto land or a surface water body.

Dock (Pier): A temporary (seasonal) linear structure built out into the water for lake access, a landing place for boats.

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

Driveway: Private entrance drive privately owned and maintained, and not meant for use by the general public, which commonly leads to a single principal use.

Dwelling, Multiple Family: A building, portion of a building, or group of buildings on one lot each containing three (3) or more dwelling units and designed or used for occupancy by three (3) or more families living independently of each other. A multiple family dwelling includes townhouses, apartments, and condominium units. Multi-family dwellings shall be considered a commercial use and subject to site plan review.

Dwelling, Single: Family Detached: A residential dwelling unit designed for occupancy by one family and having no party wall in common with another building or unit.

Dwelling, Townhouse: A building divided vertically and consisting of three or more attached dwelling units, each of which has a separate entrance from an outside yard area. Townhouses are regulated as a multi-family dwelling.

Dwelling, Two-Family: A building on a single lot designed exclusively for two dwelling units, each of which is totally separated from the other by a wall, ceiling, or floor, except for a common stairwell and occupied exclusively as a home or residence for only two (2) families. Two-family dwelling units shall not be considered townhouses or multi-family dwellings.

Dwelling: A completely self-contained residential unit for permanent habitation by one family only, and containing one or more rooms and facilities for living including cooking, sleeping, and sanitary needs.

Easement: The right to use the land of another, obtained through the purchase or other acquisition of use rights from a landowner, for a special purpose consistent with the property's current use.

Egress: Access from a property leading onto a public highway or private road.

Environment: All external conditions and influences in an area including geology, water resources, air quality, plants and animals, agricultural resources, aesthetic resources, historic resources, open space resources, recreational, cultural, and municipal resources, road and transportation systems, visual character and community character.

Environmental Assessment Form (EAF): A form, prescribed by NYS DEC used to determine whether a project will have significant environmental impacts.

Environmental Impact Statement (EIS): A document prepared pursuant to SEQRA, subsequent to a determination of potential adverse impacts that examines the existing and developed environment, and identifies and presents impacts, mitigation measures and alternatives.

Equipment Storage: Any location or structure used for the storage of equipment (machinery and related hardware, etc.)

Erosion Control: Use of re-seeding, re-vegetation, placement of mulch or artificial matting or rip rap or other methods to prevent soil erosion.

Erosion: The wearing away of surface soils by action of wind or water.

Family Day Care: Any program or facility licensed by the State of New York Office of Children and Family Services and which has a program caring for children of any age for more than three hours per day per child in which child day care is provided in a private residence for three to six children as per New York State Social Services Law § 390.

Family: A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit.

Farm Stand: An on-farm, temporary structure used for the display and sale of farm products, and not more than 400 square feet in size.

Farm Worker Housing: an accessory apartment used to house farm workers on an agricultural operation located within a certified New York State Agricultural District.

Flood, 100-Year: The highest level of flood that, on the average, is likely to occur once every 100 years (i.e., that has a 1% chance of occurring each year).

Floodplain or Flood Prone Area: A land area adjoining a river, stream, watercourse, or lake, which is likely to be flooded.

Footprint: The amount of space or the outline of a building on the ground, measured in square feet, taken up on the ground by a structure. A building footprint measurement does not include the square footage of multiple floors of a structure.

Forestry/Logging: The operation of timber tracts, tree farms, forest nurseries, the gathering of forest products or the performing of forest services.

Frontage: That part of a property bounded by either a public or private road.

Fuel Storage: A commercial facility designed for the bulk keeping, and distribution in above-ground containers of any fuel material in liquid, gaseous, powder or pellet form, including but not limited to gasoline, propane, diesel, kerosene, fuel oil, or natural gas. A gas station for fueling direct to cars or trucks shall not be considered a fuel storage or distribution facility.

Gasoline Station: An area of land, including structures thereon, or any building or part thereof, that is used primarily for the sale and direct delivery to the motor vehicle of gasoline or any other motor vehicle fuel or oil and other lubricating, washing, (which does not require mechanical equipment) or otherwise servicing motor vehicles, but not

including auto body work, welding, or painting.

**Generic Environmental Impact Statement on the Capacities of the Cooperstown Region –** An environmental impact statement prepared pursuant to 6 NYCRR Part 617 of the New York State Environmental Conservation Law to examine current conditions of the Cooperstown area and that identifies locations that have environmental sensitivities and limitations for land use and analyzes the area's capacity for future development.

**Glare:** The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**Golf Course, Driving Range, Mini-Golf:** Premises having no fewer than nine holes improved with tees, greens, fairways, and hazards for playing the game of golf, including driving ranges and miniature golf. Accessory structures and buildings may include a clubhouse, locker room, food stand, restaurant, banquet or conference rooms, but does not include overnight accommodations.

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

**Gravel Quarry:** The excavation or extraction of overburden, earth, sand, gravel, stone, quarry material, clay, loam, humus, top soil or other earth material; the preparation and processing of minerals, including any activities or processes or parts thereof for the extraction or removal of minerals from their original location and the preparation, washing, cleaning, crushing, stockpiling or other processing of such materials at the mine location so as to make them suitable for commercial, industrial, or construction use; exclusive of manufacturing processes, at the mine location; the removal of such materials through sale or exchange, or for commercial, industrial or municipal use; and the disposition of overburden, tailings and waste at the mine location. *Mining* shall not include the excavation, removal and disposition of minerals from construction projects, exclusive of the creation of water bodies, or excavations in aid of agricultural activities.

**Greenhouse, nursery, or garden shop:** a structure where plants are cultivated and sold for retail or wholesale purposes.

**Groundwater:** Water below the land surface in a saturated zone of soil or rock. This includes perched water separated from the main body of groundwater by an unsaturated zone.

**Group Day Care:** Any program or facility licensed by the State of New York Office of Children and Family Services; a program caring for children for more than three (3) hours per day per child in which child day care is provided in a private residence for seven (7) to ten (10) children of all ages, including not more than four (4) children under two (2) years of age or up to twelve (12) children where all of such children are over two (2) years of age. Refer to New York State Social Services Law § 390.

**Group homes:** A dwelling unit or part thereof in which, for compensation, lodging, meals and care are provided to persons with disabilities or special needs; counseling and financial services may be offered.

**Habitat:** The place occupied by an organism, population, or community. It is the physical part of the environment in which an organism finds its home, and includes the sum total of all the environmental conditions present in the specific place occupied by an organism.

**Hamlet:** a populated area within a town that is not part of an incorporated village. Characterized by more densely situated homes and sometimes, small businesses,

surrounded by area farms and open space.

**Hazardous Substance:** Any substance listed as a hazardous substance in 6 NYCRR Part 597, Hazardous Substance List, or a mixture thereof. In general, a hazardous substance means any substance which: (1) because of its quantity, concentration, or physical, chemical, or infectious characteristics poses a significant hazard to human health or safety if improperly treated, stored, transported, disposed of, or otherwise managed; (2) poses a present or potential hazard to the environment when improperly treated, stored, transported, disposed of, or otherwise managed; (3) because of its toxicity or concentration within biological chains, presents a demonstrated threat to biological life cycles when released into the environment.

**Hazardous Waste:** A waste, or combination of wastes, which are identified or listed as hazardous pursuant to 6 NYCRR Part 371, Identification and Listing of Hazardous Wastes. Hazardous wastes include but are not limited to petroleum products, organic chemical solvents, heavy metal sludges, acids with a pH less than or equal to 2.0, alkalis with a pH greater than or equal to 12.5, radioactive substances, pathological or infectious wastes, or any material exhibiting the characteristics of ignitability, corrosivity, reactivity, or fails the Toxicity Characteristic Leaching Procedure (TCLP).

**Heavy Industry:** Any use or activity, which generates significant volumes of smoke, odors, noise, or other polluting wastes and is not compatible with other uses in the Town of Springfield. Examples of "heavy industry" which are intended to be included in this definition are: chemical manufacturing; exploration for natural gas; extraction of natural gas; natural gas processing facilities (as defined elsewhere in this Law) and/or compressor stations; exploration for crude oil; extraction of crude oil; oil refineries; coal mining; coal processing; and steel manufacturing. It is expressly stated that the foregoing examples are not intended to be exhaustive and shall not be construed to limit the meaning, scope or application of this definition or to limit the application of this definition solely to the activities identified in the examples. Generic examples of uses not intended to be included in the definition of "heavy industry" are: milk processing plants; dairy farms; office and communications uses; garment factories; woodworking and cabinet shops; automobile repair shops; wineries and breweries; warehouses; equipment repair and maintenance facilities; helipads; parking lots and parking garages; light manufacturing or light industrial facilities (as defined elsewhere in this Law); agriculture; and surface gravel and sand mining. It is expressly stated that the foregoing examples are not intended to be exhaustive and shall not be construed to limit the meaning, scope or application of this definition or to limit the application of this definition solely to those activities identified in the examples.

**Historic Character or Traditional Character:** Describes the qualities and attributes of Springfield's physical and visual landscape that embody the events, traditions and personalities of its past. Historic character describes the unique architectural variety, style and scale of our Community, including color, proportion, form, and architectural detail. However, the physical layout of the Community, its landscape patterns, the pre-automobile network of roads, and other elements also contribute to historic character. Among these elements are active agricultural operations with low density residential development interspersed with denser population centers such as the hamlets, roads and windbreaks lined with old mature trees, stone walls, deep rural setbacks, and small/irregular field or pasture dimensions.

**Home Occupation:** A business activity resulting in a product or service for financial gain, conducted wholly or partly in a dwelling unit or accessory structure which is clearly secondary to the use of the dwelling for living purposes and does not change the residential character of the dwelling unit or vicinity or have any exterior evidence of such

secondary use other than a sign. Such unit or accessory structure shall not employ more than three people.

Homeowner's Association: an organization of homeowners residing within a particular development whose major purpose is to manage, preserve, fund, repair and maintain common areas and infrastructure for the benefit of the property owners who are members of the association.

Hotel/Motel: Commercial overnight sleeping accommodations, consisting of a building or group of buildings for more than 25 sleeping rooms, but not to exceed 36 sleeping rooms. Additional accessory services may be included such as restaurants, meeting rooms, entertainment and recreational facilities.

Impervious Surface: Any man-made material, such as pavement used in parking lots or driveways, or any building or other structure on a lot, that does not allow precipitation and melted snow to penetrate into the soil. It is the surface area of land (measured in square feet) covered by all structures and artificial surfaces, including all roofed over areas, decks, patios, cantilevered units, walkways and drives potentially impacting natural precipitation and runoff on a lot or parcel of land.

Important Aesthetic Features: Denotes elements of architecture and landscape that have been identified by the community as significant to the local quality of life and sense of place. They may be specific elements such as structures, scenic roads, parks, waterways, crossroads, and stone walls; or they may be more diffuse resources such as open spaces, formal/informal historic districts, and scenic views. These can include historic structures and landscapes, country roads, agricultural fields and operations, views of hills and mountains, streams and wetlands, and the hamlet areas.

Ingress: Access from a public highway or private road leading into a lot or property.

Kennel, Commercial: Any place at which there are kept four (4) or more dogs more than four (4) months of age or any number of dogs that are kept for the primary purpose of sale or for the boarding, care or breeding for which a fee is charged or paid.

Land Use Activity: The occupation, use and/ or maintenance of land or any building, structure or other improvement on land.

Land Use Enforcement Officer: The person authorized to enforce this local law.

Landowner: The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Light Manufacturing, Assembly, and Light Industrial Operations: A facility or use which does not produce high volumes of polluting wastes, is compatible with other uses in its surrounding area or neighborhood, does not require heavy, noisy or otherwise objectionable machinery or transporting equipment, and in addition, meets one of the following descriptions:

i. Light Manufacturing. A use involving the manufacture of a product, subject to compliance with any other applicable ordinances, laws or regulations, in one of the following categories:

- Food and beverage production, including but not limited to such uses as a dairy processing plant, bakery, and bottling plant.
- Apparel and other textile products.

- Furniture and fixtures.
- Printing and publishing.
- Electrical and electronic machinery and equipment.
- Metal fabrication.
- Mail order distribution center.
- Warehousing ancillary to the authorized use.

ii. Light Industrial. A facility which manufactures, designs, assembles, or processes a product for wholesale or retail sale.

Lodging: See Hotel, motel and country inn.

Long Lake protocols for property line extensions: Lot line extensions along linear shoreline extended perpendicular to the axis of the lake.

Lot Coverage: The percentage of the lot area covered by the combined area of all buildings, structures, parking areas, or other impervious surfaces on the lot.

Lot Depth: The average distance of a lot measured from the front lot line to the rear lot line.

Lot Line: The established division line between different parcels or property.

Lot, Corner: A lot which has an interior angle of less than 135° at the intersection of two street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135°.

Lot: A parcel of land, separately recorded in the Otsego County Clerk's office, or separately depicted on the Town Real Property Assessment Map whose boundaries are established by some legal instrument, such as recorded deed or map, and which is recognized as a separate, legal entity for the purposes of transfer of title. Whenever two or more principal buildings are located on a single lot, the area devoted to each principal building together with its accessory buildings and uses, yards and open spaces, shall be considered as a separate lot for the purpose of this Law.

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

Mineral: Any naturally formed, usually inorganic, solid material located on or below the surface of the earth including but not limited to architectural stone, gem stones,

limestone, granite, ore, bluestone, clay, gravel and sand. Peat and topsoil are also considered to be minerals.

**Mobile Home:** A factory-manufactured dwelling unit built prior to June 15, 1976, with or without a label certifying compliance with NFPA, ANSI or a specific state standard, transportable in one or more sections, which in the traveling mode, is 8 feet (2438mm) or more in width or 40 feet (12192mm) or more in length, or, when erected on site, is 320 square feet (29.7sq m) minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "mobile home" shall not include travel trailers or any self-propelled recreational vehicle.

**Motor Vehicle and Equipment Repair:** Any building, premises, and land, in which vehicles are maintained, serviced, repaired, or painted.

**Natural Gas Exploration, Extraction, or Processing:** The exploration for natural gas, the extraction of natural gas from the ground regardless of the extraction method used, and/or the processing of natural gas. This definition shall specifically include, but not be limited to, the extraction method commonly known as hydraulic fracturing. This definition shall also be construed to encompass and include any activity or use of land, which facilitates or supports natural gas exploration, extraction, or processing. Examples of activities or uses of land expressly intended to be included in this definition are set forth below:

- Drilling and/or installation of a new well, regardless of well type;
- Development of a well operations site and associated structures and infrastructure;
- Mixing, storage, treatment, and/or disposal of chemicals, wastewater, proppant or other materials used for, or in connection in any way with, the exploration for or extraction of natural gas;
- Parking, standing and/or storage of any type of vehicle, equipment, and/or materials used for, or in connection in any way with, the exploration for or extraction of natural gas;
- Installation and/or use of pipes, conduits or other material transport or gathering equipment or systems used for, or in connection in any way with, the exploration for or extraction of natural gas.

It is expressly stated that the foregoing examples are not intended to be exhaustive and shall not be construed to limit the meaning, scope or application of this definition or to limit the application of this definition solely to those activities identified in the examples.

**New Construction:** the act of constructing a physical structure or part of a physical structure (including, but not limited to an addition).

**Noise, Nuisance:** An undesired audible sound that interferes with the enjoyment and use of property. For purposes of this Law a decibel level exceeding 70 dB measured at the property boundary shall be a nuisance noise.

**Non-Conforming Building:** A building or structure existing at the time of the enactment of this Law or as a result of amendments thereto, which do not conform to this Law.

**Non-Conforming Lot:** A lot, the area dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Law but fails by reason of such adoption, revision, or amendment to conform to the present requirements of the land use district.

**Non-Conforming Use:** A use which does not conform to the applicable use regulations for the district in which said use is located after the enactment or amendment of this local law and/or which did not conform to the applicable use regulations for the district in which said use was located under the local law that this local law supersedes or amends.

**Nursery School:** A school designed to provide daytime care or instruction for two or more children from two to five years of age, inclusive, and operated on a regular basis.

**Nursing Home:** A long-term facility or distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged, long-term care facility, or intermediate care facility.

**NWI: National Wetlands Inventory:** a nationwide system of wetlands inventory and mapping.

**Off Premise Sign:** A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

**Off Street Parking:** Area provided for parking not in any public or private road.

**Office, General and Professional:** Premises available for the transaction of general business but excluding retail, unless internet only, and manufacturing uses. It is a place or establishment used for the organizational or administrative aspects of a trade or used in the conduct of a business and not involving the manufacture, large-scale storage, display or direct retail sale of goods unless internet only. This includes, but is not limited to health and social services clinic or office and internet only retail business.

**Open Space:** Land left in a natural state for conservation and agricultural purposes or for scenic purposes, devoted to the preservation of distinctive ecological, physical, visual, architectural, historic, geologic or botanic sites. It shall also mean land left in a natural state and devoted to active or passive recreation. The term shall not include land that is paved, used for the storage, parking or circulation of automobiles, or occupied by any structure except agricultural buildings.

**Outdoor Storage:** The holding or safekeeping of goods in a warehouse or other depository to await the happening of some future event or contingency which will call for the removal of the goods.

**Overlay District:** A land use district that encompasses one or more underlying districts and that imposes additional requirements above that required by the underlying district. Overlay districts deal with special situations that are not appropriate to a specific land use district or apply to several districts.

**Parcel of Land:** Any area of land described by deed or other written indenture capable of being recorded pursuant to the Laws of the State of New York. Should such a deed or written indenture combine descriptions of more than one area of land, whether they are adjoining or separate, each separately defined area of land shall be a parcel of land. Contiguous areas under the same ownership even though conveyed by separate deeds shall be considered one parcel for planning purposes.

**Parent Parcel:** any parcel in existence at the date of establishment of the Town of Springfield Subdivision Regulations: 6 October 1986, thereafter, any parcel that has remained undivided for 20 years.

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

**Peak Hours of Operation:** The busiest hours of operation in an average 24-hour period of a non-residential use, which may represent the time of heaviest production or of customer or employee traffic, depending on the nature of the use.

**Permitted Use:** Any use allowed in a land use district and subject to the restrictions applicable to that land use district and which no review by the Planning Board is required. However, a building permit issued by the Building Inspector may be required.

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

**Personal Service Shop or Store:** A place wherein intellectual or manual work is performed by a service provider for a customer including, but not limited to a barber shop, beauty shop or spa.

**Pesticide:** Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, fungi, weeds, or other form of plant or animal life or viruses, except viruses on or in living matter or other animal; and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant. These substances include but are not limited to: herbicides, fungicides, insecticides, and rodenticides.

**Petroleum:** Any petroleum-based oil of any kind which is liquid at 20 degrees Celsius under atmospheric pressure and has been refined, re-refined, or otherwise processed for the purpose of: 1) being burned to produce heat or energy; 2) as a motor fuel or lubricant; or 3) in the operation of hydraulic equipment.

**Pier:** A permanent dock.

**Planning Board:** a board appointed by the Town Of Springfield Town Board pursuant to Article 16 of the New York State Town Law and whose principal duties shall generally include review and deciding about site plans, special use permits, subdivision applications, reviewing and recommending about matters relevant to the Town Comprehensive Plan, Local Law, and other town regulations, as well as any other powers granted to it pursuant to the Town of Springfield local laws.

**Pollution:** The presence in the environment of human-induced conditions or contaminants in quantities or characteristics which are or may be injurious to human, plant, or animal life or to property.

**Porch:** A covered deck projecting out from a principal building, attached to or adjacent to it and commonly enclosed, in part. If larger than an entranceway, commonly used as living space.

**Preliminary Plat:** An initial map or plan, with supporting documentation, showing the proposed layout of a subdivision or site plan that is submitted for preliminary approval by the Planning Board.

**Prime Soils:** Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses. It has the combination of soil properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if it is treated and managed according to acceptable farming methods. In general,

prime farmland has an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, an acceptable level of acidity or alkalinity, an acceptable content of salt or sodium, and few or no rocks. Its soils are permeable to water and air. Prime farmland is not excessively eroded or saturated with water for long periods of time, and it either does not flood frequently during the growing season or is protected from flooding.

**Principal Building or Structure:** A building in which is conducted the principal use of the lot on which it is located.

**Principal Use:** The main use of a lot or structure.

**Public Assembly:** Any area where large numbers of individuals collect to participate or to observe programs of participation. The most common include, but are not limited to auditoriums, stadium, gymnasiums, field houses, theater, banquet rooms, or comparable facilities.

**Public Utility/Substation:** A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary to the public health, safety, and welfare including all uses deemed to be a public utility by New York State. Other uses may be a public utility if it provides a service that is essential to the public health, safety and general welfare, is regulated by a government agency, is granted an exclusive or near exclusive franchise for a specific geographic area, and is required to provide service to all who apply within their franchised area.

**Radioactive Material:** Any material in any form that emits radiation spontaneously, excluding those radioactive materials or devices containing radioactive materials which are exempt from licensing and regulatory control pursuant to regulations of the New York State Department of Labor or the United States Nuclear Regulatory Commission.

**Ramp:** An included plane serving as a way between different grades or levels; also, a sloping construction serving to slide boats into or out of the water.

**Raft:** A deck-like structure designed to float on the surface of the water, anchored to the bottom, commonly used for recreational purposes.

**Reconstruction:** Rebuilding a structure or system to approach the original size and scale, on or near the original location on the lot, while not increasing the size of the structural footprint.

**Rebuilding or repairing damaged or decayed portions of a structure or system to meet Code requirements.**

**Recreational Vehicle:** A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational and camping purposes. Recreational vehicles include, but are not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

**Research Laboratory:** A building or group of buildings, in which are located facilities for scientific research, investigation, experimentation, or testing where products are not manufactured, serviced, repaired, displayed, or sold.

**Residential Use:** The use of a parcel, which is primarily used for human habitation in a one or two family dwelling.

**Restaurant:** Any structure having as a principal use the preparation and dispensing of foods and beverages for consumption on the premises, whether food is served upon order or taken by self- service and where there are no facilities for drive-through service.

**Retail Store and Shop:** Traditional establishments, such as florists, lumber and hardware stores, pharmacies, grocery stores, convenience stores, stationary stores, book stores, video-rental stores, clothing stores, department stores, shoe stores, antique stores, etc., that sells goods or merchandise to the general public for personal or household consumption.

**Ridge Top or Ridgeline:** The long, narrow crest or horizontal line of hills or mountains, usually at the highest elevation.

**Road, Right-of-Way:** An area defined by a boundary which provides for road construction, maintenance, improvement, and/or widening.

**Road:** A vehicular access way either currently designated as a Town, County or State Road, or any private platted access way, built to town requirements.

**Roof Line:** The highest portion of the outside top covering of a building or structure. Flat roofs also have a roof line even when there is no pitch and the surface of the roof is generally parallel to the ground.

Round Lake protocols for property line extensions: Lot line extensions along curved shorelines (e.g. the ends of Otsego Lake) extended towards the center of the shoreline arc creating pie shaped lake segments.

**Runoff:** Surface water that flows onto, within, and/or off of the site area.

**School/Educational/Training Facility, Public or Private:** A building or part thereof which is designed, constructed, or used for instruction or education including, but is not limited to elementary, parochial, private, secondary or vocational schools. It shall also mean a business organized to operate for a profit, or an organization that operates not-for-profit offering instruction and training in a trade, service or art.

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

**Sediment:** Soils or other surficial materials transported by surface water as a product of erosion. Sedimentation occurs when there is a deposition of sediment and silt in drainage-ways, watercourses and water bodies, which may result in pollution, murkiness, accumulation, and blockage.

**Senior Citizen Housing:** Multifamily housing designed for people over 60 years of age. This includes adult retirement community, assisted living facility, continuing care retirement community, and retirement community types of structures.

**Sensitive Environmental Features and Areas:** Refers to natural resource locations that have a high potential for significant damage or degradation from direct or cumulative impacts arising from new development or shifts in existing land uses. Some sensitive environmental features and areas have been inventoried, mapped or identified as being locally, regionally, nationally or globally significant for its rarity and/or degree of vulnerability. Typical examples include but are not limited to: wetlands, streams/river

corridors, steep slopes, floodplains, highly erodible soils, and aquifer recharge and discharge areas, and habitats of rare or endangered species.

**Separation Distance:** Distance between the two closest points of reference between two facilities, structures, uses or properties (e.g. the distance between an on-site septic system absorption field and a well).

**Septage:** The contents of a septic tank, cesspool, or other individual wastewater treatment work, which receives domestic sewage wastes.

**Septic System:** A on-site sewage disposal system (designed as a simple gravity or alternative system), which consists of a septic tank and septic field, in which waste material is distributed through a network of tile fields following a process in the septic tank where solids are settled out of the waste.

**SEQRA Review (State Environmental Quality Review):** Review of an application according to the provisions of the State Environmental Quality Review Act, 6 NYCRR, Part 617 (Statutory Authority: Environmental Conservation Law, Section 8-0113), which incorporates the consideration of environmental, social and economic factors into the planning, review and decision-making processes of state, county and local government agencies.

**Service Trade Establishment:** Construction, building trades and/or maintenance businesses, are conducted on the premises, the operation takes place wholly within one principal or accessory building that does not exceed 3000 square feet and those aspects of the occupation which exceed a home occupation in intensity of use are conducted off the premises. If the Service Trade Establishment is situated within a dwelling used as a residence, the Service Trade Establishment may only occupy up to 3000 square feet of total floor area, but the total square footage of the residence may exceed 3000 square feet.

**Setback:** Distance from a property line, the edge of a right-of-way, or waterway.

**Sewage:** The combination of human and household waste with water, which is discharged to the home plumbing system.

**Sewer:** Any pipe or conduit used to collect and carry away sewage or stormwater runoff from the generating source to treatment plants. A sewer system is devised for the collection, treatment, and disposal of sewage of multiple dwellings and may be privately or publicly operated.

**Shared Access Way:** A means of physical approach for vehicular or pedestrian traffic into or out of a location that is shared and used by one or more different parcels of land.

**Shore Station:** A permanent shoreline base for a temporary dock, approximating the width of the dock, not extending over the water.

**Sight Distance:** The length of an unobstructed view from a particular access point to the farther visible point of reference on a roadway. Used in this Law as a reference for unobstructed road visibility.

**Sign, Directly Illuminated:** Any sign designed to give forth any artificial light directly (or through any transparent or translucent material) from a source of light connected with such sign.

Sign, Freestanding: A sign that is attached to, erected on or supported by some structure such as a pole, mast, frame, or other structure that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of the sign.

Sign, Height of: The distance from the ground level, measured from the mid-point of the base of the sign, to the top of the sign.

Sign, Indirectly Illuminated: A sign illuminated with a light so shielded that no direct rays there from are visible elsewhere than on a plot where such illumination occurs. If such illumination is thus, visible, such sign shall be deemed to be a directly illuminated sign.

Sign, Temporary: A sign that advertises or gives direction to a business or activity that will terminate in seven (7) days.

Sign: A name, identification, description, display, or illustration, or any other visual display which is affixed to or painted or represented directly or indirectly upon a building, structure, or piece of land which directs attention to an object, product, place, activity, person, institution, organization or business. However, a sign shall not include any display of official court or public office notices or any official traffic control devices nor shall it include the flag emblem or insignia of a nation, state, municipality, school, or religious group.

Site Plan: A rendering, drawing, or sketch prepared to specifications and containing necessary elements, as set forth in this Law, which shows the arrangement, layout and design of the proposed use of a single parcel of land as shown on said plan.

Sketch Map: Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for the initial review. May be used by the applicant as the basis for preparing the site plans for Planning Board review.

Slaughterhouse: A fixed or permanent facility in which animals are slaughtered for food consumption.

Slippage: A dock, pier, hoist, anchored device, or any such object to which a navigable vessel is secured for the purposes of temporary or permanent storage in or above the water.

Slope: The vertical distance, in feet, between the highest elevation of a lot or development and the lowest elevation of a lot or development, divided by the horizontal difference between these two elevations, in feet, said horizontal distance ordinarily to be the natural course of stormwater runoff.

Soils of Statewide Importance: This is land, in addition to prime and unique farmlands, that is of statewide importance for the production of food, feed, fiber, forage, and oil seed crops. Criteria for defining and delineating this land are determined by New York State. Generally, additional farmlands of statewide importance include those that are nearly prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some may produce as high a yield as prime farmlands, if conditions are favorable.

Solid Waste: Material as defined in 6 NYCRR Part 360, including any garbage, refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded materials including solid, liquid, semi-solid, or

contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, and from community activities, but not including solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit. Discarded materials that are being beneficially used pursuant to 6 NYCRR Part 360-1.15 is not considered solid waste.

SPDES General Permit for Construction Activities GP-O2-01: A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

Special Use Permit: A land use which is deemed permissible within a given land use district or districts, but which may have the potential to exhibit characteristics or create impacts incompatible with the purposes of such district.

Stabilization: The use of practices that prevent exposed soil from eroding.

Stacking Lanes: Off- street temporary parking space specifically provided for vehicles to park behind one another while waiting for drive-up customer assistance. This type of parking is required for bank window tellers, fast food restaurants, cash wash bays, etc.

Start of Construction: The initiation of any physical alteration of the property, excluding planning and design, during any phase of a project and shall include land preparation, such as clearing, grading and filling, installation of roads, excavation for a basement, footings, foundations, or the erection of temporary forms. Start of construction also includes any work for which a valid building permit is required.

Steep Slope: Land areas where the slope exceeds 15%.

Stop Work Order: Issued by the Land Use Enforcement Officer or the Code Enforcement Officer for nonconformance of this Law or the New York State Building Code.

Storage: The holding or safekeeping of goods in a warehouse or other depository to await the happening of some future event or contingency, which will call for the removal of the goods.

Stormwater Pollution Prevention Plan (SWPPP): a plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

Stormwater Runoff: flow on the surface of the ground, resulting from precipitation.  
Stormwater: Rainwater, surface runoff, snowmelt and drainage.

Stream: Perennial and intermittent water courses identified through site inspection and US Geological Survey maps. Perennial streams are those depicted on a USGS map with a solid blue line. Intermittent streams are those depicted on a USGS map with a dotted blue line.

Street Tree: A tree growing or planted along a road.

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

**Subdivision Review:** A process where the Planning Board reviews and approves all new lots to be created in the town.

**Substantial Construction (or Substantively Commenced):** Any land use activity in which the lot has been cleared, graded, and the buildings foundation and structure initiated.

**Surface Waters of the State of New York:** Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to man-made bodies of water, which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

**Swimming Pool:** A water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool, having a depth of more than 30 inches, designed, used, and maintained for swimming and bathing.

**Telecommunication Tower:** A structure or location designed or intended to be used, or used to support antennae. This includes, without limitation, free-standing towers, guyed towers, monopoles, structures such as a church steeple, silo, water tower, sign or other structures intended to mitigate the visual impact of an antenna or the functional equivalent or such, while serving to support antennae. It is a structure intended for transmitting and/or receiving radio, television, cellular, paging, personal telecommunications services or microwave telecommunications. A telecommunications tower or transmitting/receiving facilities shall be public utility structures for the purposes of this Law.

**Temporary Living Quarters:** A manufactured home, mobile home, camping trailer, recreational vehicle, or motor home being used as a temporary residence for: (a) a farm worker who is earning a substantial portion of his/her livelihood from the farm on which the temporary dwelling is located; (b) as a temporary residence while the landowner's permanent home is being constructed or repaired; (c) where required for transient highway repairmen or other public purposes, or (d) any other occupancy of less than 30 consecutive days or 60 total days per year.

**Use, Accessory:** A use or structure which is incidental but associated with the principal use such as a separate garage or shed, fencing, and recreational facilities (e.g. pool, tennis court, etc.).

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

**Variance, Area:** A variance from the area and bulk requirements or supplementary regulations of a related character (such as amount, size, location of design or access, off-street parking, landscaping, signs) to authorize on a specific lot a permitted use which could not feasibly be established without relief from one or more of the dimensional requirements pertaining to the district.

Variance, Use: A variance from the use regulations to allow the establishment on a specific lot of a use otherwise prohibited in the district.

Vegetation: Indigenous or introduced trees, shrubs, vines, ground covers, and herbaceous materials.

Veterinary Hospital: A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

Visual Impact Analysis: A process used to analyze the visibility of a project, structure, building, or use from a variety of points or locations. NYS DEC publishes guidance documents that outline procedures for conducting such an analysis.

Warehouse: A building or part of a building for storing of goods, wares, and merchandise, and that can be used by either public or private entities for storage.

Water, Surface: Water contained in streams, rivers, ponds, wet areas, lakes, and other water-bodies and watercourses, or that drains across land.

Waterbody: Any natural or artificial pond, lake, reservoir, or other area which usually or intermittently contains water and which has a discernible shoreline.

Watercourse: a permanent or intermittent channel or streambed or other body of water, either natural or man-made, which gathers or carries surface water, connecting with other surface waters on a watershed or drainage basin:

- i. Rivers, streams, brooks and waterways, which are delineated on the most recent edition of the United States Geological Survey topographic maps of the Town.
- ii. Any other streams, brooks and waterways containing running water for a total of at least three (3) months a year.
- iii. Lakes, ponds, marshes, swamps, bogs, natural springs and all other bodies of water, natural or artificial, which are fed by or have discharge to another wetland, waterbody or watercourse.

Water, Ground: Water that infiltrates into the ground, accumulating and saturating the spaces in earth material.

Watershed: The area which is a drainage basin for a particular freshwater body.

Wetlands: lands and waters which meet the definition provided in ECL Part 664.2 and have an area of at least 12.4 acres (approximately 5 hectares) or, if smaller, have unusual local importance as determined by the Commissioner pursuant to Section 24-0301(l) of the Act. Wetlands shall also mean those areas that are inundated or saturated at a frequency and duration sufficient to support, and that under normal circumstances to support, a prevalence of vegetation typically adapted for life in saturated conditions pursuant to Section 404 of the Clean Water Act.

Wholesale Trade Business: Establishments or places of business primarily engaged in selling merchandise to other businesses, including retailers, industrial, commercial, institutional, or professional business users, other wholesalers, or acting as agents, or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wind Tower, Commercial: A wind energy conversion system consisting of a wind

turbine, a tower, and associated control or conversion electronics, which has a rated capacity of more than 100 kW and which is intended to primarily generate power off-site for inclusion in the larger electrical grid.

Refer to Local Law #4 of 2025 Section 5.

Wind Tower, Personal: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily generate power for on-site use. When used in connection with a "farm operation" as such is defined in Section 301, subdivision 11 of the New York State Agriculture and Markets Law (NYSAML), a personal wind tower is considered an on-farm building and is further defined as a single wind turbine designed solely for on-site power consumption as governed by the NYSAML and/or Section 66-l of the New York State Public Service Law.

Wind Tower Height: The height from original grade of the land to the highest point of any part of the wind turbine including the top of the blade when it is in the vertical position.

**ARTICLE 3 DISTRICTS AND DISTRICT MAP**

Section 3.1 Districts

The Town of Springfield is hereby divided into the following classes of districts:

HC	Hamlet-Commercial
AR	Agricultural-Residential
L	Lake
R-20	US Route 20 Commercial Zone Overlay District

Section 3.2 District Map

The aforesaid districts are bounded and defined as shown on a map entitled "Zoning Law Map of the Town of Springfield," included in **Appendix A**, adopted and duly certified by the Town Clerk, which map accompanies and with all explanatory matter thereon is hereby made a part of this Law.

Section 3.3 Purposes of Districts

**Hamlet-Commercial (HC)** – To allow for a mix of higher density residential and small scale retail, service and commercial uses designed in a manner that reflects the traditional scale, density and character found in Springfield, East Springfield, and Springfield Center.

**Agricultural-Residential (AR)** – To allow for agriculture, low-density residential development, and small scale business. To allow for a variety of retail, service and commercial uses that require more space than other locations in hamlets in a manner that promotes compatibility and consistency with the environment, scale, design, and character of the Town of Springfield.

**Lake (L)** – To allow for limited development near Otsego Lake while protecting the lake and surrounding environment's visual and environmental quality and character.

**US Route 20 Commercial Zone Overlay District (R-20)** – To protect the scenic byway while allowing commercial development consistent in scale, design, and character with the rural environment and historic hamlets.

### Section 3.4 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any land use district shown on the Land Use Map, the following rules shall apply:

- a. Boundaries shown following the center lines of streets, highways, or railroad tracks shall be construed to follow such lines. These boundaries shall be automatically adjusted if a centerline is moved a maximum distance of fifty (50) feet.
- b. Boundaries of land use districts shown following existing Town boundary lines, property lines, or lot lines shall be construed to coincide with those existing boundary, property or lot lines as of the date of approval of this Zoning Law.
- c. For boundaries dividing a single lot under single or joint ownership of record at the time such district line is established, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion.
- d. Where overlay district boundaries, if applicable, are based on natural features such as steep slopes, contour lines, soil types or ecological communities, such boundaries may be more precisely established through field investigation by a qualified professional such as an engineer, geologist, soil scientist, ecologist or other similarly trained person. Any costs associated with such field investigation shall be borne by the applicant or landowner.
- e. Boundaries on the Land Use Map are based on Otsego County Tax Maps; if found to be inaccurate, the Town of Springfield Town Board shall have the final decision.

### Section 3.5 Permitted Land Uses

Only one use is permitted per lot; however, more than one principal dwelling may be situated on a lot under single ownership provided that the minimum area requirements are separately met for each principal dwelling and any accessory structures.

Land uses are permitted in one of two ways as follows:

**Permitted by Right:** A use in this category that complies with the standards of this Law requires no further review or approval. However, issuance of a building permit under the New York State Building Codes or other local, regional, county, or state permits may be required.

**Subject to Special Use Permit:** A use in this category is permitted only upon the issuance of a special use permit and site plan approval by the Planning Board in accordance with Section 9. Such a use existing on the date of enactment of this Zoning Law and which was legally approved under any prior law shall be considered as if it were permitted by right and no further approvals shall be required. However, prior to the expansion of an existing use that would otherwise require a special use permit, a special use permit and site plan must be approved. All uses requiring a special use permit must also receive site plan approval as per Section 8.

### Section 3.6 Prohibited Uses

All land uses not permitted by right or subject to a special use permit shall be considered prohibited uses in the Town of Springfield. Additionally, the Town of Springfield previously enacted a local law that prohibited Heavy Industry (Local Law #1 of 2011). The prohibition within

that Local Law continues through this Zoning Law and is hereby incorporated into this Local Law in its entirety by reference. All activities related to heavy industry shall be prohibited from all districts in the Town of Springfield because they may impact wetlands, lakes, streams, groundwater resources, public drinking supplies, public roads, historic landscapes, agriculture, small town character, and the area's tourism and recreational-based economy. Impacts related to heavy industry that Springfield seeks to avoid include, but are not limited to contaminated water supplies, air pollution, traffic congestion, deterioration of roads and bridges, noise, introduction of industrial uses into non-industrial areas, human and animal illness, and incompatible changes to the rural character of Town. All "Industrial Wind Energy Facilities" and "Wind Tower, Commercial" uses are prohibited in the Town. Any development that meets the definition of "Industrial Wind Energy Facilities" or "Wind Tower, Commercial" shall be prohibited from all districts in the Town of Springfield. L.L. # 4 2025 Sec 5

#### Section 3.7 Change of Use

Any change of a use to another use that is permitted by right (P) and without a special use permit shall not require approval from the Planning Board. Any change of use to a use permitted only with special use permit approval shall follow all standards and procedures of Sections 9.1 and 9.2 (Site Plan Approval and Special Use Permits).

#### Section 3.8 Lot Area, Setbacks and Other Dimensions

Dimension Table. The table, presented in Appendix B and hereby incorporated into and made part of this Law, establishes the lot size, setbacks and other dimensional requirements for all lots and buildings in the Town of Springfield. These minimum requirements may be increased or decreased by other provisions of this Law.

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#### Section 3.9 Height and Height Exceptions

No building or structure shall block or unreasonably impede the view of existing neighboring buildings. The height limitations, as shown on Appendix B (Lot Area Dimensions) shall not apply to the following structures:

- a. Church spires, silos, belfries, cupolas and domes not used for human occupancy; residential chimneys, ventilators, skylights, water tanks, bulkheads and other necessary mechanical appurtenances usually carried above the roof level; parapet walls or cornices; non-commercial radio or television receiving antennas, public utility transmission towers or cable; agricultural structures in an agricultural district.

Section 3.10 Buildings and Structures: In all zoning districts, the following shall apply:

*This section added by Local Law #2 2025*

- a. *All exterior surfaces must be kept in good repair, free from peeling paint, broken windows, and structural deterioration.*
- b. *All buildings or structures which are structurally unsafe, dangerous, unsanitary, a fire hazard, or not provided with adequate egress or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment are severally, for the purpose of this section, unsafe buildings. All such unsafe buildings are hereby declared to be illegal and shall be abated by repair and rehabilitation or by demolition and removal in accordance with the procedures of the Hamlet/Commercial District Maintenance Law, Local Law No. 1 of 2025.*

## ARTICLE 4 APPLICATION OF REGULATIONS

### Section 4.1 General Application

Except for farm buildings or farm structures and as herein provided, no building, structure or land shall hereafter be used or occupied and no building or structure, or parts thereof, shall be erected, relocated, extended, enlarged, or altered except in conformity with the permitted use, height, minimum area, setbacks and off-street parking regulations specified for the district in which it is located.

### Section 4.2 Required Lot Area and Yards Cannot Be Reduced

No lot area shall be reduced or diminished so that the yards or other open spaces thereon shall be smaller than prescribed by this Law, nor shall the density of population be increased in any manner except in conformity with area regulations herein established. If, at the time of adoption of this Law (or of any amendment thereof increasing the area or open space requirements), the lot area or required open spaces are less than the minimum required by this Law, such area or open space shall not be further reduced.

### Section 4.3 Duplicate "Credit" for Yards Not Allowed

No yard provided on one lot for the purpose of complying with the provisions of this Law shall be considered as providing a yard required on any other lot unless the lots are contiguous and under common ownership and the minimum area requirements are separately met for each principal use.

### Section 4.4 Interpretation, Conflict With Other Laws

In their interpretation and application, the provisions of this Law shall be held to be minimum requirements, adopted for the protection of the public health, morals, safety, or the general welfare. Whenever the requirements of this Law are at variance with the requirements of any other lawfully adopted laws, rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

### Section 4.5 State Environmental Quality Review (SEQR)

All site plans, special permits and use variances require, at a minimum, the completion of an environmental assessment form to comply with Article 8, Part 617 of Title 6 of the New York State Code of Rules and Regulations ("SEQRA") unless the proposed action qualifies as a Type II action under SEQRA. Said forms shall be completed as required of the applicant and presented to the Land Use Enforcement Officer with the application for the Planning Board and/or Zoning Board of Appeals as part of the application process.

### Section 4.6 Right to Farm

No provision of this Law shall be interpreted, administered or enforced in a manner that restricts agricultural structures and farming practices occurring on land that lies within a Certified Agricultural District pursuant to Article 25-AA of the New York State Agriculture and Markets Law.

## ARTICLE 5 HAMLET-COMMERCIAL DISTRICT REGULATIONS

New uses, except for agricultural businesses in agricultural districts, shall be compatible with the existing traditional hamlet-style neighborhoods. Structures should be of the same scale, design, and layout of existing buildings and should be consistent with the small town nature of the hamlet(s).

*Hamlet/Commercial District Maintenance Law, adopted as Local Law No. 1 of 2025. is a amendment to this Zoning Law*

Section 5.1 Permitted and Special Permitted Uses

**Permitted by Right:**

One and two family dwellings, including manufactured homes, modular, panelized, and double-wide sectional structures, but not mobile homes  
Home Occupations  
Bed and Breakfast  
Accessory Apartment  
Accessory Structures and Uses commonly associated with permitted principal use  
Wind Towers, Personal Use Only  
Farm-stands  
Nursery  
Farmers' and Artisans' Market  
Agriculture and Aquaculture  
Service Trade Establishment

**Subject to Special Use Permit:**

General and Professional Offices  
Government Offices and Facilities  
Churches and Places of Worship  
Boarding House  
Country Inn  
Health and Social Services Clinic or Office  
Retail Store  
Personal Service Shop or Store  
Restaurant  
Nursery School, Day Care or Preschool, not as part of a Home Occupation  
School/Educational/Training Facility, Public or Private  
Cultural Facility  
Skilled Nursing Home  
Senior Citizen Housing  
Group Home

**ARTICLE 6 AGRICULTURAL-RESIDENTIAL (AR) DISTRICT REGULATIONS**

Section 6.1 Agricultural Buffers.

The Planning Board may require that buffers be established between any existing farm and new non-farm use to reduce the exposure of non-farm uses to odors, noise, and other potential nuisances associated with the agricultural operation and to protect the agricultural operation from potential complaints related to the same. Such buffers may consist of vegetative screening, woodlands, vegetated berms, or natural topographic features. Buffer size may be required to be larger depending upon the type of agriculture or farm use adjacent to the non-farm use, the topography and the proposed design and planting of such buffer. It shall be the responsibility of the non-farm applicant, subject to approval by the Planning Board, to provide an effective buffer that will reasonably protect adjacent non-farm areas from agricultural procedures.

## Section 6.2 Agricultural Data Statement.

Any application for a special use permit, site plan approval, use variance, or subdivision approval requiring Town review and approval by the Town Board, Planning Board, or Board of Appeals that would occur on property within a certified New York State Agricultural District containing a farm operation, or on property with boundaries within five hundred (500) feet of a farm operation located in an Agricultural District, shall include an agricultural data statement.

- a. The reviewing board shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within the agricultural district and notify those identified farm operators prior to any public hearing scheduled for that proposal.
- b. The reviewing board shall evaluate the impact of the proposal on the ability of adjacent farms to continue operation. This review can include, but is not limited to questions related to access to adjacent farmlands, whether changes in roads or traffic will allow for continued travel of agricultural equipment, or whether the proposal will prevent significant lands from being used for farming in the future.

## Section 6.3 Non-Agricultural Land Disturbances.

All subdivisions within the AR and HC districts shall be platted to preserve the maximum amount of active farmlands, prime farmland soils and soils of statewide importance for continued agricultural use as practical. Non-agricultural land disturbances shall, to the greatest extent practical be located as follows:

- a. On the least fertile soils for agricultural uses and in a manner which permits access to active agricultural land.
- b. Within any woodland contained within the parcel, or along the far edges of open fields adjacent to any woodland, to reduce impact on agricultural operations and to enable new construction to be visually absorbed by natural landscape features.

## Section 6.4 Exemptions.

The following exemptions from the provisions of this Zoning Law shall apply to land and buildings being used for farm operations:

- a. There shall be no height limits on agricultural structures, including but not limited to barns, silos, grain bins, and fences, as well as equipment related to such structures, as long as they are being used in a manner that is part of the farm operation.
- b. Agricultural structures shall be exempt from the maximum lot coverage requirements.
- c. Except where noted in Section 6.5, agricultural structures and practices shall not require Special Use Permits and Site Plan approvals.

## Section 6.5 Permitted and Special Permitted Uses

### **Permitted by Right:**

One and two family dwellings, including manufactured, modular, panelized, single-wide and double-wide sectional structures  
Home Occupations  
Bed and Breakfast  
Accessory Apartment  
Accessory Structures and Uses commonly associated with permitted principal use  
Wind Towers, Personal Use  
Farm-stands  
Nursery  
Farmers' and Artisans' Market  
Agriculture and Aquaculture  
Churches and Places of Worship  
Government Offices and Facilities  
Service Trade Establishment

### **Subject to Special Use Permit:**

Multi-Family Dwelling  
Conversion of Existing Structure into Multiple Dwelling  
Boarding House  
Country Inn  
Senior Citizens Housing  
Skilled Nursing Home  
Group Home  
Nursery School, Day Care or Preschool, not as part of a Home Occupation  
School/Educational/Training Facility, Public or Private  
Cultural Facility  
General and Professional Offices (not to exceed 6,000 sq ft unless in an existing building)  
Winery  
Brewery  
Horse Stable or Riding Academy (must have 200 ft setbacks and 10 acre minimum area)  
Forestry/Logging (must have 200 ft setbacks and 10 acre minimum area)  
Sawmill (must have 200 ft setbacks and 10 acre minimum area)  
Gravel Quarrying (must have 200 ft setbacks and 10 acre minimum area)  
Veterinary Hospital, Animal Services  
Commercial Boarding Kennel  
Health and Social Services Clinic or Office  
Light Manufacturing and Assembling (not to exceed 10,000 sq ft unless in an existing building)  
Retail Store/Shop (not to exceed 6,000 sq ft unless in an existing building)  
Motor Vehicle/Equipment Repair Shop (not to exceed 10,000 sq ft unless in an existing building)  
Restaurant (not to exceed 6,000 sq ft unless in an existing building)  
Hotel (minimum 10 acres for each 10,000 sq ft or fractional part thereof)  
Motel (minimum 10 acres for each 10,000 sq ft or fractional part thereof)  
Solar Panels (Farm)  
*Telecommunication Tower added by Local Law #2 of 2025*

## ARTICLE 7 LAKE DISTRICT

### Section 7.1 Applicability.

These regulations shall apply to all property fronting on Otsego Lake, those properties that have deeded and/or contractual access rights to Otsego Lake, and properties that visually and environmentally impact Otsego Lake. *State of New York Navigation Law Section 1. Subdivision 2 of section 46-a as amended by chapter 569 of the laws of 2021, is amended as it relates to regulations to restrict docks, boathouses and mooring on Otsego Lake Town of Springfield signed into Law by Governor CHAP. 507 11/22/2024, The Town of Springfield may adopt, amend and enforce local laws, rules and regulations not inconsistent with the laws of this state or the United States, with respect to the restriction and regulation of the manner of construction and location of boathouses, moorings and docks in any waters within or bounding the respective municipality to a distance of fifteen hundred feet from the shoreline. Added by Local Law # 2 2025*

### Section 7.2. Application of Regulations and Non-Conforming Uses.

Only one principal use and one principal building per lot shall be permitted within the Lake District however, more than one principal dwelling may be situated on a lot under single ownership provided that the minimum area requirements are separately met for each principal dwelling and any accessory structures. Uses permitted by right may be situated on any parcel within the Lake District in conformity with the provisions of this Law; however, uses permitted by right and related structures are subject to Site Plan Review under Section 9.1 of this Law.

All lots, buildings and uses of land or buildings existing as of 1987, however, may continue. Non-conformities of lots, or parcels or uses of land or buildings may not be increased, expanded, or exchanged for other non-conformities. Although, through Site Plan Review, the Planning Board may allow an increase in the footprints of impervious surfaces, including buildings and roadways up to 30% of the original footprint provided that area, setback, access frontage, septic, water and runoff requirements are met. Any substandard lot of record may be regarded and used as a conforming lot for a dwelling as a principal use provided that such lot does not adjoin another lot in common ownership, in which case all lots shall be considered as one parcel.

If area, setback, access frontage, septic, water, runoff and permitted and special permitted use requirements are met, then a building, structure, or part thereof, can be erected, moved or altered in conformity with the provisions of this Law; an existing, non-conforming use that also qualifies for approval as a special permitted use must receive approval as a special permitted use by the Planning Board before erecting any new building or structure or expanding an existing building or structure in conformity with the provisions of this Law.

By nature, lakeside lots and parcels often pose unique and complex engineering problems that are difficult to mitigate. All construction will require an engineered building site plan as well as Site Plan Review pursuant to Section 9.1 of this Local Law.

### Section 7.3. General Standards.

All construction on any shoreline lot shall be carried out in such a manner as to minimize interference with the natural course of the lake and its tributaries, to avoid erosion of the shoreline and stream banks, to minimize runoff rates of ground and surface water into the waterway, to remove only that vegetation which is necessary to the accomplishment of the project, and to generally maintain the existing aesthetic and ecological character of the shoreline.

Any boat pump-out or other connection to provide for the accommodation of sanitary wastes shall be connected to an adequate disposal system.

Any marina, boat service facility keeping or selling petroleum base products within one hundred (100) feet of any shoreline shall have a reasonable setback as determined by the Planning Board to insure that any leak, rupture or spill will be contained and not be introduced into or affect the adjacent waterway. An impermeable containment structure shall be constructed to contain any such spill.

#### Section 7.4 Dimensions

The minimum lot width, frontage, lot size, setback, and building height shall be in accordance with the Dimensions Table included at Appendix B.

#### Section 7.5 Runoff of Water

Newly created runoff of water on a lot or parcel must be engineered to pass through infiltrators or some form of construction or landform that minimizes surface runoff from that lot or parcel.

#### Section 7.6 Sewage

All septic systems shall be in full conformity with New York State Department of Health design and performance requirements. Any Local, State or Federal regulations that are more restrictive shall take precedence over this Law. No surface disposal of sanitary waste is allowed. All new septic systems will have a minimum setback of one hundred (100) feet from the shoreline of Otsego Lake as well as one hundred (100) feet from all wetlands, streams, and human water supplies. All new septic systems and all existing septic systems being repaired or reconstructed within five hundred (500) feet from the shoreline of Otsego Lake as well as one hundred (100) feet from all wetlands, streams, and human water supplies will be engineered by a licensed engineer and will be approved by the Otsego Lake Watershed Supervisory Committee. If an approved system cannot be designed, the existing leach field shall be sealed and the septic tank will be fitted with an alarm and will require pumping.

#### Section 7.7 Vegetation

Within five hundred feet (500) feet of the shoreline of Otsego Lake not more than thirty percent (30%) of the trees over six inches (6") in diameter breast height (DBH) existing at any one time may be cut over any ten (10) year period.

Within twenty (20) feet of the shoreline of Otsego Lake, no vegetation may be removed, except that up to a maximum of no more than thirty (30%) percent of the shorefront may be cleared of vegetation on any individual parcel providing that such clearing will not exceed fifty (50) feet. The above cutting provisions will not be deemed to prevent the removal of diseased vegetation or of rotten or damaged trees or of other vegetation that present safety or health hazards. Such removal shall be performed only by a permit issued by the Planning Board, subject to the recommendation of an independent professional arborist who must verify these conditions. The cost of such recommendation shall be borne by the property owner or applicant.

#### Section 7.8 Access Frontage

Minimum frontage for deeded or contractual access from back lots, parcels, or existing multiple family dwelling units shall be as follows:

Where one (1) to five (5) lots or one (1) to five (5) single family dwelling units or a single multiple family dwelling unit containing up to five (5) dwelling units are involved, a total of not less than two hundred (200) feet of shoreline frontage will be required when shoreline access is provided.

Twenty five (25) additional feet of shoreline for each lot, parcel or site or dwelling unit thereafter is required except that no more than ten (10) lots or dwelling units may access from any one-parent parcel possessing frontage on the shoreline of Otsego Lake.

No more than one (1) boathouse, one (1) dock and one (1) swimming float shall be allowed in conjunction with such common access for each two hundred (200) feet of shoreline lot width.

#### Section 7.9 Ancillary Waterfront Structures

Ancillary Waterfront Structures shall be permitted only as follows:

- a. Not more than two (2) such structures including no more than one (1) boat house and one (1) dock or pier shall be permitted per minimum required lot width, existing lot of record or established right-of-way.
- b. No dock, raft or other moored object shall project more than seventy five feet (75) from the shoreline.
- c. Setback requirements: any boat slip, boathouse, boat hoist structure, boat station, boat accessory structure, dock or other allowed structure shall be set back 4 feet from side property lines extended into the water on the condition that 4ft is feasible.
- d. Mooring buoys shall be placed within each designated area as (c) above, in such a manner that each moored vessel will avoid contact with any other moored vessel or structure. At no time may a moored vessel or part thereof extend outside the limits defined in (c), above.
- f. The table included in Appendix B indicates the numbers of docks or boat slips allowed per linear feet of shoreline within setbacks as defined in (c) above.

**Section 7.10 Permitted and Special Permitted Uses:**

**Permitted by Right (site plan review required):**

One and two family dwellings, including manufactured homes, modular, panelized, and double-wide sectional structures, but not mobile homes  
 Home Occupation  
 Accessory structures and uses commonly associated with permitted principal use  
 Accessory Apartment (only in existing buildings)

**Subject to Special Use Permit:**

Cultural Facility  
 Bed and Breakfast  
 Farm-stand

**Subject to Special Use Permit and Must be West of Route 80:**

Nursery  
 Agriculture and Aquaculture  
 Farmers' and Artisans' Market  
 Retail Store/Shop (must be less than 1,500 square feet unless in an existing building)  
 Restaurant (must be less than 1,500 square feet unless in an existing building)  
 Bar/Tavern (must be less than 1,500 square feet unless in an existing building)  
 Personal Service Shop or Store (must be less than 1,500 square feet unless in an existing building)  
 Membership Club  
 Recreational Business, indoor or outdoor  
 General and Professional Offices (must be less than 6,000 sq ft unless in an existing building)  
 Country Inn  
 Church and Place of Worship

**ARTICLE 8 US ROUTE 20 COMMERCIAL ZONE OVERLAY DISTRICT**

Any commercial development on a parcel located partially or wholly within 500 feet of US Route 20, as it extends through the Town of Springfield, shall meet the following road frontage, minimum area and setback requirements:

Road Frontage:            minimum of 500 feet

- Minimum Area: 10 acres for each 10,000 square feet or fractional part thereof of commercial building development
- Setbacks: minimum of 100 foot setback from all lot lines and minimum of 200 foot setback from US Route 20 (when a lot line borders US Route 20, the greater 200 foot setback shall apply; in the event that the provisions of this Law specify conflicting setback requirements, the greater or more restrictive setback requirements shall be applicable.)

## **ARTICLE 9 SITE PLAN REVIEW AND SPECIAL PERMITS**

### Section 9.1 Site Plan Review

Site Plan Review shall be required for all Special Permitted Uses and uses within the Lake District. Site plan and special permit review shall be undertaken by the Planning Board simultaneously.

- a. Upon application for any permit, certificate or license, the Land Use Enforcement Officer shall determine if site plan approval is required under this Law.
- b. Upon submission of a site plan for review, the Enforcement Officer shall determine that all information required by this Law is depicted thereon or contained in accompanying documents. He/she shall notify the applicant of any additional information required, or that the site plan application meets the requirements for Planning Board review, within seven (7) days of its submission to the EO. If the site plan application meets the requirements for Planning Board review, the EO shall refer said site plan application to the Town Planning Board for review upon receipt from the applicant of seven (7) copies of the site plan application and the application fee as adopted by resolution and amended from time to time by the Town Board.
- c. Upon approval or approval with changes or conditions, the applicant shall lodge seven (7) copies of the approved site plan with the Enforcement Officer who shall then issue the appropriate building permit. One (1) copy of the approved site plan shall be filed with the Town Clerk.
- d. Upon completion of the work depicted upon the site plan, the Enforcement Officer shall make a field inspection, noting on one (1) copy of the approved site plan, compliance between the site plan and actual development, and shall submit the same to the Town Planning Board. No performance bond or other surety shall be released and no certificate of occupancy issued unless or until the Planning Board is satisfied that actual development is in substantial compliance with the approved site plan.
- e. Except as may be waived by the Planning Board, all site plans required under this Law shall include the following information presented in drawn form and accompanied by a written text as necessary:
  1. A survey of the property showing boundaries and existing features including topographic contours, buildings, structures, trees of over eighteen (18) inch circumference measured at chest height, streets, utility easement, rights-of-way and land use;
  2. The location of all proposed buildings and land use areas, showing floor area and location of vehicular and pedestrian entrances;

3. The proposed traffic circulation, parking and loading areas and pedestrian walks;
  4. The landscaping plans, including site grading and plant materials
  5. The preliminary architectural and/or engineering drawings for all buildings to be constructed;
  6. The preliminary engineering plans, including street improvements, drainage system, and utility connections showing the method of water, telephone, and electrical service, and storm water and sewage disposal;
  7. A description of proposed uses, construction sequence and time schedule for completion of each phase of construction;
  8. Engineering feasibility study of any anticipated problem which might arise;
  9. Description of proposed uses, including hours of operation and expected number of employees, volumes of business and volumes of traffic generated;
  10. Water Test Results Verified by a Qualified Inspector;
  11. Findings upon Inspection of Septic System Verified by a Qualified Inspector;
  12. If a lot has not been recently divided with acceptable percolation and deep-hole tests the Planning Board may require 2 percolation tests and 1 deep-hole test, conducted by a licensed engineer, for approval.
- f. Upon finding that any of the items listed above is unnecessary for adequate review of any proposal, the Planning Board may waive such requirement. If the Planning Board finds that additional information is necessary to insure adequate review, it shall specify such information to the applicant, and such additional information shall be required.
- g. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.
- h. Public Hearing:

The Planning Board may conduct a public hearing on the site plan. If it is determined that a public hearing is desirable, the Planning Board shall conduct a public hearing within sixty-two (62) days from the date of the meeting at which the site plan and supporting data were first submitted to the Planning Board by the Land Use Enforcement Officer. The Planning Board shall mail notice of said hearing to the applicant at least twenty (20) days before said hearing and shall give public notice of said hearing in a newspaper of general circulation in the town at least five (5) days prior to the date thereof and shall make a decision on the application within sixty-two (62) days after such hearing, or sixty-two (62) days after the date of the meeting at which the site plan and supporting data were first submitted to the Planning Board, if no hearing has been held. At least ten (10) days before such hearing, the authorized board shall mail notices thereof to the county planning department or agency or regional planning council, as required by section two hundred thirty-nine-m of the General Municipal Law, which notice shall be accompanied by a full statement of such proposed action, as defined in subdivision one of section two hundred thirty-nine-m of the General Municipal Law unless an agreement has been executed to waive this requirement. In the event a public hearing is not required, such proposed action shall be referred to the County Planning Department, if required by section two hundred thirty-nine-m of the General Municipal Law, before final action is taken thereon unless an agreement has been executed to waive this requirement. The applicant shall notify all property owners within 200 feet of the boundaries of the subject parcel(s) of the public hearing at least ten (10) days in advance and provide to the Planning Board proof of notice by certified or registered mail or by a signed acknowledgment by the property owner(s) of personal service.

i. Site Plan Review:

Prior to rendering a decision, the Planning Board shall review the site plan, public hearing comments, and supporting data and take into consideration the following:

1. Harmonious relationship between proposed uses and existing adjacent uses;
2. Maximum safety of vehicular circulation between the site and the street;
3. Adequacy of interior circulation, parking and loading facilities with particular attention to pedestrian safety;
4. Adequacy of landscaping and setbacks to achieve compatibility with and protection of adjacent uses; and
5. Factors deemed necessary by the Planning Board for the health, safety, and welfare of the public.
6. Compatibility with existing structures and area so as not to alter the general character of the area.

The Planning Board may require changes or additions in relation to yards, driveways and landscaping to insure safety, to minimize traffic difficulties, and to safeguard adjacent properties. Should changes or additional facilities be required by the Board, final approval of site plan shall be conditional upon satisfactory compliance by owner with the changes or additions.

Any owner wishing to make changes in an approved site plan shall submit a revised site plan to the Planning Board for review and approval. A revised site plan, at the discretion of the Planning Board, may restart the timing requirements for site plan review.

j. Decision:

The Planning Board shall, within 62 days of the public hearing, if one is held, or within 62 days of the date of the meeting at which the site plan and supporting data were submitted, either approve, approve with conditions, or disapprove the site plan. The time within which the authorized board must render its decision may be extended by mutual consent of the applicant and the Planning Board. With good cause and without the permission of the applicant, the requirements of the State Environmental Quality Review Act may toll the otherwise applicable 62 day time in which the Planning Board has to render a decision on the site plan. The decision of the Planning Board shall be filed in the office of the Town Clerk within five (5) business days after such decision is rendered, and a copy thereof mailed to the applicant.

k. Performance Bond as a Condition of Site Plan Approval:

The Planning Board may require, as a condition of site plan approval, that the owner file a performance bond or other surety in such amount as it determines to be in the public interest, to ensure that the proposed development will be built in compliance with the accepted plans.

## Section 9.2 Special Permits

The Planning Board shall administer the review and granting of special permits. All special permits shall require site plan review. When a special permit is required, the additional requirements of this section shall apply. If there is any inconsistency between the requirements for site plan review and a special use permit, the stricter requirements shall apply.

- a. The application for a special permit shall be accompanied by a fee as set by the Town Board schedule of fees, seven sets of preliminary plans, and/or other descriptive matter to clearly portray the intentions of the owner. Such plans shall show locations of all buildings, parking, traffic access and circulation drives, open spaces, landscaping, all existing structures and usages within 200 feet of the site boundaries, and other information necessary to determine if the proposed special use meets the requirements of this Law.
- b. A public hearing shall be held within sixty-two (62) days of receipt of a complete application. The Planning Board shall mail notice of said hearing to the applicant at least twenty (20) days before said hearing and shall give public notice of said hearing in a newspaper of general circulation in the town at least five (5) days prior to the date thereof. The applicant shall notify all property owners within 200 feet of the boundaries of the subject parcel(s) of the public hearing at least ten (10) days in advance and provide to the Planning Board proof of notice by certified or registered mail or by the signing and acknowledgment by the property owner(s) of personal service. At least ten (10) days before such hearing, the authorized board shall mail notices thereof to the county planning board or agency or regional planning council, as required by section two hundred thirty-nine-m of the general municipal law, which notice shall be accompanied by a full statement of such proposed action, as defined in subdivision one of section two hundred thirty-nine-m of the general municipal law unless an agreement has been executed to waive this requirement.
- c. The Planning Board shall render a decision, at its regular or special meeting, either approving, approving with conditions, or denying a special permit application, within 62 days of the public hearing unless tolled for good cause to meet the requirements of the New York State Environmental Quality Review Act. The decision of the Planning Board shall be filed in the office of the town clerk within five (5) business days after such decision is rendered, and a copy thereof mailed to the applicant.
- d. A special permit shall be construed to be authorization for only one particular special use.
- e. The Planning Board may, at its discretion, set a time period for a special use of between one (1) and three (3) years. The applicant is then required to seek renewal for the use at the end of the time period granted. Failure to comply with the standards set below, shall give the Planning Board the legal authority to deny renewal of the permit or to revoke the permit if it is clearly in violation of the law and the owner refuses to comply with the standards and conditions of the special permit.
- f. Standards Applicable to all Special Permit Uses:
  1. All special permit uses shall require site plan review. Special permit uses are uses for which approval of the Planning Board is required and for which conformance to additional standards is required, in addition to all other requirements of this Law. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific case or use shall be considered as an individual case that requires consideration of the merits and details of each proposed use to assure that such proposed use will not adversely affect the general character of the surrounding area if the conditions of the special use permit are met and such proposed use is in harmony with this Law, the Town's Comprehensive Plan, and land use and similar goals and plans from time to time adopted by the Town Board and in effect at the time in question.

2. The Planning Board shall require that the following conditions are met for issuance of a special use permit:

(a) that the special use is specifically authorized by this Law (the decision shall set forth the exact subsection of this Law containing the jurisdictional authorization);

(b) that the special use meets all of the criteria set forth in the subsection of this Law authorizing such special use; and

(c) that the granting of the special use permit will not alter the general character of the surrounding area, or impair the intent or purpose of this Law, or of the Town's Comprehensive Plan, or of land use and similar goals and plans from time to time adopted by the Town Board and in effect at the time in question. In so doing, the Planning Board shall consider factors such as:

(i) location and size of the proposed project;

(ii) the nature and intensity of the operations involved;

(iii) the size of the site in relation to the size of the proposed project;

(iv) the location of the site with respect to the existing or future streets giving access to it with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

(v) whether the location, nature and height of buildings, walls, and fences will discourage the appropriate development and use of adjacent land and buildings and properties generally in the district or impair the value thereof;

(vi) whether the operations in connection with the proposed project will be more objectionable in nature to nearby properties and properties generally in the district by reason of noise, fumes, vibration, flashing lights, increased traffic or any other objectionable reasons, than would be the operations of any use permitted as of right;

(vii) the impact on existing and planned capacity of infrastructure systems, including but not limited to roads, water, sewer, energy and drainage;

(viii) whether environmentally sensitive features will be protected; and

(ix) whether any authorization hereunder shall create fiscal burdens upon the community at large.

3. No special permit shall be issued for a use on a property where there is a violation of this Law or other Town law or regulation unless an application is being made to bring the applicant into compliance. A special use permit shall expire if the subject use shall cease for any reason for twelve (12) months or longer or be delayed for twelve (12) months from the date of issuance of the special use permit.

- g. Any special use or site plan that would occur on property within an agricultural district containing a farm operation or on property with boundaries within five hundred feet of a farm operation in an agricultural district must submit an "**agricultural data statement**" with its application. This statement shall include the name and address of the applicant, a description of the proposed project and its location, the name and address of any landowner within the agricultural district whose land contains farm operations and who is located within five hundred feet of the boundary of the property upon which the project is proposed and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.

## **ARTICLE 10 ADDITIONAL DEVELOPMENT STANDARDS**

The provisions of the District Regulations shall be subject to additional requirements, limitations and exceptions in accordance with the following supplementary regulations. Unless otherwise specified, these supplementary regulations shall apply to all districts.

### Section 10.1. Retention of Consultants

The Town Board, Planning Board and Board of Appeals are hereby authorized to retain legal, engineering, and planning consultants and/or such other expert consultants as are determined to be necessary to enable the full performance of the duties of the respective Board relative to any matters before such Board. Payment for the services of such consultants is to be made from funds deposited by the applicant with the Town in escrow accounts for such purposes. It shall be the responsibility of the applicant to submit to the Town, prior to the commencement of any work associated with said application before the Board, or at such other time as directed by the Board, certified check(s) in amounts equal to the estimate of the expert consultant and/or engineer for the cost of services to be rendered to the Town. This sum shall be released by the Town to the consultant or engineer in payment for the services rendered to it upon acceptance by the Town of those services.

### Section 10.2 Public Water and Sewer

If a public water supply and/or public sewer system are available, within 500 feet of any boundary of the property, no new dwelling or other new principal building except a farm structure shall be constructed, erected, altered, or used without connection with such public water supply and/or public sewer system.

### Section 10.3 Lot Frontage on Street

No building shall be erected on any lot which does not have immediate frontage on an existing or planned road, street or highway.

### Section 10.4 Temporary Structures

So long as a building permit and if applicable, a certificate of occupancy is first obtained, temporary buildings may be placed for uses incidental to lawfully conducted construction work; provided, however, that all such temporary buildings shall be removed no later than 21 days following the first to occur of (i) completion or (ii) abandonment of the construction work with respect to which such temporary buildings were associated.

### Section 10.5 Volatile Materials Storage

All volatile materials shall be stored and used only in containers and in the manner approved by the New York State Board of Fire Underwriters.

### Section 10.6 Exceptions for Lots of Record

The requirements of this Law with respect to the area and lot width shall not be construed to prevent the erection of a one-family dwelling on any lot of record at the effective date of this Law, provided that such use is permitted in the district in which the lot is located and provided the yard and other requirements of this Law are complied with. Adjacent lots in the same ownership having in the aggregate a continuous frontage of more than one hundred (100) feet shall not qualify for this exception.

### Section 10.7 Fences

No fence more than four (4) feet high shall be permitted within the front yard, nor shall any fence be more than eight (8) feet in the side yard or more than eight (8) feet high in the rear yard. However, a fence no more than eight (8) feet may be erected on the surface of a deck behind the rear building line in any residential district provided the deck does not project beyond the side yard foundation walls of the dwelling erected on the lot. *Side and Rear fences not being perimeter fences must have a five (5) foot setback from property line. added LL#2 2025*

A building permit is required for all perimeter fencing. The applicant shall submit, to the Enforcement Officer a description of the fence and location on the property and shall meet with the Officer prior to issuance of the permit. The Officer shall require notification by the applicant of all adjacent property owners if a fence is proposed to be a perimeter fence or to be placed in the front yard of a property or within thirty-five (35) feet of a road. Sight clearance for safety purposes shall be ensured for all fencing located within thirty-five (35) feet of road frontage. A survey shall be required for perimeter fences unless the adjacent landowner(s) agrees, in writing, to the location of the fence.

The finished side of any fence must face outward. Fences shall not be constructed of materials that endanger health or safety. Fences shall be constructed of materials consistent with the existing character of the area in which the fence is erected.

### Section 10.8 Parking

#### a. Purpose.

The Town finds that large and highly visible parking areas may damage the character of the Town, and harm the natural environment and visual character of the community. The Town also recognizes that inadequate parking or inappropriately designed parking can diminish quality of life by creating traffic congestion, safety hazards, inconvenience, and interfere with snow removal, drainage, and customer service. The Town seeks to balance the need for adequate parking with the need to minimize aesthetic harm resulting from parking lots and to avoid negative impacts of excessive parking requirements.

#### b. Off-Street Parking.

Off-street parking requirements for non-residential uses shall be established by the Planning Board based upon need of the proposed use. In the Hamlet-Commercial District, the Planning Board may allow counting of existing off street and/or on-street parking to meet these

requirements. Upon due consideration of the Parking Requirements Table at **Appendix C**, the Planning Board shall have the authority to deviate parking space requirements on a case by case basis to meet parking requirements. Since businesses vary widely in their need for off-street parking, it is most appropriate to establish parking requirements based on the specific operational characteristics of the particular use proposed so long as the such decisions are not arbitrary and are based upon sound reasoning. In determining the parking requirements for any proposed use, the Planning Board shall consider:

- i. The projected maximum number of persons who would be driving to the use. Parking spaces shall be sufficient to satisfy eighty-five percent (85%) of the anticipated peak demand after snow storage is deducted;
- ii. The size of the structure(s), use, and the site;
- iii. The environmental, scenic or historic sensitivity of the site. In cases where sufficient area for parking cannot be created on the site without disturbing those resources, the Planning Board may require a reduction in the size of the structure so that available parking will be sufficient or may waive parking requirements at the discretion of the Board; and
- iv. Standards used in generally accepted traffic engineering and planning manuals shall be referred to; however, such standards shall be used as a guide. Guidelines for the minimum number of off-street parking spaces to be provided are included in the table at Appendix C hereby incorporated within this Law.

c. Handicapped Parking.

Adequate parking for disabled persons shall be provided in accordance with applicable laws. Handicapped parking spaces shall be provided in accordance with all State and Federal ADA regulations.

d. Size of Parking Spaces.

Each parking space shall be at least nine (9) feet wide and nineteen (19) feet long.

e. Location of Parking.

Parking areas located to the side or rear of the structure are encouraged. Landscaping or screening shall be used to minimize any negative visual effect. In order to provide visual continuity when parking is placed in front of a structure, landscaping shall be placed at a setback similar to nearby existing buildings found in that block or neighborhood.

f. Grade.

The maximum finished grade for parking areas shall not exceed three percent (3%). Maximum grade of access drives shall be eight percent (8%).

g. Landscaped Islands.

Landscaped islands shall be integrated into parking areas to visually break up large expanses of paving and provide shading. Landscaping shall be at least fifteen (15) percent of the gross parking area, including sidewalks where required. Landscaping shall not block sight lines and plantings at parking facility entrances and exits shall be limited to ensure clear sight distances. Parking areas shall use the minimum lighting necessary.

h. Surfaces.

Gravel, crushed rock or impervious surfaces as may be approved by the Planning Board are acceptable for parking areas provided adequate drainage, stormwater and erosion control are provided for.

Section 10.9 Signs

a. Externally illuminated signs, including building identification signs, shall only use shielded light fixtures. Any sign not in use shall be removed by the building owner within six (6) months after cessation of business.

b. Two signs are allowed per business. However a commercial building housing multiple units is permitted one freestanding sign that includes listings of all businesses located on the premises and each individual business shall be permitted one additional sign to be mounted on the building or windows.

c. Exempt Signs. The following signs shall be exempt from requirements of this section:

1. Memorial or historical signs, names of buildings and dates of erections when cut or cast into any masonry, bronze, stainless steel or similar permanent material.

2. Traffic or other municipal signs.

3. Legal notices, emergency, or non-advertising signs.

4. A farm stand sign not exceeding six (6) square feet.

5. Temporary, non-illuminated signs on the premises for up to one year including directional signs, real estate "for sale or for rent" signs, signs announcing anticipated occupancy of a site or building or which identify the contractors, architects, engineers, etc., on a building or site under construction.

6. Signs or bulletin boards customarily incidental to places of worship, libraries or museums, erected on the premises for purposes of displaying temporary public information notices, not exceeding sixteen (16) square feet in area.

d. Freestanding Signs. All freestanding signs shall comply with the following standards:

- (1) All signs should be erected outside of any roadway right of way.
- (2) The maximum height for freestanding signs shall be twelve (12) feet.
- (3) When illuminated, only externally lighted signs are allowed.
- (4) The maximum size of the sign shall be 16 square feet.

e. Building Signs. Signs attached to a building shall conform to the following standards:

- (1) The maximum area shall be equal to the width of the building front, but in no case shall the sign(s) area exceed ten percent (10%) of the building face area. The total sign square footage shall be in proportion to the building size.
- (2) Signs shall not project above the highest point along the face of the building.

f. Sign Permits and Sign Administration. No new sign shall be erected without a Site Plan review and approval by the Planning Board. Signs that are part of a broader Site Plan or Special Use Permit approval process shall be reviewed by the Planning Board at the same time as other aspects of the Site Plan or Special Use Permit. Site Plan approval shall also be required for the

construction, reconstruction, installation, expansion, contraction, alteration, or relocation of any sign associated with a use that is subject to this Law. An application to erect a sign, whether part of a Site Plan or special use permit application process or not, shall be made to the Planning Board and shall include: (a) a scale drawing of the sign showing type of sign; (b) dimensions, advertising content, materials, method and style of illumination; (c) method of structural support; (d) colors; (e) location on the land or building in relation to buildings, roadways, driveways and sidewalks; and (f) name of the sign owner and person responsible for maintenance of the sign. The Planning Board will accept a hand-drawn illustration of the sign to convey the above information. Upon approval of the sign by the Planning Board, the Land Use Enforcement Officer shall issue a sign permit.

#### Section 10.10 Heat

No heat shall be produced that is perceptible beyond the boundaries of the lot from which the heat is emanating. The Planning Board may require certification by a qualified expert when heat is generated by a proposed project.

#### Section 10.11 Industrial Wastes

All state and federal laws, rules and regulations applicable to the discharge of solid and liquid waste shall be met. No solid or liquid wastes shall be discharged into any public sewer, private sewage disposal system, stream, water body, or on or into the ground, except in strict accordance with the standards approved by the New York State Department of Health or other duly-empowered agency.

#### Section 10.12 Fire and Explosion Hazards

All state and federal requirements applicable to fire and explosion hazards shall be met. The Planning Board may request an advisory opinion from the local fire department as to the department's capacity to address any potential fire and explosion hazards, which may be generated by the application.

#### Section 10.13 Surfaces

All open portions on any developed lot shall have adequate grading and drainage, and shall be continuously maintained in a dust-free condition by suitable landscaping with trees, shrubs, grass or other planted ground cover. Impervious surfaces such as gravel, crushed rock or other impervious surfaces as may be approved by the Planning Board are acceptable for roads, driveways and parking lots provided adequate drainage, stormwater and erosion control are provided for.

#### Section 10.14 Vibration

No vibration shall be permitted which is capable of being felt by any person at any adjoining lot line.

#### Section 10.15 Light Pollution and Glare

No use shall produce glare so as to cause illumination beyond the boundaries of the property on which it is located. All exterior lighting, including security lighting, sign lighting or other lighting of structures and yards shall be directed away from adjoining streets and properties. No direct glare shall be permitted and all outdoor lighting shall use shielded lighting fixtures so that the angle of illumination is directed downwards rather than out. Except for single and two-family dwellings and agricultural uses, the Planning Board shall evaluate all outdoor lighting plans and mitigate lighting impacts.

#### Section 10.16 Green Building

Use of green building designs that use accepted LEED standards (Leadership in Energy and Environmental Design) and the LEED Green Building Rating are encouraged.

#### Section 10.17 Pollution of Otsego Lake

No person shall directly or indirectly, throw, drain, run or otherwise discharge sewage or sewage effluents, industrial wastes, industrial effluents, or deposit or dump any other waste or refuse into the surface waters of the watershed of Otsego Lake, including the lake proper and all its tributaries. No person shall carry out any activity in the Town of Springfield which will cause or will most likely cause substantial pollutants to drain into the waters of Otsego Lake, including the lake proper and all its tributaries.

### **ARTICLE 11 NON-CONFORMING USES OR BUILDINGS**

#### Section 11.1 Continuing Existing Use

The lawful use of an existing building on the effective date of this Law or authorized by a building permit issued prior thereto may be continued even though such use does not conform to the provisions of this Law.

#### Section 11.2 Non-Conforming Use Discontinued

Whenever a non-conforming use of land, premises, building or structure, or any part or portion thereof, has been discontinued for a period of one (1) year, such non-conforming use shall not thereafter be reestablished, and all future use shall be in conformity with the provisions of this Law. Such discontinuance of the active and continuous operation of such non-conforming use, or a part or portion thereof, for such period of one (1) year, is hereby construed and considered to be an abandonment of such non-conforming use, regardless of any reservation of an intent not to abandon the same or of an intent to resume active operations. If actual abandonment in fact is evidenced by the removal of buildings, structures, machinery, equipment and other evidence of such non-conforming use of the land and premises, the abandonment shall be construed and considered to be completed within a period of one (1) year or less and all rights to reestablish or continue such non-conforming use shall thereupon terminate.

#### Section 11.3 Restoration

No non-conforming building which has been damaged by fire or other causes to the extent of more than 50 percent of its value, shall be rebuilt or repaired except in conformance with the regulations of this Law.

#### Section 11.4 District Changes

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, or whenever the text of this Law shall be changed with respect to uses permitted in a district, the foregoing provisions shall also apply to any non-conforming buildings or uses therein.

### Section 11.5 Farm Uses Excepted

Notwithstanding any other provisions of this Law, any farm use and any farm building formerly conducted or used in any district hereafter classified as RA may be reestablished, renewed or restored.

### Section 11.6 Restoration of Unsafe Buildings

Nothing in this section shall prohibit the restoration to a safe condition of any building, structure, or portion thereof declared unsafe by the Code Officer.

### Section 11.7 Oil and Gas Leases

Heavy Industry uses, as defined elsewhere in this Law, are prohibited in the Town of Springfield and have been prohibited since the effective date of Local Law No. 1 of 2011. The definition of "Heavy Industry" in this Law includes, but is not limited to the exploration for natural gas; extraction of natural gas; natural gas processing facilities; exploration for crude oil; extraction of crude oil; oil refineries; coal mining; coal processing. For the purposes of this provision of the Law, and solely for the ease of drafting and reading, all those uses and activities shall be referred to collectively as "gas, oil and coal extraction".

Any leases of property for the purpose of allowing gas, oil or coal extraction, or any gas, oil or coal extraction operations which have been conducted on land in the Town as of the effective date of Local Law No. 1 of 2011, are subject to the following:

- A. Existing Leases:
  - 1. Where a lease which allows gas, oil or coal extraction has been executed and where no substantive gas, oil or coal extraction activity has substantively commenced as of the effective date of Local Law No. 1 of 2011, then this Law shall apply in full effect and shall operate to prohibit all such activities. The existence of a lease under the circumstances described in this paragraph shall convey no vested right upon either party to the lease.
  
- B. Existing Gas, Oil and Coal Extraction Operations
  - 1. Where a lease which allows gas, oil, or coal extraction has been executed, and where substantive gas, oil or coal mining extraction activity has occurred as of the effective date of Local Law No. 1 of 2011, and those activities are being conducted pursuant to valid permits issued by the New York State Department of Environmental Conservation or other regulating agencies, in that case the activity shall be considered a non-conforming use and shall be allowed to continue.
  - 2. Upon the depletion of any gas or oil well or coal mine which is allowed to remain in operation pursuant to this provision, or upon any other termination of the gas, oil or coal extraction activity for a period of more than one (1) year, the non-conforming use status of that activity shall terminate and the activity may not be renewed.
  - 3. Further, no gas, oil or coal extraction activity allowed to remain in operation pursuant to this provision shall be permitted to expand as of the effective date of Local Law No. 1 of 2011.

## **ARTICLE 12 ADMINISTRATION AND ENFORCEMENT**

### Section 12.1 Enforcement and Fees

This Law shall be enforced by the Zoning Law Enforcement Officer. No land use permit shall be issued by her/him except where all the provisions of this Law have been complied with. The Land Use Enforcement Officer is authorized to issue Stop Work Orders, Notices of Violations, Orders to Remedy and such other notices and orders recognized by law. The Land Use Enforcement Officer is authorized to issue appearance tickets pursuant to this Law per NYS Criminal Procedure Law Section 150.20(3).

Zoning permit fees are as set by the Town Board by resolution and may be adjusted from time to time by resolution.

### Section 12.2 Penalties for Violation

a. A violation of this Law is hereby declared to be an offense, punishable by a fine not exceeding three hundred fifty dollars or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this Law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

b. In addition to those penalties prescribed by state law, any person, firm or corporation that violates any provision of the Town of Springfield Zoning Law may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction. Any person who violates any provision of this Law shall also be subject to a civil penalty of not more than \$200.00 per day, to be recovered by the Town in a civil action. In the event that the Town is required to take legal action to enforce this subsection, any and all necessary civil penalties provided by this subsection shall be recoverable in an action instituted in the name of the Town by the Town Board on its own initiative or at the request of the Land Use Enforcement Officer.

### Section 12.3 Remedies

In addition to other remedies, the Town Board, either on its own initiative or upon the written request of a resident taxpayer, may institute any appropriate action or proceedings necessary to enforce this Law.

## **ARTICLE 13 BOARD OF APPEALS**

### Section 13.1 Board of Appeals Created

A Board of Appeals is hereby created which shall consist of five (5) members appointed by the Town Board and two (2) alternate members to substitute at the direction of the chairperson when any regular member is unable to participate for any reason, including, but not limited to a conflict of interest. An alternate member when so designated shall have all of the powers and duties of a

regular member. The Town Board shall designate the chairperson and the Board of Appeals shall appoint a secretary and shall prescribe rules for the conduct of its affairs.

### Section 13.2 Powers and Duties

The Board of Appeals shall have all the powers and duties prescribed by statute and by this Law, which are more particularly specified as follows:

- a. Orders, requirements, decisions, interpretations, determinations. The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official or body charged with the enforcement and application of this Law and to that end shall have all the powers of the administrative official or body from whose order, requirement, decision, interpretation or determination the appeal is taken, including, but not limited to determination of the exact location of any district boundary if there is any uncertainty with respect thereto.
- b. Variances - The Board of Appeals shall have the power, upon an appeal from a decision or determination of the Land Use Enforcement Officer or other administrative official or body charged with the enforcement of this Law, after public notice and hearing and in accordance with the requirements of law and this Law, to grant area variances and use variances as those terms are defined herein.

#### 1. Use Variances

(a) The board of appeals, on appeal from the decision or determination of the administrative official and/or body charged with the enforcement of this Law, shall have the power to grant use variances, as defined herein.

(b) No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable land use regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the land use regulations for the particular district where the property is located, (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (4) that the alleged hardship has not been self-created.

(c) The board of appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(d) If a use variance is granted, the applicant shall obtain site plan review approval from the Planning Board prior to commencing the use and prior to obtaining a Building Permit.

## 2. Area Variances

(a) The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the administrative official and/or body charged with the enforcement of this Law, to grant area variances as defined herein.

(b) In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

(c) The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

## 3. Imposition of Conditions

The board of appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Law and the Town's Comprehensive Plan, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

### Section 13.3 Procedure

a. Meetings, minutes, records. Meetings of such board of appeals shall be open to the public to the extent provided in article seven of the Public Officers Law. Such board of appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.

b. Filing requirements. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the board of appeals shall be filed in the office of the town clerk within five (5) business days and shall be a public record.

c. Assistance to board of appeals. Such board shall have the authority to call upon any department, agency or employee of the town for such assistance as shall be deemed necessary and as shall be authorized by the Town Board. Such department, agency or employee may be reimbursed for any expenses incurred as a result of such assistance.

d. Hearing appeals. Unless otherwise provided by local law or ordinance, the jurisdiction of the board of appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by the

administrative official and/or body charged with the enforcement of any ordinance or local law adopted pursuant to this article. Such appeal may be taken by any person aggrieved, or by an officer, department, board or bureau of the town.

e. Filing of administrative decision and time of appeal.

(1) Each order, requirement, decision, interpretation or determination of the administrative official and/or body charged with the enforcement of this Law shall be filed in the office of such administrative official and/or body, within five (5) business days from the day it is rendered, and shall be a public record. Alternately, the town board may, by resolution, require that such filings instead be made in the town clerk's office.

(2) An appeal shall be taken within sixty (60) days after the filing of any order, requirement, decision, interpretation or determination of the administrative official, by filing with such administrative official and/or body and with the board of appeals a notice of appeal, specifying the grounds thereof and the relief sought. The administrative official from whom the appeal is taken shall forthwith transmit to the board of appeals all the papers constituting the record upon which the action appealed from was taken.

(3) Stay upon appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official and/or body charged with the enforcement of this Law, from whom the appeal is taken, certifies to the board of appeals, after the notice of appeal shall have been filed with the administrative official and/or body, that by reason of facts stated in the certificate a stay, would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by a court of record on application, on notice to the administrative official and/or body from whom the appeal is taken and on due cause shown.

(4) Hearing on appeal. The board of appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice of such hearing by publication in a paper of general circulation in the town at least five (5) days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the board prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney.

(5) Time of decision. The board of appeals shall decide upon the appeal within sixty-two (62) days after the conduct of said hearing. The time within which the board of appeals must render its decision may be extended by mutual consent of the applicant and the board.

(6) Filing of decision and notice. The decision of the board of appeals on the appeal shall be filed in the office of the town clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

(7) Notice to park commission and county planning department or agency or regional planning council. At least five (5) days before such hearing, the board of appeals shall mail notices thereof to the parties; to the regional state park commission having jurisdiction over any state park or parkway within five hundred (500) feet of the property affected by such appeal; and to the county planning board or agency or regional planning council, as required by section two hundred thirty-nine-m of the general municipal law, which notice shall be accompanied by a full statement of such proposed action, as defined in subdivision one of section two hundred thirty-nine-m of the general municipal law unless an agreement has been executed waiving this requirement.

(8) Compliance with State Environmental Quality Review Act. The board of appeals shall comply with the provisions of the State Environmental Quality Review Act under article eight of the environmental conservation law and its implementing regulations as codified in title six, part six hundred seventeen of the New York Codes, Rules and Regulations.

(9) Rehearing. A motion for the zoning board of appeals to hold a rehearing to review any order, decision or determination of the board not previously reheard may be made by any member of the board. A unanimous vote of all members of the board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the board finds that the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.

(10) Voting requirements.

(a) Decision of the board. Except as otherwise provided in subdivision nine of this section, every motion or resolution of a board of appeals shall require for its adoption the affirmative vote of a majority of all the members of the board of appeals as fully constituted regardless of vacancies or absences. Where an action is the subject of a referral to the county planning agency or regional planning council the voting provisions of section two hundred thirty-nine-m of the general municipal law shall apply.

(b) Default denial of appeal. In exercising its appellate jurisdiction only, if an affirmative vote of a majority of all members of the board is not attained on a motion or resolution to grant a variance or reverse any order, requirement, decision or determination of the enforcement official within the time allowed within subsection 5, the appeal is denied. The board may amend the failed motion or resolution and vote on the amended motion or resolution within the time allowed without being subject to the rehearing process described in subsection 9.

## **ARTICLE 14 AMENDMENTS**

### Section 14.1 Procedure

The Town Board may from time to time on its own motion, or on petition, or on the recommendation of the Town Planning Board, amend, supplement, or repeal the regulations and provisions of this Law.

## **ARTICLE 15 GENERAL PROVISIONS**

### Section 15.1 Severability

If any specific part or provision or standard of this Law, or the application thereof to any person or circumstance, be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons or circumstances, and the Town Board hereby declares that it would have enacted this Law, or the remainder thereof.

### Section 15.2 Interpretation; Conflict With Other Laws

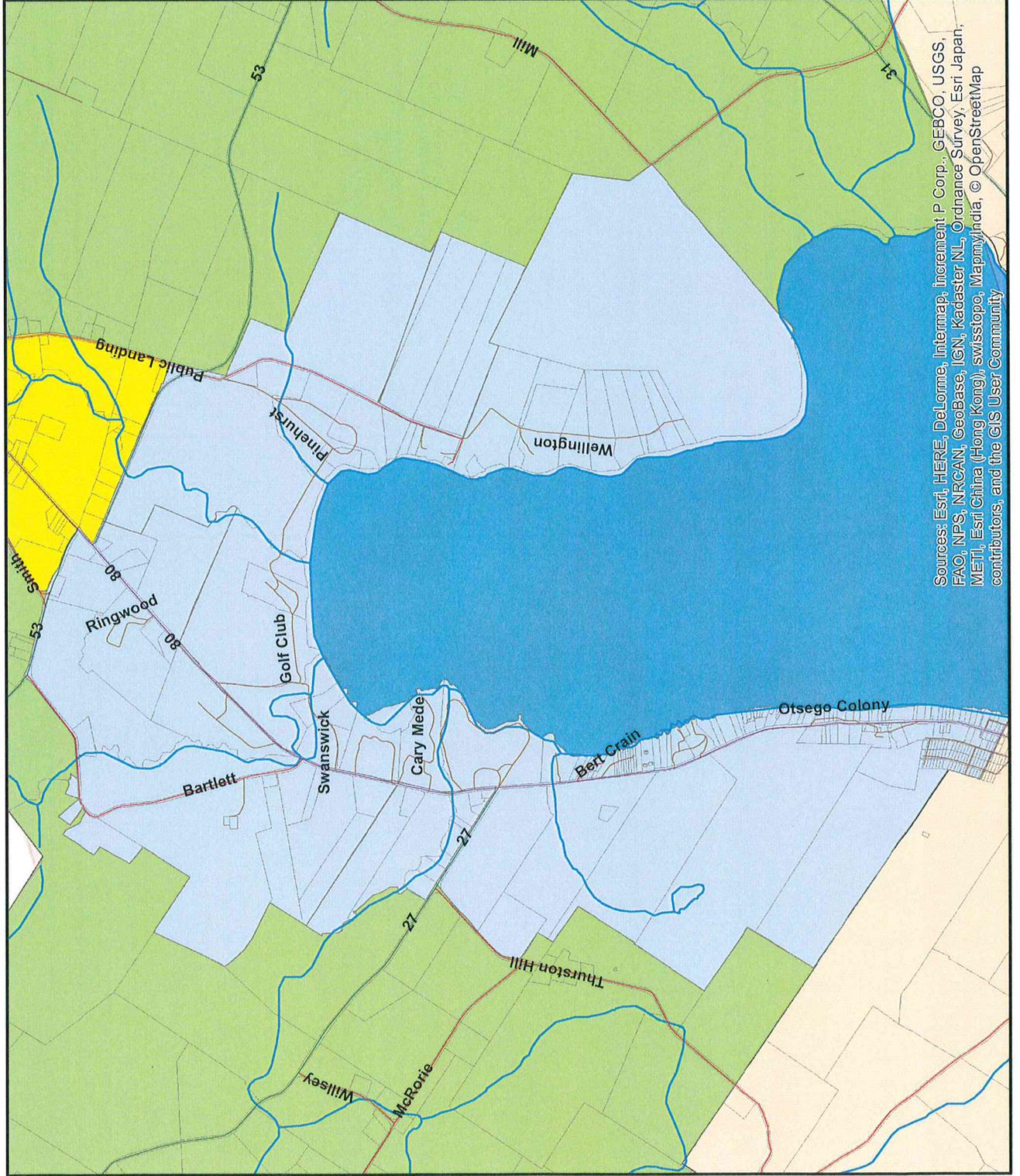
In their interpretation and application, the provisions of this Law shall be held to be minimum requirements adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this Law are inconsistent with the requirement of any other lawfully adopted rules, regulations, ordinances or local laws, the more restrictive provisions, or those imposing the higher standards, shall govern.

Section 15.3 Effective Date

This Local Law shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York, in accordance with the applicable provisions of law, and specifically Article 3, Section 27 of the New York State Municipal Home Rule Law.

Insert Land Use District Map here as **Appendix A**.

# Town of Springfield--Draft Zoning Map



**Legend**

- U.S. Highways
- State Highways
- Private Roads
- County Highways
- Town Roads
- Streams
- Route 20 Overlay
- Springfield\_Parcels
- Lake District
- Lakes
- Hamlet District
- Residential Ag District
- Municipal Boundaries

0 0.15 0.3 0.6 Miles

N

Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community











## Appendix B

### Lot Area Dimensions

Dimension	Hamlet-Commercial	Agricultural-Residential (AR)	Lake (L)
Minimum Lot Size	½ acre for dwelling or 1 acre for other principal structure	5 acres	5 acres
Lot Width, Minimum	50 feet minimum	300 feet	200 linear along the shoreline of Otsego Lake. For parcels not having shoreline frontage, a lot width of 200 feet
Minimum Front Setback	20 feet	50 feet; 100' for all uses located along Route 20	50 feet
Side Setback, Minimum	10 feet	30 feet	10 feet
Rear Setback, Minimum	40 feet	50 feet	100 feet from shoreline
Maximum Building Height measured consistent with the provisions of NYS Uniform Fire Prevention and Building Code	35 feet	35 feet	30 feet
Maximum Lot Coverage	70%	20%	70%
Driveway Side Setback, Minimum	5 feet	5 feet	5 feet
Garage Side Setback, Minimum	10' rear, 5' side	30 feet	10 feet LL#2 2025
Road Frontage Minimum	50 feet	300 feet	300 feet

\* Lot Area Dimensions apply to any and all structures and impervious surfaces.

## Appendix C

### Parking Space Requirements

Use	Minimum Number of Parking Spaces
Residential	2 per dwelling
Lodging	1 per each guest sleeping room plus 1 for each 1.5 employees
Office	1 per 300 square feet (sf) of gross floor area
Home Occupation	As required by the planning board if subject to site plan review
Automotive Repair	1 for each employee for the largest shift, and an additional one parking space per service bay, plus requisite parking spaces for storage vehicles being repaired.
Automotive Sales	1 for each 700 sf of sales area within a building, but no fewer than five spaces for customer parking and one space for each two employees.
Bank	1 for each 500 sf gross floor area.
Bank, with drive through	1 for each 500 sf gross floor area. Stacking lanes shall accommodate 5 spaces per window.
Bed and Breakfast	1 for each guest sleeping room, plus 1 for each 1.5 employees, plus required parking for the dwelling.
Car Wash	1 for employee, and stacking lanes shall accommodate at least three times the number of vehicles that may be within the wash process at one time. For self-serve washes, the employee spaces may be eliminated.
Convenience store associated with automotive service station	1 for each 150 sf gross floor area
Day care center	1 for each 6 children, plus 1 per employee.
Equipment storage	As required by the Planning Board.
Funeral home	1 for each 5 seats available under maximum occupancy, at least one parking space provided for each funeral vehicle and each employee.
Kennel	1 per 400 sf of gross floor area.
Manufacturing	1 for each 2 employees for the maximum employed shift, plus one space for each company vehicle, or one per 400 sf gross floor area, whichever is greater.
Membership club	1 for each member, plus one space per 200 sf gross area.
Public utilities	As required by the Planning Board.

**Appendix C Continued**

**Parking Space Requirements Continued**

Use	Minimum Number of Parking Spaces
Recreation, commercial indoor or commercial outdoor	Bowling Alley: 2 for each alley  Tennis Court: 2 for each court  Swim Club: 1 for each 6 members  For any use not listed – as required by the Planning Board.
Religious institution	1 for each 4 seats or pew spaces or inplaces without seats, 1 for each 100 square feet of floor space used for public assembly; 1 per 3 theater seats
Research / laboratory facility	1 for each 2 employees for the maximum employed shift, plus one space for each company vehicle, or one per 400 sf gross floor area, whichever is greater.
Resort	1 for each guest sleeping room, plus 1 for each 1.5 employees
Restaurant	1 for each 150 sf gross floor area
Retail use	1 for each 250 sf gross floor area
Service business, with no customers at site	1 for each 250 sf gross floor area
Veterinary hospital	1 for each 400 sf gross floor area
Uses not listed in this Appendix and subject to site plan review	To be determined by the Planning Board; Standards used in generally accepted traffic engineering and planning manuals shall serve as a reference.

