

LOCAL LAW No. 4 OF 2020
CANAJOHARIE, NY
ZONING CODE UPDATE OF 2020

BE IT ENACTED by the Village Board of the Village of Canajoharie as follows:

I. TITLE: A local law of the Village of Canajoharie, New York, to amend portions of the existing Zoning Code, hereby to be known as: Zoning Code Update of 2020.

II. PURPOSE: This Local Law is enacted to update the existing Zoning Code in order to promote the health, safety and general welfare of the residents of Canajoharie; encourage the most appropriate use of land throughout the Village, while providing incentive for future growth and development of the community; facilitate the provision of transportation needs, water, sewage, schools, parks and other public service requirements; preserve the quality of life Canajoharie residents have come to enjoy by protecting and enhancing its visual and physical environment; and, preserve value of buildings and property in the area.

III. LEGISLATIVE INTENT: This Ordinance was developed pursuant to the authority granted the Village of Canajoharie in Section 10 and Section 20, Subdivision 3, of the Municipal Home Rule Law; in accordance with the Comprehensive Plan of the Village of Canajoharie; and, with the Authority vested in the Village under these and all laws of New York State. This law shall be incorporated into the Existing Code of the Village of Canajoharie, as it was adopted on 1-10-2019, by Local Law No.: 1-2019.

IV. INCORPORATION OF PROVISIONS INTO CODE: Pursuant to Article I, section 7 of the Code of the Village of Canajoharie, "Amendments to Code," the provisions of this local law are hereby incorporated into the existing Code of the Village of Canajoharie, such that the sections to be incorporated are hereby labeled as in the following articles.

V. REPEALER:

1. Repeal of inconsistent enactments/Higher Standards to Prevail: All local laws and ordinances, or parts of such local laws or ordinances, inconsistent with the provisions contained in the Zoning Code Update adopted by this local law are hereby repealed as of the adoption and filing of this local law; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Village of Canajoharie which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect. Where a provision of this Zoning Code Update is found to be in conflict with any provision of an existing law, ordinance, code or regulation, the provision which is more restrictive or which establishes the higher standard shall prevail.
2. Repeal of Specific Enactments: The Board of Trustees of the Village of Canajoharie has determined that the following provisions of the Code of the Village of Canajoharie shall be repealed as of the adoption of this Local Law, and shall no longer be in effect:

- a. Article VII, Chapter 157-25.1 “Environmental Performance Standards”.
- b. Chapter 79, “Housing Standards”, Article IV, “Board of Appeals”, Sections 75 through Chapter 81.

VI. REPEAL AND REPLACE: The Board of Trustees of the Village of Canajoharie has determined that the following provisions of the Code of the Village of Canajoharie shall be repealed as of the adoption of this Local Law, and shall no longer be in effect, but shall immediately be replaced as provided, below, with no interruption in the effective date of any part of the Code of the Village of Canajoharie, as follows:

1. Article III, Chapter 157-4 “Definitions” is hereby repealed and shall be replaced with the attached Chapter 157-4 “Definitions.” (See **Attachment 1**).
2. Article IV, Chapter 157-5 “District Established” is hereby repealed and shall be replaced with Chapter 157-5 “Districts Established” (See **Attachment 2**). This shall include the Official Zoning Map of the Village of Canajoharie, included as an attachment to Article IV, which shows the boundaries of the established districts.
3. Article 3, Section 133-3, “Title, Definitions”, footnote to the definition for “Official Map,” shall now be directed to the above referenced, replaced Article IV Official Map attachment.
4. Article V, “Use Regulations” including “Zoning Schedule A -Schedule of Uses” is hereby repealed and shall be replaced with Article V, Chapter 157-7-15, including Schedule A: Schedule of Uses (See **Attachment 3**).
5. Article VI, “Area and Height Regulations” including “ Zoning Schedule A,” shall be repealed and Replaced by Schedule B: “Schedule of Area and Bulk Regulations” (See **Attachment 4**)
6. Article VII, Chapter 157-23, “Excavations and Quarrying” is hereby repealed and shall be replaced with Chapter 157-23, “Standards for Industrial Uses” (See **Attachment 5**)
7. Article VII, Chapter 157-25, “Signage” is hereby repealed and shall be replaced with Chapter 157-25, “General Design Standards” (See **Attachment 6**)
8. Article VIII, Chapters 157-26-27 “Off-Street Parking and Loading” is hereby repealed and replaced with the attached Article VIII, “Off-Street Parking and Loading”. (See **Attachment 7**);
- i. Article IX, Chapter 157-28-30 “Nonconforming Uses” is hereby repealed and replaced with the attached Article IX “Nonconforming Uses” (See **Attachment 8**)

- j. Article XI, Chapter 157-35,36 “Board of Appeals – Creation; appointment; organization”, and “Board of Appeals – Powers and Duties” is hereby repealed and replaced with the attached Chapter 157-35,36 (See Attachment 9)

VII. EFFECTIVE DATE: This Law shall take effect immediately upon its filing with the New York Secretary of State and remain in full force until repealed or otherwise amended in accordance with the laws of the State of New York, including but not limited to the New York Municipal Home Rule Law and Statute of Local Governments.

IX. SEVERABILITY: The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this Ordinance other than said part or portion thereof.

Article III Terminology

§ 157-4 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AGRIBUSINESS - Businesses engaged in the processing, packaging, distribution and transport of farm or food products, not including the rendering, slaughtering or processing of animals and where the operational characteristics of such businesses do not cause unacceptable levels of smoke, gas, odor, dust, noise, or vibration in accordance with applicable performance standards.

ACCESSORY APARTMENT - A second dwelling unit subordinate in size to the principal dwelling unit on an owner-occupied lot, located in either the principal dwelling or an existing accessory structure.

ACCESSORY BUILDING/ACCESSORY STRUCTURE - A building/structure that is accessory to and incidental to that of a dwelling and that is located on the same lot as the dwelling.

ACCESSORY USE - A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ART GALLERY/ART STUDIO - A commercial establishment that involves the display or sale of objects of art, or provides space for work and instruction by one (1) or more persons who are engaged in the visual or performing arts, including but not limited to crafts, painting, printmaking, sculpture, photography, filmmaking, music and dance. Art studios in residential zones that are clearly an incidental part of the primary residential use and which do not generate commercial traffic are a permitted accessory use.

ALLEY - A serviceway which affords a secondary public means of vehicular access to abutting property.

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

AUTOMOBILE REPAIR FACILITY - Any building or part thereof which is used to provide services to diagnose, repair or maintain a motor vehicle including but not limited to garages, body shops, and alignment shops.

BASEMENT - A space of full-story height partly below grade and having at least 1/2 of its clear floor-to-ceiling height above the average grade of the adjoining ground and which is not designed or used primarily for year-round living accommodations.

BED AND BREAKFAST - Bed and breakfast dwelling. An owner-occupied residence resulting from a conversion of a one-family dwelling, used for providing overnight accommodations and a morning meal to not more than ten transient lodgers, and containing not more than five bedrooms for such lodgers.

BOARDING OR ROOMING HOUSE - A building other than a hotel, where lodging is provided for compensation to one (1) or more unrelated occupants on a semi-permanent basis (one month or longer) in units without separate kitchens.

BREWERY/DISTILLERY - A facility which produces beer, spirits or other alcoholic beverages regulated by the New York State Liquor Authority for the purposes of consumption, sales or distribution. Uses that are clearly incidental to the production of alcohol such as tasting rooms and retail shops are permitted accessory uses.

BUILDING - Any roofed structure intended for the shelter, housing or enclosure of persons, animals or property. When a building is divided into separate parts extending from the ground up, each part so divided is deemed a separate building.

BUILDING, FLOOR AREA - The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, including basement areas devoted to residential use and the area of bays, dormers, roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

BUILDING, HEIGHT OF - The vertical distance measured from curb or grade level to the highest level of a flat or mansard roof or to the average height of a pitched, gabled, hip or gambrel roof, excluding bulkheads, penthouses and similar constructions enclosing equipment or stairs, provided that they are less than 12 feet in height and do not occupy more than 30% of the area of the roof upon which they are located.

BUILDING LINE - A line established by law or by agreement, usually parallel with a property line, beyond which a structure may not extend.

BUSINESS PARK - Projects that combine offices, commercial uses and industrial uses within a planned development in a park-like setting. Such development is intended to be designed to provide for a related group of activities, which are functionally integrated relative to land uses, vehicular and pedestrian circulation, and the arrangement of structures.

COMMERCIAL RECREATION - A recreational or entertainment activity operated on a commercial basis, whether indoors or outdoors, that is open to the public for a fee, including but not limited to bowling alleys, skating rinks, arcades, game rooms, gymborees, fitness centers, movie theatres, miniature golf and similar uses.

CARPORT - A freestanding structure, not attached to a residence or any other building on the same lot, which structure shall not exceed 13 feet, six inches by 25 feet in size and shall have no external electric power or heat source, not including an accessory building or accessory buildings as defined in § 157-4 or § 157-22 of this chapter. [Added 12-2-2003 by L.L. No. 2-2003]

CELLAR - That space of a building that is partly or entirely below grade, which has more than 1/2 of its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building.

DAY CARE CENTER/NURSERY - A building or structure in which an agency, person, or persons regularly provide supplemental care and supervision for a group of five (5) or more persons unrelated to the caregiver for periods of at least three (3) hours a day. Day care centers include day care located in private residences and commercial day care centers regulated by the State of New York. This term is not intended to include babysitting services of a casual, nonrecurring nature or in the child's own home.

DRY CLEANING AND LAUNDRY ESTABLISHMENTS - An establishment for the mechanical cleaning of garments, articles or goods of fabric for retail customers. This includes, but is not limited to, dry cleaning pick up stations where articles are sent to another location for chemical cleaning; and laundromats which provide self-service type washing and drying for use of retail customers. This definition does not include dry cleaning or laundry plants that perform work on the premises for other dry cleaning and laundry services or commercial establishments.

DWELLING - A building that contains one or two dwelling units used, intended, or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

DWELLING, MULTIPLE-FAMILY - A building or group of buildings, designed for year-round occupancy by more than two families, including apartment houses and group houses, but excluding hotels and rooming houses.

DWELLING, SINGLE-FAMILY - A detached building, other than a trailer or other temporary structure, designed for exclusive year-round occupancy by one family only.

DWELLING, TWO-FAMILY - A detached building, other than a trailer or other temporary structure, designed for exclusive year-round occupancy by two families living independently of each other.

DWELLING, TOWNHOUSE OR ROW HOUSE - A grouping of at least three one-family residential dwellings that share one or both side walls and a roofline with the structures next door. Each unit must be set on its own lot, have its own front and rear access to the outside and be separated from adjoining units by a vertical common firewall.

DWELLING UNIT - A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

FAMILY – A permanent and stable person or group of persons that share the entire dwelling unit, live and cook together as a single housekeeping unit, and share expenses for food, rent, utilities and other household expenses.

FARM OPERATION - A parcel or tract of land used for the production or raising of agricultural products, except where such production or raising is an accessory and noncommercial garden to a principal residential use. No poultry, commercial fur-bearing animal, hog, goat, horse, pony, burro, jackass or mule and no beef or dairy cow, bull, heifer or calf shall be boarded, kept, harbored or maintained at any time on premises in the Village of Canajoharie which is comprised of less than five acres of land. [Amended 10-16-1990 by L.L. No. 3-1990]

FARM STAND - A non-permanent movable structure that is intended for the temporary display and sale of locally raised agricultural produce and products, provided that the total area of said stand, including all areas used for display or storage for all products, shall not exceed 300 square feet.

GARAGE, PRIVATE - A roofed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein and provided that no space therein for more than one car is leased to a nonresident of the premises.

GARAGE, PUBLIC - A building or part thereof used for the storage, hiring, selling, greasing, washing,

servicing or repair of motor-driven vehicles, operated for gain.

GARAGE, STORAGE - A building or part thereof used only for the storage of vehicles for gain and at which automobile fuels and oils are not sold and motor-driven vehicles are not equipped, repaired, hired or sold.

GASOLINE SERVICE STATION - Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline.

HEALTH CLUB or GYM – An establishment for the conduct of indoor sports and exercise activities, which may include related locker and shower rooms, offices and classrooms, where use of such establishment is offered on a membership basis.

HOME OCCUPATION - A commercial business conducted within or administered from a portion of a residential dwelling or a permitted accessory structure that is conducted primarily by a permanent resident of the dwelling and which involves one or more persons regularly visiting the premises for business purposes. Home occupations include, but are not limited to the following types of business: tax preparation, law or medical office, barber/beautician, music lessons, tutoring services, and other related businesses. Business uses that do not involve regular visitors and which do not change the residential character of the neighborhood are excluded.

HOSPITAL - A building or structure for the diagnosis and medical or surgical care of human sicknesses or injuries.

HOTEL - A building or group of buildings where transient guests are lodged for hire, including motels but excluding boarding or rooming houses.

JUNKYARD - A lot, land or structure or part thereof used for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material or for the collecting, dismantling, storage and salvaging of machinery or vehicles and for the sale of the parts thereof.

LODGING HOUSE - A one-family dwelling where one or more occupants are primarily permanent in nature, and rent is paid for guestrooms.

LOT - A parcel of land considered as a unit, occupied or capable of being occupied by a building or use and accessory buildings or uses or by a group of buildings united by a common use or interest, and including such open spaces as are required by this chapter, and having its principal frontage on a public street or an officially approved place.

LOT AREA - The total horizontal area included within lot lines. No part of the area within a public right-of-way may be included in the computation of lot area.

LOT, CORNER - A lot located at the intersection of and fronting on two or more intersecting streets, and having an interior angle at the corner of intersection of less than 135°.

LOT DEPTH - The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

LOT, INTERIOR - A lot other than a corner lot.

LOT, THROUGH - A lot having frontage on two approximately parallel or converging streets other than a corner lot.

LOT WIDTH - The distance between side lot lines measured parallel to the front lot line at a distance from the front lot line equal to the front yard specified for the district.

MIXED USE - Projects that combines both commercial and residential uses, including traditional downtown development where the residential component is located above a commercial storefront. Other mixed-use projects may include residential units in combination with any other non-residential land use allowed by the applicable zoning district, subject to applicable performance standards.

MACHINE SHOP - A workshop where machine, machine parts, or other metal products are fabricated.

MANUFACTURED HOME - Manufactured Home: “. . . a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein . . .” [42 U.S.C. § 5402(6)]. Built after 1976, these are built according to Federal Standards upon a chassis, allowing them at least initially to be moveable, even though they may be placed upon a foundation. They are transported either in part or in whole upon a permanent chassis. This definition includes both “single wide” and “double wide” units.

MANUFACTURING, LIGHT - Businesses engaged in the manufacturing, processing, fabrication, assembly and packaging of products primarily for the wholesale market or for transfer to other plants. This use category includes all transformative processes, regardless of whether or not the new product is finished or semi-finished, provided the operational characteristics of the manufacturing processes do not cause unacceptable levels of smoke, gas, odor, dust, noise, or vibration in accordance with applicable performance standards.

MANUFACTURING, ARTISAN - Businesses primarily engaged in the on-site production and/or assembly of products by hand-manufacturing involving the use of tools and small-scale equipment. This use category includes but is not limited to welding, metal craft, carpentry, cabinet-making, ceramics and related uses, provided the operational characteristics of such uses do not cause unacceptable levels of smoke, gas, odor, dust, noise, or vibration in accordance with applicable performance standards.

MOBILE HOME – A transportable, factory-built home, designed to be used as a year-round residential dwelling and built before the enactment of the Federal Manufactured Home Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

MOBILE HOME PARK - A parcel of land which has been planned and improved for the placement of two or more manufactured or mobile homes for non-transient use in a park-like setting.

MODULAR HOME - A dwelling unit, prefabricated off site, installed on a permanent foundation with full cellar, connected to required utilities, comprised of not less than two structural sections, with a minimum assembled width of 24 feet. [Added 10-16-1990 by L.L. No. 2-1990]

MOTEL - See "hotel."

NONCONFORMING USE - A use or activity which was lawful prior to the adoption or amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment. [Amended 10-16-1990 by L.L. No. 2-1990]

NURSING or CONVALESCENT HOME - A building used for the accommodation and care of persons with or recuperating from illness or incapacity, where nursing services are furnished, or for the accommodation and care of persons of advanced age.

OUTDOOR DINING - use of an adjacent, outside area by a food or beverage establishment for the same eating and drinking activities that occur within the establishment. No outdoor dining area may be located in a public right-of-way.

OUTDOOR STORAGE - Any unenclosed area that is used for the outdoor storage of any components, products, debris, material, merchandise, equipment, vehicles, or trailers associated with a commercial or industrial use. Registered company vehicles and approved trash enclosures shall not be considered outdoor storage.

PARKING SPACE - An off-street space available for the parking of one motor vehicle and having an area of not less than 180 square feet, exclusive of passageways and driveways thereto.

PUBLIC SERVICE FACILITIES – A building or complex of buildings designed to provide services to the public by a public utility, railroad, municipal or other governmental agency including but not limited to power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants, water towers and other similar structures.

RESEARCH AND DEVELOPMENT FACILITIES - An establishment or complex of structures intended to foster research, experimentation and/or product development for industries including but not limited to bio-medical, pharmaceutical, information technology, electronics and instrumentation.

SELF STORAGE FACILITY - A building consisting of small, individual self-contained units that are leased or owned for the storage of business and household goods or contractor supplies.

SHOPPING CENTER - A primarily retail commercial site with three or more separate businesses sharing common pedestrian and parking areas.

SIGN - Any device affixed to or painted or represented directly or indirectly upon a building, structure or land and which directs attention to an object, product, place, activity, person, institution, organization or business.

SIGN AREA – The outside dimensions of a sign, not including the supports which may affix the sign to the ground or to a building or structure.

SIGN, FLASHING - Any illuminated sign on which the artificial or reflected light is not maintained stationary or constant in intensity and color when such sign is in use.

SIGN, FREESTANDING – Any sign not attached to or part of any building, but separate and permanently

affixed by any other means, in or upon the ground. Included are pole signs, pylon signs, masonry wall-type signs, and signs of similar design and construction.

SIGN, PORTABLE – Any sign not permanently attached to the ground, a building or other structure that is designed to be readily movable. Any sign attached to a sign structure with wheels shall be considered a portable sign.

SIGN, PROJECTING – Any sign which is affixed to and extend outward from the exterior surface of a building perpendicular to the building face.

SIGN, TEMPORARY - Any non-permanent sign that is designed to be displayed for a limited amount of time, including but not limited to portable signs, sandwich board or A-frame signs, lawn signs placed in or on the ground, or signs affixed to the interior or exterior of a window.

SIGN, WALL-MOUNTED – Any sign which is affixed to the exterior surface of a building parallel to the building face.

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

STORY, HALF - That part of a building between a pitched roof and the uppermost full story and having a floor area at least 1/2 as large as the floor below. Space with less than five feet clear headroom shall not be considered as floor area.

STREET - A public or private way which affords the principal means of access to abutting property.

STRUCTURAL ALTERATION - Any change in the supporting members of a building.

STRUCTURE - Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

THEATER - A facility for showing motion pictures or staging theatrical performances or other performing arts to an audience inside an enclosed structure.

TRAILER - A mobile unit designed for camping, recreational travel or vacation use which is equipped with a chassis and provides partial housekeeping facilities, such as plumbing, heating, electrical, cooking or refrigeration systems or equipment.

WAREHOUSING & DISTRIBUTION - Facilities for the storage and distribution of merchandise, material or commodities to other businesses. This term includes, but is not limited to, mail-order and catalog sales, importing/exporting, and wholesale distribution, but does not include the sale of goods to the general public.

WHOLESALE BUSINESS – A business primarily engaged in the sale of merchandise, materials and commodities to other businesses, and not the general public.

YARD, FRONT - An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the main building projected to the side lines of the lot.

YARD, REAR - A space on the same lot with a main building, open and unoccupied except for accessory buildings, extending the full width of the lot and situated between the rear line of the main building projected to the side lines of the lot and the rear line of the lot.

YARD, SIDE - An open unoccupied space on the same lot with a main building, situated between the side line of the main building and the adjacent side line of the lot and extending from the front yard to the rear yard.

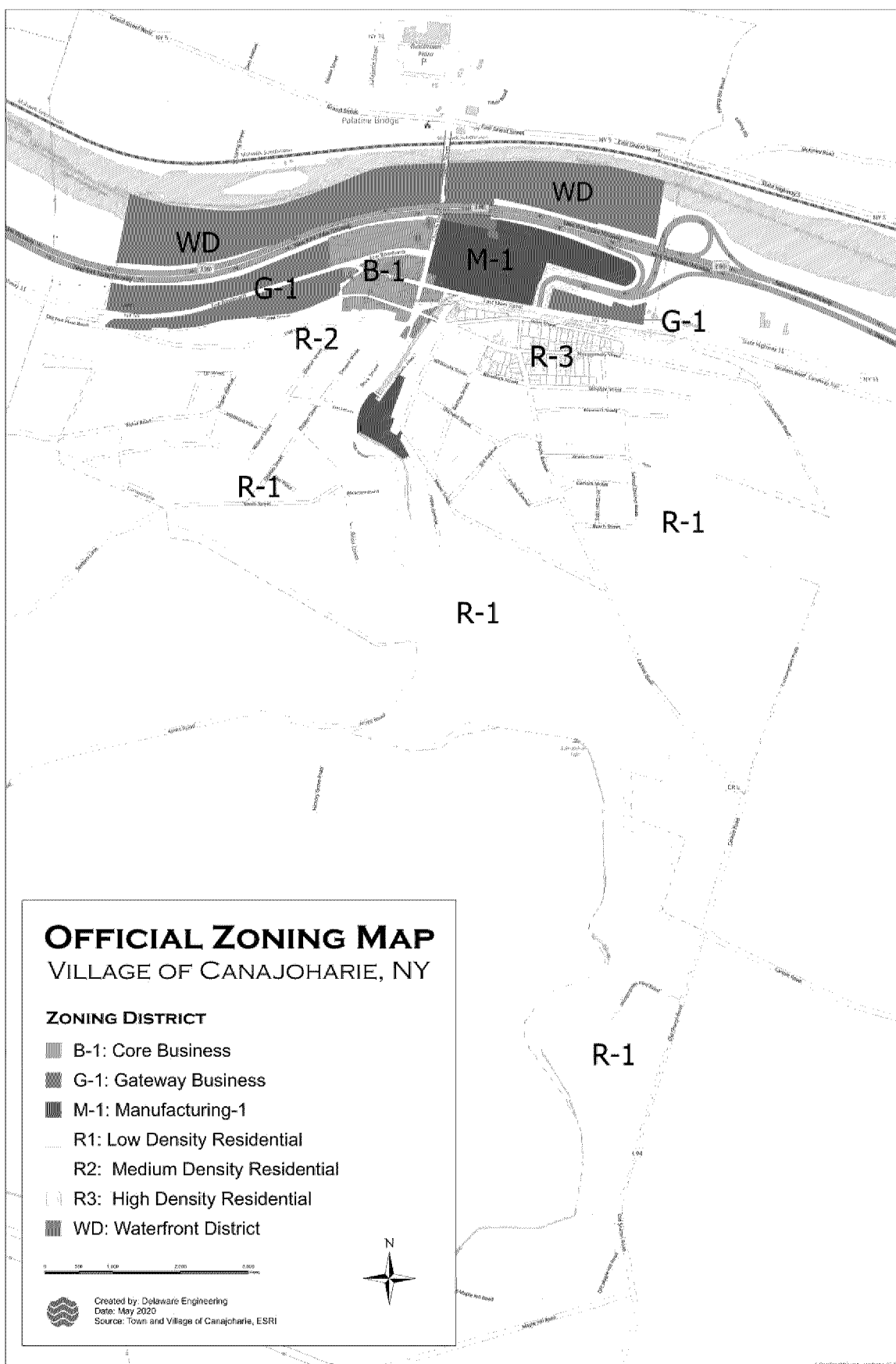
Article IV
Enumeration of Districts; Boundaries

§ 157-5 District established.

A. For the purpose of this chapter, the Village of Canajoharie is divided into the following types or classes of districts:

R-1	Residential
R-2	Residential
R-3	Residential
WD	Waterfront District
B-1	Core Business
G-1	Gateway Business
M-1	Manufacturing
PDD	Planned Development District

B. Said districts are bounded and defined as shown on a map entitled "**Official Zoning Map of the Village of Canajoharie,**" hereinafter called the "Zoning Map," adopted by the Village Board and certified by the Village Clerk, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this chapter.



Article V
Use Regulations

§ 157-7 R-1 Residential District.

The R-1 Residential District is established to encourage the creation and preservation of low-density single-family residential neighborhoods and to limit the establishment of nonresidential uses to those that are compatible with the intended low-density neighborhood character. The stipulated density is intended to provide for areas of suburban character in the community, particularly in the outer periphery of the village.

The use regulations for the R-1 Residential District shall be as set forth in the Schedule of District Regulations included as Schedule A to this chapter.

§ 157-8 R-2 Residential District.

The R-2 Residential District is established to preserve and protect single-family neighborhoods with traditional urban character that are the oldest residential areas in the Village and to limit medium-density housing to locations that are compatible with the existing residential neighborhood.

The use regulations for the R-2 Residential District shall be as set forth in the Schedule of District Regulations included as Schedule A to this chapter.

§ 157-9 R-3 Residential District.

The R-3 Residential District is established to promote, preserve and protect existing medium-density residential neighborhoods, allow for small-scale attached dwellings in a traditional neighborhood setting, and limit multi-family to locations that are compatible with the existing residential neighborhood.

The use regulations for the R-3 Residential District shall be as set forth in the Schedule of District Regulations included as Schedule A to this chapter.

§ 157-10 WD Waterfront District.

The WD Waterfront District is established to protect lands along the Mohawk River and its confluence with Canajoharie Creek, to promote public recreation and river access, and to furnish areas for public facilities and services.

The use regulations for the WD Waterfront District shall be as set forth in the Schedule of District Regulations included as Schedule A to this chapter.

§ 157-11 B-1 Core Business District.

The B-1 Core Business District is established to permit a wide variety of retail and service establishments within a core business district. Permitted uses are those which serve to preserve, maintain and promote downtown Canajoharie as a core area for retail sales and to promote and enhance the existing historic, compact pedestrian orientation of the downtown by permitting buildings to be close to the street and to one another.

The use regulations for the B-1 Core Business District shall be as set forth in the Schedule of District Regulations included as Schedule A to this chapter.

§ 157-12 G-1 Gateway Business District.

The G-1 Gateway Business District is established to permit a wide variety of commercial and light manufacturing uses of a limited scale and intensity, and which provide an appropriately designed visual transition between the rural areas of the Town and the concentrated business area of the Village.

The use regulations for the G-1 Gateway Business District shall be as set forth in the Schedule of District Regulations included as Schedule A to this chapter.

§ 157-13 M-1 Manufacturing District.

The M-1 Manufacturing District is established to permit a variety of research, manufacturing and distribution activities thereby promoting employment and strengthening the economy of the community. This district also provides for the continuation of existing manufacturing uses and the establishment of new ones in ways that are compatible with the historic fabric of the Village, and where the operational characteristics of such uses do not cause unacceptable levels of smoke, gas, odor, dust, noise or vibration.

The use regulations for the M-1 Manufacturing District shall be as set forth in the Schedule of District Regulations included as Schedule A to this chapter.

§ 157-14 Planned Development Districts.

The regulations for Planned Development Districts are intended to provide a means for the development of residential, business, commercial, manufacturing, institutional or recreational subdivisions, or combinations thereof, in which economies of scale or creative architectural or planning concepts may be utilized by the developer without departing from the spirit and intent of this chapter. In no case shall the regulations of this section be so interpreted as to circumvent the benefits of this chapter to the residents or occupants of adjoining properties. Planned Development Districts may be established only in accordance with the procedures specified below.

A. Minimum area.

- (1) The minimum area for a Planned Development District shall be five acres.
- (2) The calculation of area for a Planned Development District shall not include easements, parks, existing streets or otherwise dedicated land, water areas in excess of 5% of the minimum gross acreage, lands designated on the Official Map for public purposes or land undesirable by reason of topography, drainage or adverse subsoil conditions. Sites proposed for a combination of two or more use classifications shall consist of the total land area required for each such use.
- (3) A parcel, district or site proposed for planned development need not be under single ownership where the proposed development consists of a group of structures or improvements capable of being developed separately but in accordance with a single, unitary plan, and in which the separate owners indicate their express intentions to enter into such private agreements between or among themselves as will facilitate their mutual enterprise, and assure its completion as planned to the satisfaction of the community.

B. Planning Board Referral

- (1) Application for establishment of a Planned Development District or a development project within such a district shall be made to the Village Board. The Village Board shall refer the application to the Planning Board within 30 days from receipt of the application. The applicant shall furnish to the Planning Board basic site data pertaining to the boundaries of the proposed planned development, existing zoning, the topography and subsoil conditions and such preliminary plans as may be required for an understanding of the proposed development, with a petition for the desired zoning change, if required.
- (2) The Planning Board may require such changes in said preliminary plans as are found to be necessary to meet the requirements of this chapter. The Planning Board may make such additional requirements as are deemed reasonably necessary to protect the established or permitted uses in the vicinity and to promote and protect the orderly growth and sound development of the Village. In its review the Planning Board shall consider, among other things, the following:
 - (a) That the proposal substantially conforms with the Village's Master Plan.
 - (b) The need for the proposed land use(s) in the proposed location.
 - (c) The existing character of the neighborhood.

- (d) The location of principal and accessory buildings on the site in relation to one another.
 - (e) The pedestrian circulation and open space in relation to structures.
 - (f) The traffic circulation features within the site and the amount, location and access to automobile-parking areas.
 - (g) The height and bulk of buildings and their relation to other structures in the vicinity.
 - (h) The proposed location, type and size of display signs, driveways, loading zones and landscaping.
 - (i) The safeguards provided to minimize possible detrimental effects of the proposed use on adjacent properties and the neighborhood in general.
 - (j) Storm drainage and sanitary waste disposal in and adjacent to the area.
 - (k) Other relevant features, amenities, and criteria as set forth under Chapter 124 Site Plan Review and §157-25 General Design Standards.
- (2) In its review, the Planning Board may consult with legal, engineering, planning or environmental consultants and agency representatives to render professional opinions regarding the verification of data shown in the proposal, the proposal's relationship with the existing zoning and with the Master Plan, the possible effects of the proposal upon the surrounding properties, the general harmony with the essential character of the area, the aesthetic and design qualities of the proposal, and such other factors or considerations as may be appropriate in considering the merits of the proposal.
- (3) The Planning Board shall recommend approval, approval with modifications or disapproval of such application and shall report its findings to the Village Board within 90 days following the date of referral by the Village Board to the Village Planning Board. This timeframe may be extended upon mutual agreement of the Planning Board and the Applicant.

C. Village Board Action

- (1) Upon receipt of the Planning Board's recommendations, the Village Board shall proceed in accordance with the provisions of Article XII relative to amendments to this chapter, including scheduling a public hearing.
- (2) In accordance with § 239-M of the New York General Municipal Law, the Village Board shall refer the proposed Planned Development District plan to the county planning agency for its recommendation.
- (3) The Village Board shall comply with all procedures required by Part 617 of Title 6 of New York's Codes, Rules and Regulations, also known as State Environmental Quality Review (SEQR).
- (4) After having heard from the public during the public hearing, considering the recommendations of the Planning Board and county planning agency, and conducting a thorough review of any significant environmental impacts, the Village Board shall, by resolution, approve or disapprove the proposed Planned Development District plan as presented or modified, with or without conditions, as necessary to fully protect the health, safety and welfare of the community. If the Village Board approves the Planned Development District, the Official Zoning Map shall be so amended.

- (5) A resolution approving a Planned Development District shall state the allowed uses, permitted density, site improvements and the timeframe by which the applicant must complete construction after receiving final site plan approval by the Planning Board. As a condition of approval, the Village Board may require the posting of adequate performance guaranties to ensure the completion of the project and the installation of all site improvements.
- (5) Adoption of a resolution by the Village Board changing the zoning of the parcel to a Planned Development District shall not constitute approval of final plans or an authorization to the applicant or developer to begin construction or site preparation. No building permits or other approvals will be issued until final site plan approval has been granted by the Planning Board.

D. Final Site Plan Review

- (1) Upon Village Board approval of the Planned Development District, the Planning Board shall undertake final site plan review in accordance with §124.10 of the Village of Canajoharie Code.
- (2) In considering the final plans and specifications for a development in a Planned Development District, the requirements for lot area, lot width, building coverage, building heights and other bulk, density or parcel specifications of this chapter, or the other physical requirements of this chapter shall be observed as general guidelines, and may be more or less restrictive in accordance with the recommendations of the Planning Board or its consultants.

§ 157-15 Prohibited and Special Permit Uses.**A. Prohibited Uses**

- (1) No building or structure or part thereof and no lot or land or part thereof shall hereafter be used except for a purpose specifically permitted by the provisions of **Schedule A: Schedule of Uses** for the district in which such building or structure, lot or land is located on the official Zoning Map.
- (2) In all districts, no building, structure or lot shall be used in whole or in part for any trade, business, industry or process which is noxious or offensive by reason of the production or emission of smoke, noise, gas, odor, dust, refuse matter, vibration or excessive light beyond the limits of its lot so as to be dangerous or prejudicial to the public health, safety or general welfare as determined by the Planning Board.
- (3) Any lawful use existing prior to adoption of the revisions to this Chapter that does not conform to the use regulations shall be deemed a nonconforming use (See Article IX).

B. Special Permit Uses

- (1) Intent and purpose.

Special uses are considered to be uses which may be appropriate in the district in which they are located, but which possess special characteristics which may pose land use problems or conflicts if controlled only by the district regulation applicable to permitted uses. Each use warrants consideration as an individual case in the district and on the specific lot on which it is proposed to be located. Granting of a special permit for a special use in a zoning district shall be based on its own unique facts and circumstances and shall not establish any precedent for granting of a special permit for the use or any other special permit use on any other lot in the district or in other districts.

- (2) General Provisions

The Board of Trustees of the Village of Canajoharie authorizes the Planning Board to review and grant special use permits as enumerated in **Schedule A – Schedule of Uses**. No such permit shall be granted by the Planning Board unless it finds that the use for which such permit is sought will not, in the circumstances of the particular case and under any conditions that the Board considers to be necessary or desirable, be injurious to the neighborhood or otherwise detrimental to the public welfare.

In approving such use, the Planning Board shall find that:

- a) The use is so designed, located and proposed to be operated such that the public health, safety, and welfare will be protected, with particular emphasis on fire protection and accessibility for emergency services.
- b) The use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities.
- c) The use will be in harmony with the visual and physical environment and not in conflict with the Comprehensive Plan for the Village of Canajoharie.
- d) The use will be compatible with adjoining development and the character of the neighborhood, and that surrounding property values will be reasonably safeguarded.
- e) Adequate traffic control and off-street parking and loading are provided, and ingress and egress is

so designed as to cause minimum interference with traffic on abutting streets.

- f) The use conforms to all applicable regulations governing the district where it is located, and to any other applicable regulations under other provisions of this chapter, except where a variance has been granted by the Zoning Board of Appeals.

(3) Procedures

Application for a special permit pursuant to these regulations shall be upon forms prescribed by the Planning Board and shall contain a written description of the proposed use, with reference to the appropriate use and bulk regulations herein. The following general procedures shall be applied:

- a) Applications for special use permits shall require site plan approval in accordance with the site plan regulations in accordance with Chapter 124 – Site Plan Review of the Code of Village of Canajoharie. The Planning Board may waive site plan approval for a special permit application that will involve no physical alteration or disturbance of a site.
- b) In its review, the Planning Board may consult with legal, engineering, planning or environmental consultants and agency representatives to render professional opinions regarding the verification of data shown in the permit application, the possible effects of the proposed use upon the surrounding properties, the general harmony with the essential character of the area, the aesthetic and design qualities of the proposed use, and such other factors or considerations as may be appropriate in considering the merits of the proposal. Any expenses associated with hiring such professionals shall be the responsibility of the applicant.
- c) The Planning Board shall conduct a public hearing within 62 days from the date a special permit application is deemed complete. After having heard from the public during the public hearing, the Planning Board shall approve or disapprove the proposed special permit application as presented or modified, with or without conditions, within 90 days. This timeframe may be extended by mutual consent of the applicant and the Planning Board.
- d) The approval of a special permit shall be limited to the use described and approved in such permit. Special permits shall be deemed to be indefinite authorization unless otherwise specified by resolution in the approval thereof. If all conditions and standards of the approval are not complied with throughout the duration of the special use permit, or if the approved use is discontinued for a period of one year, the special permit shall be deemed revoked.

SCHEDULE A**Schedule of Use Regulations****KEY**

P = Permitted use in specified district

SP = Special use permit required from the Planning Board

X = Prohibited use in the specified district

Residential Uses, General Uses and Accessory Uses							
Structure/Land Use	R-1	R-2	R-3	B-1	G-1	M-1	WD
RESIDENTIAL USES							
Single-family dwellings (detached)	P	P	P	X	X	X	X
Two-family dwellings	SP	P	P	X	X	X	X
3 or 4 family dwellings	X	SP	SP	X	X	X	X
Multiple family dwellings	X	X	SP	X	X	X	X
Mixed Use	X	X	X	P	SP	SP	X
Rowhouses; Townhouses	X	SP	SP	X	X	X	X
Mobile Home Parks	SP	X	X	X	X	X	X
Group Homes	SP	X	X	X	X	X	X
GENERAL USES							
Churches and similar places of worship	P	P	P	X	X	X	X
Cultural Institutions (library, museum, etc.)	SP	SP	SP	P	P	P	P
Municipal Buildings	X	X	X	SP	SP	SP	SP
Public camps or campsites	SP	X	X	X	X	X	P
Public Parks & Recreational areas	P	P	P	X	X	X	P
Public Schools	P	P	P	X	X	X	X
Public Service Facilities	SP	SP	SP	P	P	P	P
Social, recreational & fraternal organizations	X	X	X	P	P	X	X
ACCESSORY USES							
Accessory apartments within single-family dwelling	SP	SP	SP	X	X	X	X
Farm Stand	X	X	X	P	X	X	X
Home occupations	SP	SP	SP	X	X	X	X
Private garages & sheds	P	P	P	X	X	X	X
Signs	P	P	P	P	P	P	P
Outdoor dining	X	X	X	SP	SP	X	X
Outdoor storage	X	X	X	SP	SP	SP	X

Business & Commercial Uses

Structure/Land Use	R-1	R-2	R-3	B-1	G-1	M-1	WD
Artist studios & art galleries	X	X	X	P	P	SP	SP
Automobile repair facility or body shop	X	X	X	X	SP	P	X
Auto and vehicle sales/rental	X	X	X	P	P	P	X
Banks and savings or loan institutions	X	X	X	P	P	P	X
Bar, tavern or nightclub	X	X	X	P	P	P	X
Bed & Breakfast	SP	SP	SP	P	P	X	X
Car Wash	X	X	X	X	P	P	X
Commercial Recreation (Indoor)	X	X	X	P	P	P	X
Commercial Recreation (Outdoor)	X	X	X	SP	P	P	X
Day care center or nursery	SP	SP	SP	P	P	X	X
Drive-thru facility	X	X	X	SP	P	P	X
Dry cleaning and laundry establishments	X	X	X	P	P	P	X
Equipment Rental	X	X	X	SP	P	P	X
Farm Operation	P	P	P	X	X	X	X
Farm implement sales or service	X	X	X	X	P	P	X
Food Service Establishments	X	X	X	P	P	P	X
Fruit or vegetable markets	X	X	X	P	P	P	X
Funeral Homes	SP	SP	SP	P	P	P	X
Gasoline service stations	X	X	X	X	SP	X	X
Hotels or motels	X	X	X	P	P	P	X
Health club or gym	X	X	X	P	P	P	X
Kennels	X	X	X	X	P	P	X
Medical or dental clinics	X	X	X	P	P	P	X
Mixed Use	X	X	X	P	SP	SP	X
Nursing or convalescent homes	SP	SP	P	X	X	X	X
Personal service establishments	X	X	X	P	P	P	X
Pharmacies	X	X	X	P	P	P	X
Printing or publishing establishments	X	X	X	SP	P	P	X
Private or vocational school	SP	SP	SP	SP	SP	X	X
Professional offices	SP	SP	SP	P	P	P	X
Retail Stores	X	X	X	P	P	P	X
Self-storage facilities	X	X	X	SP	P	P	X
Shopping Center	X	X	X	X	SP	X	X
Theatres	X	X	X	P	P	P	X
Veterinarian's office; animal hospital	X	X	X	X	P	P	X

Industrial & Manufacturing Uses

Structure/Land Use	R-1	R-2	R-3	B-1	G-1	M-1	WD
Agribusiness	X	X	X	X	SP	P	X
Artisan Manufacturing	X	X	X	SP	SP	P	X
Breweries & Distilleries	X	X	X	SP	SP	P	X
Bulk fuel sales or storage	X	X	X	X	X	P	X
Business Park	X	X	X	X	P	P	X
Light Manufacturing	X	X	X	X	SP	P	X
Lumber yards & contractor's storage	X	X	X	X	X	P	X
Machine Shops	X	X	X	X	SP	P	X
Research & Development facilities	X	X	X	X	X	P	X
Warehousing & distribution	X	X	X	X	X	P	X
Wholesale businesses	X	X	X	X	SP	P	X

Article VI
Area and Height Regulations

§ 157-16 Lot and building requirements.

Regulations governing lot area and lot width, front, side and rear yards, building coverage, and building height are specified in **Schedule B – Schedule of Area and Bulk Regulations**. Schedule B accompanies and is hereby made a part of this chapter.

SCHEDULE B
Schedule of Area & Bulk Regulations

	Minimum Lot Size		Required Setbacks			Maximum Height ¹	Maximum Lot Coverage ²	Parking Required ³
	Area	Width	Front	Side	Rear			
1 or 2-family dwellings	10,000 sf	100'	25'	10'	25'	35'	30%	2 spaces per dwelling unit
3 or 4-family dwellings	3,000 sf/du	100'	25'	10'	25'	35'	30%	
Multiple-family dwellings	3,000 sf/du	100'	25'	20'	50'	45'	40%	
Rowhouses or townhouses	3,000 sf/du	200'	50'	25'	50'	35'	40%	
Mobile home parks	5 acres	200'	50'	25'	50'	35'	40%	
Houses of Worship	2 acres	150'	50	25	50	45'	25%	1 space/10 seats
Public or parochial schools	5 acres	200'	50'	25'	50'	45'	25%	2 spaces/classroom
Public parks or playgrounds	2 acres	150'	---	---	---	---	---	
Public utility stations/structures	1 acre	150'	25'	10'	25'	35'	30%	
Retail Establishments	10,000 sf	100'	≥ 5' from abutting residences			45'	80%	1 space/300 sf
Eating & drinking establishments	10,000 sf	100'	25'	10'	25'	45'	50%	1 space/4 seats
Nursing Homes	10,000 sf	100'	30'	25'	50'	45'	30%	1 space/4 beds
Professional offices	10,000 sf	100'	20'	10'	25'	45'	30%	1 space/300 sf
Hotels or Motels	5 acres	350'	100'	100'	100'	45'	40%	1 space/guest room
Farms & farm operations	5 acres	200'	25'	10'	25'	35'	25%	
All other commercial uses	10,000 sf	100'	25'	10'	25'	45'	30%	1 space/250 sf
Industrial Uses								
Manufacturing	3 acres	200'	50'	25'	50'	70'	50%	1 space/400 sf
All other industrial uses	3 acres	200'	50'	25'	50'	45'	40%	
Planned Development								
Residential	5 acres	200'	25'	10'	25'	35'	30%	As required by §157-26
Commercial	5 acres	500'	50'	25'	50'	45'	40%	
Manufacturing	5 acres	500'	50'	25'	50'	70'	50%	
Mixed Use	5 acres	500'	50'	25'	50'	45'	50%	

¹ See § 157-18

² That portion of a lot (expressed as a percentage) occupied by buildings, structures and other impermeable surfaces including driveways, walkways and parking lots.

³ As required by §157-26

Article VII
Supplementary Regulations

§ 157-23 Standards for Industrial Uses.

All industrial uses shall comply with the following performance standards established to promote a clean and attractive environment, protect the community from potential hazards, and prevent depreciation of property values.

- A. **Noise.** Noise will be measured at the property line of the zoning lot on which the operation is located. Noise must be muffled so as not to become objectionable due to volume, intensity, proximity or duration or as set forth in the Village of Canajoharie Noise Control Regulations in Article II, § 99-(7-10).
- B. **Smoke and atmospheric effluence.** No dust, dirt, smoke, odor or noxious gases shall be disseminated beyond the boundaries of the lot where the industrial use is situated. The emission of smoke or any other atmospheric pollutant from any chimney or other source, shall not exceed the density or equivalent opacity of No. 1 on the Ringelmann Chart as measured at the point of emission. In no case shall the emission of smoke or other particulate matter violate the applicable air resource regulations of the New York State Department of Environmental Conservation, including but not limited to 6 NYCRR Parts 200 to 317.
- C. **Wastes.** No solid or liquid wastes shall be discharged into any public sewer, common or private sewage disposal system, stream, or on or into the ground, except in strict conformance with Chapter 121 Article I (Use of Public and Private Sewers) and any standards approved by the New York State Health Department, the New York State Department of Environmental Conservation, or other duly empowered agency. All solid waste material, debris, refuse or garbage must be kept within an enclosed building or properly contained in closed or screened containers.
- D. **Radioactivity or electromagnetic disturbance.** No activities shall be permitted which emit dangerous radioactivity beyond the building in which such activity is located. Any handling, storage or disposal of radioactive materials or waste by-products shall be in strict accordance with applicable state and federal requirements. No activities shall be permitted which cause electrical disturbance adversely affecting the operation of any electronic or telecommunications equipment beyond the property line unless state or federal regulation requires such operation to be permitted.
- E. **Fire and explosion hazards.** All activities involving, and all storage of, flammable and explosive materials, shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate firefighting and fire suppression equipment and devices standard in the industry. All applicable requirements of the New York State Uniform Fire Prevention and Building Code, New York State Department of Environmental Conservation regulations, as well as the provisions of the National Fire Protection Association (NFPA) Code, shall be followed. Copies of SARA (Superfund Amendments and Reauthorization Act) forms filed with the Montgomery County Emergency Response Agency shall also be filed with the Village Code Enforcement Officer.
- F. **Glare, heat and vibration.** No glare, heat or vibration shall be produced that is perceptible beyond the boundaries of the lot on which the industrial use is situated.
- G. **Landscaping.** Landscaping should be used to define entrances to buildings, parking lots, and loading areas,

as a buffer between land uses, and to provide screening for outdoor storage, loading and equipment areas. All open areas of any lot must be graded to provide proper drainage and, except for areas used for parking, drives or storage, shall be landscaped with trees, shrubs or planted groundcover in accordance with §157-25(B).

H. Traffic and circulation.

- 1) Industrial uses shall provide safe and efficient patterns of vehicle circulation and access that connect to the existing or future street network within the community. On-site circulation shall have an adequate length of stacking for industrial facilities, e.g. loading docks, terminals, etc. that do not interfere with the movement of traffic (on or off-site) and/or pedestrian areas.
- 2) Truck traffic shall be prohibited on certain streets in accordance with the Village of Canajoharie pursuant to the Vehicle and Traffic Regulations in Article II, § 145-39.
- 3) A traffic impact study may be required to determine utilization (wear) and circulation features of the site and cumulative effects beyond the subject property. The property owner will be responsible for excessive use and destruction of the public roadways caused by trucks or equipment from any activities associated with the industrial use.

I. Site design.

- 1) Any new construction or substantial alteration of a building containing an industrial use shall conform with the architectural design standards set forth in §157-25(C).
- 2) To the maximum extent possible, primary building entry facades should be oriented in a manner that will help to provide a safe and attractive street edge; and structures should be oriented to screen outdoor storage areas from view from the street and adjacent areas.
- 3) Building styles and designs that visually enhance the industrial area and are consistent with the architectural character of the community are strongly encouraged. Blank, windowless walls facing public streets are discouraged. Breaks in building mass should be used to provide visual relief for long building facades. Changes in materials, textures and the utilization of other architectural enhancements at massing breaks are also encouraged.
- 4) Large parking lots should be internalized behind buildings and oriented away from street frontages so that they are not the dominant visual element at the front of the site. Large expansive paved areas are to be avoided in favor of smaller multiple lots separated by landscaping and buildings.
- 5) Adequate lighting should be compatible with and integrated into the building and landscape design. Lighting shall be designed, directed and shielded in such a manner that direct light does not leave the perimeter of the site and the nighttime sky is preserved.
- 6) All roof-mounted air-handling units or mechanical equipment shall be screened from view or disguised within a permanent architectural feature so as not to be visible from any public right-of-way.

Article VII
Supplementary Regulations

§ 157-25 General Design Standards.

A. Signs.

- 1) **Purpose.** This subsection regulates the type, placement, appearance and physical dimensions of signs within the Village of Canajoharie. It is intended to protect property values, enhance and protect the physical appearance of the community, and to improve safety by reducing distractions, obstructions and hazards.
- 2) **General Sign Requirements.**
 - a. All signs shall be erected, constructed and located in a manner that does not obstruct traffic, movement or visibility and shall comply with all Vehicle and Traffic Laws, as well as all applicable Local, State and Federal Laws.
 - b. All signs shall be maintained in such condition so as to promote the health, safety and aesthetic character of the Village, and all sign finishes, supports and electric services shall be kept clean, neatly painted and free from hazards, including, but not limited to faulty wiring, loose supports, braces, guys and anchors.
 - c. All signs shall be compatible within the context of its visual and physical environment and designed to be consistent with the architectural character of the building or property on which it is placed, as well as the architectural character of the Village at large. Sign colors chosen from a historic color palette are highly encouraged.
 - d. Signs shall display a minimum of information to avoid clutter and confusion, and multiple signs shall be combined where practicable.
 - e. No permanent sign shall be placed, painted, or drawn on trees, rocks or other natural features, or on utility poles, bridges, culverts or other road or utility structures.
- 3) **Prohibited Signs.** The following types of signs are prohibited in all districts:
 - a. Off-site billboards within Village limits, except where permitted by state or federal law;
 - b. Signs containing flashing, intermittent, rotating or moving lights or messages, except that electronic signs are permitted in 4(c)(iv) of this subsection;
 - c. Signs with lighting devices of excessive intensity beamed or directed upon a public right of way or adjacent premises so as to cause a traffic hazard or other nuisance;
 - d. Neon signs, internally-illuminated signs and portable channel letter signs;
 - e. Signs having moving parts, fluttering or revolving devices, or mirror-like surfaces;
 - f. Tethered, gas-filled, or airborne advertising devices;
- 4) **Permitted Signs.**
 - a. The following types of signs are permitted in any zoning district and shall not require a sign permit, provided such signs also comply with the general requirements of this subsection:

- i) House numbers and building identification signs mounted on a structure not exceeding one (1) square foot in area;
 - ii) Flags or insignia of any government which do not interfere with pedestrian or vehicular traffic or otherwise cause a safety hazard;
 - iii) Traffic control and directional signs erected by the Village of Canajoharie, Montgomery County or the State of New York;
 - iv) Any sign containing a trademarked logo or symbol that contains colors that are not included in a historical color palette may be incorporated into the sign, but the sign shall otherwise comply with General Sign Requirements, above;
 - v) Lit or neon signs indicating an establishment is “open,” which do not exceed more than 2 square feet in area, and which are mounted on a main entrance door or front facing window and comply with all other general sign requirements, shall be permitted.
- b. In districts zoned R-1, R-2, R-3 and WD, the following types of signs are permitted and shall require a sign permit to be issued by the Village of Canajoharie Code Enforcement Officer:
 - i) One freestanding sign for any multiple residence, apartment building or allowable non-residential use provided such sign shall not exceed fifteen (15) square feet in area or five (5) feet in height from grade.
- c. In districts zoned B-1, G-1, M-1 and PDD, the following types of signs are permitted and shall require review by the Village of Canajoharie Planning Board prior to issuance of a sign permit:
 - i) Freestanding signs not exceeding 32 square feet in area, less than eight (8) feet in height from grade, and located no less than three (3) feet from any sidewalk, or five (5) feet from the edge of the street if there is no sidewalk.
 - ii) Wall-mounted signs with the face of the sign oriented parallel to the building face not exceeding two-square feet in area for each linear foot of building frontage.
 - iii) Projecting signs with the face of the sign oriented perpendicular to the building face not exceeding fifteen (15) square feet in area, extending more than six feet from the building wall, or installed less than nine feet above grade.
 - iv) Electronic signs with changing messages or that utilize digital or LED technology.
- 5) **Temporary Signs.** Any non-permanent sign that is designed to be displayed for a limited amount of time shall be considered a temporary sign, including but not limited to portable signs, sandwich board or A-frame signs, lawn signs placed in or on the ground, or signs affixed to the interior or exterior of a window. Temporary signs shall not require a sign permit, provided such signs comply with the following requirements:
 - a. No temporary sign may exceed eight (8) square feet in area, or four (4) feet in height from grade;
 - b. Temporary window signs shall not occupy more than 25% of the area of the window to which they are affixed;
 - c. No temporary sign may be displayed for more than sixty (60) days, and shall not be removed for a short period of time and the same temporary sign replaced on display, without a permit from the Planning Board. (See also item (g), below);

- d. No temporary sign may have its own illumination source;
 - e. No temporary sign may be placed in a road right-of-way, obstructing a sidewalk or in any manner that creates a public safety hazard;
 - f. No temporary sign may be affixed to trees, utility poles, bridges, culverts or other road or utility structures;
 - g. Temporary signs advertising the sale, lease, or rental of the premise upon which the sign is located shall be permitted, but shall comply with the following requirements: such signs shall not exceed eight (8) square feet in area or 60 inches in height, and there shall be no more than two (2) signs for each property so advertised. Anything greater than this in square footage or number of signs shall require a permit. All sale, lease or rental signs must be removed within one (1) month from the date the premises were sold, leased or rented. All such signs must comply with the General Sign Requirements in this section.
 - h. Temporary portable signs, including portable channel letter signs, are prohibited as outlined in 3(d) of this subsection.
- 6) **Nonconforming Signs.** Any sign lawfully erected prior to the effective date of this chapter that does not conform to the provisions and standards of this subsection, shall be deemed nonconforming. A nonconforming sign may be continued and maintained but it shall not be re-erected, relocated or replaced unless it is brought into compliance with all of the requirements of this subsection.
- 7) **Discontinued Signs.** Any existing sign which no longer conveys a current message to the public, or advertises a business that has been discontinued or a service no longer available shall be removed by the owner within 30 days after written notification from the Code Enforcement Officer.

B. Landscaping

- 1) **Purpose.** This subsection establishes general requirements and design standards for the installation of landscaping associated with new development within the Village of Canajoharie and are designed to: maintain the aesthetic appearance of the community and improve quality of life for Village residents; buffer potentially incompatible land uses from one another; improve storm water management; and increase property values within the Village. All requirements in this subsection are minimum requirements, and provision of landscaping in excess of these requirements is highly encouraged.
- 2) **Applicability.** These landscaping standards shall apply to the following:
- a. In the B-1, G-1, M-1 and PDD districts, any new construction or substantial improvement of a building or use requiring site plan approval, the cost of which exceeds 50 percent of the fair market value.
 - b. In the R-1, R-2, R-3 and WD districts, any new construction or substantial redevelopment of a building or use requiring a special use permit, the cost of which exceeds 50 percent of the fair market value.
 - c. Any change of use of an existing building that is subject to site plan approval and requires an increase of off-street parking or major parking area improvements.
- 3) **Plan Submittal.** Landscaping plans shall be submitted to the Village of Canajoharie Planning Board for review and must comply with the following:

- a. Plans shall clearly depict the landscape design in relation to its surroundings and shall include a to-scale drawing that clearly indicates all man-made and natural features which bear on the landscape, including the locations of all structures, parking areas, public streets and other such man-made features, as well as, all bodies of water, existing vegetation, and other natural features.
- b. Plans shall include specific locations, varieties, sizes and planting details for all proposed plantings on the site.
- c. Plans shall include a grading plan showing any slopes, berms, landforms, drains, and stormwater management facilities, if applicable.

4) **General Requirements.**

- a. All new development shall be generously landscaped to provide visual interest in all four seasons by including deciduous trees, conifers, perennials and bulbs.
- b. Open space shall be designed as an integral part of the overall site design, and the preservation of mature trees, hedgerows, wetlands and woodlots shall be encouraged.
- c. All proposed landscaping shall be in character with the community and designed to blend in with the prevailing scale and appearance of neighboring uses.
- d. All trees and other landscaping installed in satisfaction of these regulations shall be healthy specimens, suitable for local climate conditions, and shall be installed consistent with sound horticultural practices. The use of native species is highly encouraged, and the use of invasive species as defined by 6 NYCRR Part 575 - Prohibited and Regulated Invasive Species shall be prohibited.
- e. Any landscaping installed in accordance with this section shall be maintained in good order to achieve the objectives of this section.

5) **Required Landscaping.**

- a. Landscaping shall be required to create boundaries and transitions between areas of differing development intensities, as well as to separate areas of incompatible land uses. In addition to the minimum setbacks required in **Schedule B – Area and Bulk Regulations**, a suitable landscape buffer shall be required where dissimilar land uses are located adjacent to each other. The type and extent of plantings shall be approved by the Planning Board, and shall be proportionally greater for increased degrees of incompatibility among adjacent land uses.
- b. New Parking facilities shall be landscaped to screen from public view and minimize the unsightliness of parked cars, and shall comply with the following requirements:
 - i) All parking lots with more than 20 spaces shall have a minimum of 10% landscaped area.
 - ii) Any parking lot located adjacent to and visible from a public right-of-way shall be separated from the street by a landscaped island or planting strip.
 - iii) Continuous rows of parking consisting of 15 spaces or more shall be separated by a landscaped island or planting strip, unless demonstrated not to be practical due to lot configuration.
- c. Any landscaping installed in accordance with this sub-section shall be of good quality and meet the most current American Standard for Nursery Stock (ANSI Z60.1) published by the American

Association of Nurseryman. The minimum plant size shall be specified in the landscape plan and approved by the Planning Board. All landscaping material, except trees, shall be of a sufficient size at the time of planting to reach maturity within 3 years.

C. Architectural Design.

- 1) **Purpose.** The Village of Canajoharie includes a concentration of historic buildings, structures and sites united historically and aesthetically by their physical development, and which embody the distinctive characteristics of multiple architectural types, styles and methods of construction. Most of the Village is a designated historic district that was added to the National Register of Historic Places in 2015. This subsection includes architectural design standards intended to preserve the exterior appearance and character of the Village's historic structures, promote economic development through the enhancement of its attractiveness to visitors, protect property values, and ensure that future growth and development is harmonious, orderly and efficient.
- 2) **Applicability.** These design standards apply to new construction or exterior renovation of structures or uses requiring site plan approval or the issuance of a special use permit by the Village Planning Board within the B-1, G-1, M-1 and PDD zoning districts.
- 3) **Submission requirements.** In addition to any required application materials, any action that is subject to the standards set forth in this subsection shall submit the following supplemental material to the Village of Canajoharie Planning Board for its review:
 - a. Photographs of the site and surrounding area, including all existing buildings on the property.
 - b. Building elevations which specify all proposed demolition and construction work, including exterior materials, changes or transitions in materials, lighting, signs, awnings and similar facade improvements.
 - c. A rendering or illustration showing what the completed project would look like if viewed from the street as a pedestrian.
 - d. Any of the he above requirements may be waived by the Planning Board if determined to be a hardship or not applicable to the project being reviewed.
- 4) **Design Standards.**
 - a. Renovation of existing buildings.
 - i. Any exterior alterations or new additions shall not destroy historic materials, features and spatial relationships that characterize a building, structure or property. Distinctive historic or architectural features, finishes, and materials shall be preserved whenever possible. New additions shall be compatible with the size, scale, proportions and massing of the original structure and shall utilize materials and finishes that match the old in design, color, texture and other visual qualities.
 - ii. Any renovations or alterations to an existing facade should include reasonable attempts to preserve the original building design and features by removing cladding, panels, signboards or similar additions which conceal the original building design underneath.
 - iii. Deteriorated historic features shall be repaired rather than replaced whenever possible. Where the severity of deterioration requires replacement of a distinctive feature and/or material, the new feature and/or material shall match the old in design, color, texture and other visual

qualities.

- iv. Upper-story windows of existing buildings shall be uncovered and reopened whenever feasible to maintain historic character. The original spacing, pattern, size, and location of existing windows shall be preserved.
- b. New construction.
 - i. New construction shall be compatible with any preexisting building patterns found in adjacent or nearby buildings with regards to massing, height, scale, form and setbacks.
 - ii. The height of new buildings should attempt to coordinate common heights and facade lines with immediately adjacent buildings.
 - iii. New construction shall place as much of the building width at the front of the lot as possible to maximize front facade exposure and maintain the street wall. The front facade shall be kept parallel to the street.
 - iv. The primary entry on all new construction shall be easily identified, scaled appropriately to the size of the building and face the street.
 - v. New construction located at corner intersections shall place a majority of the building mass at the corner and/or wrap the corner by continuing facade elements, such as the cornice, on all street elevations.
 - vi. New construction shall utilize quality materials and colors that are compatible with those found in existing buildings. The context of the historic nature of the area shall be considered when choosing materials and colors. Natural building materials such as brick, stone, and wood are preferred, and natural colors selected from a historic paint palette are highly encouraged.
 - vii. All required off-street parking areas shall be located at the side or rear of the building where practical, and should be located next to adjacent existing parking lots to provide shared parking opportunities.
 - viii. Air handling units, condensers, satellite dishes and other equipment placed on a roof must be screened from view or disguised with a permanent architectural feature so as not to be readily visible from the street or waterway.
 - iv. The use of landscaping methods, such as low walls, hedges and tree rows, shall be used to help maintain and reinforce a consistent street wall in areas where there are no building facades.

5) Maintenance and repair.

- a. Nothing in this section shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a building, structure or property which does not involve a change in design, material or outward appearance.
- b. All properties shall be kept in a state of good repair in accordance with the provisions of Chapter 105 of the laws of the Village of Canajoharie (Property Maintenance Law). No owner or person with an interest in property shall permit the property to fall into serious disrepair, so as to result in the deterioration of any exterior architectural feature which would produce a detrimental effect

upon the character of the neighborhood in which it is located.

D. Outdoor Storage.

- 1) Outdoor storage associated with commercial and industrial uses in the B-1, G-1, M-1 and PDD zoning districts is permitted as an accessory use to the main operation subject to the issuance of a special permit from the Planning Board.
- 2) Outdoor storage areas must be on the premises of the business or in close proximity to the premises, and shall be located so as to minimize views from adjacent public rights-of-way, including Interstate 90. Where possible, they should be located behind buildings, away from streets, and obscured from public view to the maximum extent possible.
- 3) Outdoor storage areas must be screened on the perimeter with a minimum eight (8) foot high solid fence or wall. The fence or wall must conceal the entire area of storage from public view on all four sides and must be of a suitable color and material as determined by the Planning Board to complement the existing building structures on the property. Gates shall be the same color, material and height as the fencing. Chain link fence is not permitted, unless it is sufficiently screened by landscaping or other material as determined by the Planning Board.
- 4) Landscaping must be installed in front of all fencing on the visible exterior sides which abut a public right-of-way to soften the visual impacts of the fencing and to further screen the outdoor storage areas.
- 5) All outdoor storage material must be stored in an orderly manner such that fire codes are met (i.e., access lanes) and access to all areas of the yard is possible.
- 6) Temporary huts, tents or other non-permanent enclosures are not permitted to be used for outdoor storage.
- 7) All vehicles, trailers and equipment stored outdoors in connection with a commercial or industrial use must have a valid registration. Unenclosed outdoor storage of unregistered or unlicensed vehicles, trailers or equipment is prohibited.

Article VIII
Off-Street Parking and Loading

§ 157-26 Off-street parking facilities.

A. Permitted Accessory Parking

- 1) Off-street parking spaces, open or enclosed, are permitted as an accessory use in all zoning districts and shall be provided on the same lot as the primary use. On lots with multiple principal uses and/or mixed use projects, off-street parking requirements shall be determined by the Planning Board on a case by case basis.
- 2) For residential uses, the areas which may be computed as the required off-street parking space may include a driveway, garage, carport or other area typically available for parking, other than the street. Parking over sidewalks is prohibited.
- 3) The Planning Board, at its sole discretion, may allow required off-street parking for more than one business to be shared within the same parking area.
- 4) Where a commercial use is located within 500 feet walking distance of the entrance to a municipal parking facility, the Planning Board may waive the required parking for such use in whole or in part.

- B. Parking requirements.** The minimum number of off-street parking spaces required in all districts shall be as specified in Schedule C, hereby made a part of this chapter. Any use not listed in the schedule below shall have the same parking ratio as the most closely similar use in the schedule as determined by the Planning Board.

Schedule C Off-Street Parking

Type of Use	Number of Required Spaces
Auto repair/gasoline service station	1 space per 300 square feet of floor area
Bowling alley	4 spaces for each alley
Car wash	5 spaces full-service; 1 space per self-service bay
Dwelling	2 spaces for each dwelling unit
Funeral home	1 space for every 5 seats
Home occupation	1 space plus dwelling unit requirement
Hotel, motel	1 space for each guest room
House of Worship	1 space for each 10 seats in main assembly room
Industrial or manufacturing use	1 space for each 400 square feet of floor area
Nursing or convalescent home	1 space for each 4 beds
Professional offices	1 space for each 300 square feet of floor area
Restaurants or drinking establishments	1 space for every 4 seats
Retail store or bank	1 space for each 300 square feet of floor area
School	2 spaces for each classroom
Theater	1 space for each 3 seats
Wholesale warehouse	1 space per 1,000 square feet of floor area
Wholesale, storage, freight terminal or utility use	1 space for each 1,000 square feet floor area

C. Design Standards for Non-Residential Parking

- 1) The minimum parking stall width shall be nine feet, minimum length shall be 20 feet, and a clear backup space of 24 feet shall be provided. Entrance and exit lanes shall not be computed as parking.
- 2) Unobstructed access to and from a street shall be provided for each off-street parking area. Each parking area shall have defined entrance and exit constructed so that adequate sight distance is provided. One-way entrance and exit lanes shall be a minimum of sixteen (16) feet wide. Two-way lanes shall be a minimum of twenty-five (25) feet wide. No entrance or exit for any off-street parking area shall be located within 75 feet of any street intersection.
- 3) All open parking areas shall be properly drained and such areas containing more than 20 spaces shall be paved and striped.
- 4) For parking areas containing more than 20 spaces, a landscaped buffer shall be provided between the parking area and a street line. Trees and shrubs planted shall be designed to effectively screen the parking area but shall not impair or obscure vehicular sight distance.
- 5) Each parking area shall provide for a system of snow removal and have sufficient on-site area for snow storage. Snow may not be deposited in the front yard or in a street right-of-way so that such snow impairs vehicular sight distance.

§ 157-27 Off-street loading facilities.

All commercial and industrial uses shall provide off-street space for loading and unloading of trucks and other delivery vehicles as set forth below:

- 1) All loading berths shall be located on the same lot as the use to which they are accessory, and loading facilities shall be so arranged as not to interfere with pedestrian or motor traffic on any public street or right-of-way.
- 2) Manufacturing and warehouse/service uses shall provide one off-street loading space for every 10,000 square feet of floor area. The Planning Board shall determine the number of loading berths required for all other nonresidential uses.
- 3) Each required loading berth shall be at least 12 feet wide, 60 feet long and 14 feet high.
- 4) In the B-1 Core Business District the Planning Board may allow a loading space to be established within the public right-of-way, provided that it is found that the provision of an off-street loading space is not practical and the use of the on-street loading space is limited to hours of low parking demand or is located in space identified by the Village of Canajoharie as a designated loading zone.

Article IX
Nonconforming Uses

§ 157-28 Purpose and applicability.

This article establishes the circumstances under which a nonconforming use or structure may be continued or changed and provides for the removal of nonconforming uses and structures when their continuation conflicts with the goals of the Comprehensive Plan or impacts the public health, safety, and general welfare of the community.

The provisions governing non-conforming uses set forth in this article are established to provide remedy for non-conforming uses that exist at the time of enactment of this ordinance, decrease the frequency of existing non-conforming uses of property, and encourage action toward conformance.

- A. Any lawfully established use, structure, or lot that is in existence on the effective date of this chapter, or any subsequent amendment, but does not comply with all the standards and requirements of this chapter shall be considered nonconforming.
- B. Nonconformity may result from any inconsistency with the requirements of this chapter including, but not limited to use, location, lot coverage, minimum lot size, yard setbacks, height, performance standards, or the lack of a required special use permit.
- C. A use or structure shall not be deemed nonconforming solely because it does not conform with the parking and loading requirements set forth in Article VIII.

§ 157-29 Nonconforming Use of Structures or Land.

- A. Right to Continue. Nonconforming uses may be continued and maintained provided there is no alteration, enlargement, or addition to any building or structure, and no increase in occupant load. The right to continue a nonconforming use or structure shall attach to the land and shall not be affected by a change in ownership.
- B. Change of use. Any nonconforming use may be changed to a use that is allowed by right in the district in which it is located and complies with all applicable standards for such use. A nonconforming use may not be changed to another nonconforming use under the provisions of this section
- C. Removal. A nonconforming use of land may not be moved in whole or in part to any other portion of the lot or parcel of land occupied by such nonconforming use at the time of adoption of this chapter.
- D. Extension and Enlargement. A nonconforming use of land shall not be enlarged or extended beyond the area of land occupied by such use at the time of the adoption of this chapter.
- E. Maintenance and Repairs. Maintenance, repairs and interior alterations to a nonconforming structure are permitted if the changes and improvements do not enlarge or extend the structure.
- F. Reconstruction or alteration. A nonconforming building may not be reconstructed or altered during its life to exceed 50% of its appraised value, unless such building is changed from a nonconforming to a conforming use, as defined by this chapter.
- G. Restoration. A nonconforming building which has been damaged by fire or other natural causes to the extent of 50% of its fair value shall not be repaired or reconstructed except in conformance with the

regulations of the district in which such building is located. Any reconstruction, restoration, or rebuilding undertaken pursuant to this section shall conform to all New York State Building Code requirements, and a building permit must be obtained within two years after the date of the damage or destruction.

- H. Discontinuance. When a nonconforming use has been discontinued for a period of 12 months, any future use of such building shall conform to the regulation for the district in which it is located.
- I. Completion of building. Any building lawfully under construction at the time of enactment of this chapter may be completed.

§ 157-30 Nonconforming Lots.

In any district, a permitted use may be constructed on a lot which does not conform to minimum lot area and/or minimum lot width requirements for the use, subject to the following conditions:

- A. The lot existed with its current boundaries on the effective date of this chapter or any subsequent amendment;
- B. A permitted use to be constructed on a nonconforming lot shall conform to the yard/setback, height, and parking requirements of this chapter;
- C. A permitted use that existed on a nonconforming lot at the time of the adoption or amendment of this chapter may be continued pursuant to § 157-29(A). Additions or enlargements to such structures are permitted, provided they conform to the established yard/setback, height, and parking requirements of this chapter and any and all applicable sections of the Zoning Code of the Village of Canajoharie.

Article XI
Board of Appeals

§ 157-35 Creation; appointment; organization.

- A. Creation. A Board of Appeals is hereby created, to be called the Zoning Board of Appeals, and shall consist of five members. The Mayor shall appoint the Board of Appeals and the Chairperson thereof, subject to the approval of the Board of Trustees of the Village of Canajoharie. In the absence of a chairperson the Zoning Board of Appeals may designate a member to serve as acting chairperson. The board of trustees may provide for compensation to be paid to experts, clerks and a secretary and provide for such other expenses as may be necessary and proper, not exceeding the appropriation made by the board of trustees for such purpose.
- B. Board of trustees ineligible. No person who is a member of the village board of trustees shall be eligible for membership on such board of appeals.
- C. Terms of members first appointed. In the creation of a new board of appeals, or the reestablishment of terms of an existing board, the appointment of members to the board shall be of terms so fixed that one member's term shall expire at the end of the village official year in which such members were initially appointed. The remaining members' terms shall be so fixed that one member's term shall expire at the end of each official year thereafter. At the expiration of each original member's appointment, the replacement member shall be appointed by the board of trustees for a term which shall be equal in years to the number of members of the board.
- D. Terms of members now in office. Members now holding office for terms which do not expire at the end of a year shall, upon the expiration of their term, hold office until the end of the year and their successors shall then be appointed for terms which shall be equal in years to the number of members of the board.
- E. Training and attendance requirements.
- (1) Each member of the board of appeals shall complete, at a minimum, four hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet the requirements of this subdivision. Such training shall be approved by the board of trustees and may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college or other similar entity. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.
- (2) To be eligible for reappointment to such board, such member shall have completed the training promoted by the village pursuant to this subdivision.

(3) The training required by this subdivision may be waived or modified by resolution of the board of trustees when, in the judgment of the board of trustees, it is in the best interest of the village to do so.

(4) No decision of a board of appeals shall be voided or declared invalid because of a failure to comply with this subdivision.

F. Vacancy in office. If a vacancy shall occur otherwise than by expiration of term, the mayor shall appoint the new member for the unexpired term.

G. Removal of members. The mayor shall have the power to remove, after public hearing, any member of the zoning board of appeals for cause. Any zoning board of appeals member may be removed for non-compliance with minimum requirements relating to meeting attendance and training as established by the village board of trustees by local law.

H. Alternate members.

(1) A village board of trustees may, by local law or as a part of the local law creating the zoning board of appeals, establish alternate zoning board of appeals member positions for purposes of substituting for a member in the event such member is unable to participate because of a conflict of interest. Alternate members of the zoning board of appeals shall be appointed by the mayor, subject to the approval of the board of trustees, for terms established by the village board of trustees.

(2) The chairperson of the zoning board of appeals may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the board. Such designation shall be entered into the minutes of the initial zoning board of appeals meeting at which the substitution is made.

(3) All provisions of this section relating to zoning board of appeals member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, and service on other boards, shall also apply to alternate members.

§ 157-36 Powers and duties.

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

A. Chairperson duties. All meetings of the board of appeals shall be held at the call of the chairperson and at such other times as such board may determine. Such chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.

B. Interpretation. Upon appeal from a decision of the Code Enforcement Officer to decide any question involving the interpretation of any provision of this chapter, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

- C. Variances. To grant use and area variances in accordance with the provisions of Village Law § 7-712-b. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**