

**Village of Boonville
Zoning Law**

MAY 1995

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ARTICLE 1. INTRODUCTION

Section 110. Enacting Clause

Pursuant to the authority conferred by Article 7 of the Village Law and Articles 2 and 3 of Municipal Home Rule Law of the State of New York, the Village Board of the Village of Boonville hereby adopts and enacts the following law.

Section 120. Title

This law shall be known as “The Village of Boonville Zoning Law.”

Section 130. Purpose

The purposes of this zoning law are to provide for orderly growth in accordance with a comprehensive plan; to lessen congestion in the streets; to secure safety from fire, flood and other dangers; to provide adequate light and air; to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to promote the health, safety, and general welfare of the public.

This zoning law has been made with reasonable consideration, among other things, as to the character of each zone and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Village of Boonville.

Section 140. Applicability

This law, and any amendment thereto, shall apply on its effective date to all uses which have not been substantially commenced, and structures which have not been substantially constructed, regardless of the status of permits or certificates of occupancy issued pursuant to the New York State Uniform Fire Prevention and Building Code.

Section 150. Replaced, Superseded Laws and Ordinances

This law shall replace and supersede Chapter 86 of the Village of Boonville Municipal Code entitled “Zoning,” adopted on 25 August 1958, as amended.

ARTICLE 2. DEFINITIONS

Section 210. General

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

Section 220. Specific Definitions

Accessory Apartment: A second dwelling unit located on the same lot as a principal single-family dwelling, located either within the principal dwelling or within an accessory building, which is subordinate to the principal dwelling in terms of size, location, and appearance. Such a dwelling is an accessory use to the principal dwelling.

Accessory Building: A building which is an accessory structure.

Accessory Structure: A structure incidental and subordinate to the principal structure and located on the same lot with

such principal structure. Where an accessory structure is attached to the principal structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the main structure.

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

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

Building Line: The line, parallel to the road line, that passes through the point of the principal building nearest the front lot line.

Building, Accessory: See *Accessory Building*.

Certificate of Occupancy: A certification by the zoning officer that a lot, structure, or use of land has been developed in conformity with an approved zoning permit and/or complies with the provisions of this law, and may be occupied and used for the purposes specified in such zoning permit and/or certificate of occupancy.

Coverage, Lot: See *Lot Coverage*.

Depth, Lot: See *Lot Depth*.

Dwelling: A building or portion thereof which is used exclusively for residential purposes, including one-family, two-family, and multifamily dwellings, but not including mobile homes, hotels, motels, boarding houses, and bed and breakfast inns.

Dwelling, Multifamily: A building or a portion thereof used for occupancy by three or more families living independently of each other and containing three or more dwelling units.

Dwelling, One-family: A building containing only one dwelling unit, and occupied by only one family.

Dwelling, Two-family: A building containing only two dwelling units, and occupied by only two families.

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

Essential Facilities: The operation or maintenance by municipal agencies or public utilities of telephone dial equipment centers; electrical or gas substations; water treatment, storage and transmission facilities; pumping stations; and similar facilities.

Family: One or more persons living, sleeping, cooking or eating on the same premises as a single housekeeping unit.

Front Yard: See *Yard, Front*.

Frontage, Lot: See *Lot Frontage*.

Home Business: An occupation or profession which is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and conforms to the regulations of Section 505 of this law.

Line, Lot: See *Lot Line*.

Line, Street: See *Street Line*.

Lot: A designated parcel or tract of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

Lot Area: The total horizontal area included within the lot lines of a lot. No part of the area within a public right-of-way shall be included in the computation of lot area.

Lot Coverage: That portion of the lot that is covered by buildings and structures.

Lot Depth: The average horizontal distance between the front and rear lot lines.

Lot Frontage: The length of the front lot line measured at the road line.

Lot Line: A line of record bounding a lot which divides one lot from another lot or from a public or private road.

Lot of Record: A lot for which a valid conveyance has been recorded in the office of the county clerk prior to the effective date of the Village of Boonville Subdivision Regulations; or, is either part of a subdivision plat approved by the planning board and filed in the county clerk's office, or was exempt from the Village of Boonville Subdivision Regulations at the time of recording with the county clerk.

Lot Width: The horizontal distance between side lot lines, measured at the required front setback line.

Manufacturing and Processing: Any land or structures used for the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts; the manufacturing of products; the blending of materials; and the packaging of products for distribution.

Nonconformity: A lot of record, structure, or use of land which lawfully existed prior to the enactment of this law, or conformed to the regulations of the zone in which it was located prior to the amendment of this law; which does not conform to the regulations of the zone in which it is located following the enactment or amendment of this law.

Park/Playground, Public: A tract of land, designated and used by the public for active and passive recreation.

Parking Lot: A tract of land used for the temporary parking of motor vehicles when such use is not accessory to any other use.

Permit, Special Use: See *Special Use Permit*.

Permit, Zoning: See *Zoning Permit*.

Plat: A map of a subdivided tract of land showing the boundaries and location of individual properties and roads.

Planning Board: The Village of Boonville Planning Board.

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

Principal Use: The primary or predominant use of any lot.

Private Street: See *Street, Private*.

Public and Semi-Public Facility: Any one or more of the following uses, including grounds and accessory buildings necessary for their use: religious institutions; public parks, playgrounds and recreational areas; schools; public libraries; fire, ambulance and public safety buildings; and public meeting halls and community centers.

Rear Yard: See *Yard, Rear*.

Retail Sales and Service: A commercial facility engaged in the indoor selling of goods or merchandise to the general public for personal or household consumption; or providing indoor retail services or entertainment to the general public such as eating and drinking establishments, finance, real estate and insurance, personal services, amusement and recreational services, health, educational and social services; and not including outdoor retail sales and service.

Retail Sales and Service, Outdoor: A commercial facility including sales, rental, lease and service or repair for new and used automobiles, trucks, mobile homes, boats, recreational vehicles, farm implements, tree nurseries and other large items stored outdoors.

Retail Sales and Service, Large Facility: A retail sales and service facility of over 15,000 square feet of gross leasable area, planned, constructed and managed as a single retail establishment.

Retail Sales and Service, Small Facility: A retail sales and service facility of 15,000 square feet or less of gross leasable area, planned, constructed and managed as a single retail establishment.

Side Yard: See *Yard, Side*.

Site: Any area of a single parcel of land to be used, developed, or built upon as a unit.

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

Special Flood Hazard Area: Land in the floodplain subject to a one percent or greater chance of flooding in any given year. It includes the area shown on the Flood Insurance Rate Map as Zone A, AE, AO, AH, and A1 to A99.

Special Use Permit: A permit for special uses which must be approved by the planning board, granting permission to the zoning officer to issue a zoning permit.

Special Use: A use of land as designated in Article 4 of this law, which requires a review and approval of the planning board prior to the issuance of a special use permit by the planning board or a zoning permit by the zoning officer, and is subject to conditions imposed by the planning board to ensure that the use is in harmony with this law and will not adversely affect the neighborhood if such conditions are met.

Story: Portion of a building which is between one floor level and the next higher floor level or the roof. A *half-story* is that part of a building between a pitched roof and the uppermost full story, and having a floor area at least half as large as the floor below. Space less than 5 feet clear headroom shall not be considered as floor area for purposes of computing half-stories.

Street: A thoroughfare dedicated and accepted by a municipality for public use or legally existing on any map of a subdivision filed in the manner provided by law.

Street, Private: A private way which affords the principal means of access to abutting property.

Street Line: A right-of-way line dividing a lot, plot, or parcel from a street.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something located on the ground.

Structure, Accessory: See *Accessory Structure*.

Structure, Principal: See *Principal Structure*.

Use: The purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained.

Use, Accessory: See *Accessory Use*.

Use, Principal: See *Principal Use*.

Use, Special: See *Special Use*.

Variance: Any departure from the strict letter of this law granted by the zoning board of appeals as applied to a particular piece of property.

Width, Lot: See *Lot Width*.

Yard: Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted in this law. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the nearest point of the foundation wall of the main building.

Yard, Front: The space within and extending the full width of the lot from the street line to that part of the building or structure which is nearest to such street line. If a lot adjoins two or more streets, it shall be deemed to have a front yard respectively on each.

Yard, Rear: The space within and extending the full width of the lot from the rear lot line to that part of the building or structure which is nearest to such rear lot line.

Yard, Side: The space within and extending the full distance from the front yard to the rear yard and from the side lot line to that part of the building or structure which is nearest to such side lot line.

Zoning Board of Appeals: A board appointed by the village board pursuant to Section 7-712 of the Village Law to hear and decide appeals of this law.

Zoning Permit: A permit issued by the zoning officer certifying that all plans for the use and development of land comply with the regulations of this law, and granting permission to commence development activities in conformity with the conditions of the approved permit.

Zoning Officer: Any person appointed by the village board to enforce the provisions of this law.

ARTICLE 3. ESTABLISHMENT OF ZONES

Section 310. Types of Zones

For the purpose of this law, the Village of Boonville is hereby divided into the following zones:

- | | | | |
|-----|------------------------------|-----|------------------------------------|
| C-1 | Village Center Zone | R-1 | Residential Zone |
| C-2 | Neighborhood Commercial Zone | R-2 | Residential Zone |
| C-3 | Highway Commercial Zone | R-3 | Residential Zone |
| P | Public/Semi-public Zone | W-1 | Wellhead Protection Overlay Zone 1 |
| I | Industrial Zone | W-2 | Wellhead Protection Overlay Zone 2 |
| | | W-3 | Wellhead Protection Overlay Zone 3 |

Section 320. Zoning Map

Said zones are shown, defined and bounded on the map accompanying this law entitled “Zoning Map,” dated October 24, 1994 and filed in the office of the Village Clerk, which map and all explanatory matter thereon is by this reference incorporated into this law.

Section 330. Interpretation of Zone Boundaries

Where uncertainty exists with respect to the boundaries of the various zones, as shown on the zoning map, the following rules shall apply:

1. Where the designation on the zoning map indicates a boundary approximately upon a street, the centerline of the street shall be construed to be the boundary.
2. Where the designation on the zoning map indicates a boundary approximately upon a lot line, such lot line shall be construed to be the boundary.
3. In other cases the zone boundary shall be determined by the use of the scale on the zoning map, or distances as indicated on the zoning map.

Section 340. Metes-and-Bounds Description

In the event that a metes-and-bounds description has been filed for a zone change or a variance as required by this law, such metes-and-bounds description may be used in lieu of other provisions of this article.

Section 350. Lots Divided by Zone Boundaries

Where a zone boundary divides a lot of record at the time such boundary is adopted, the zone requirements of the least restrictive portion of such lot shall extend 30 feet into the more restrictive portion of the lot, provided the least restrictive portion of the lot has frontage on a street.

ARTICLE 4. ZONE REGULATIONS

Section 410. C-1 Village Center Zone

1. The following uses shall be allowed in the C-1 zone and shall require a site plan review by the Planning Board prior to the issuance of a zoning permit by the Zoning Officer:

- small retail sales and services
- public and semi-public facilities
- multifamily dwellings
- essential facilities

2. All uses shall meet the following requirements in the C-1 zone:

- Building Height Max 3 stories
- Accessory Building Height Max 3 stories

3. Uses in the C-1 zone shall meet the following additional requirements:

- a. All principal buildings shall meet the front building-line.
- b. Parking and storage areas shall be to the side or rear of buildings.
- c. Parking areas in side yards shall be fenced or screened along the front building line.

Section 420. C-2 Neighborhood Commercial Zone

1. The following uses shall be allowed in the C-2 zone and shall require a site plan review by the Planning Board prior to the issuance of a zoning permit by the Zoning Officer:

- small retail sales and services, other than high traffic generators
- public and semi-public facilities
- multifamily dwellings
- essential facilities

2. All uses shall meet the following requirements in the C-2 zone:

- Lot Width Min 50 feet
- Lot Depth Min 150 feet
- Front Yard Depth Max 10 feet
- Side Yard Each Min 5 feet
- Side Yard Total Min 15 feet
- Rear Yard Min 10 feet
- Building Coverage Max 30 percent
- Impervious Surface Max 60 percent
- Building Height Max 2.5 stories
- Accessory Building Height Max 2.5 stories

3. Uses in the C-2 zone shall meet the following additional requirements:

- a. All nonresidential uses shall be appropriately buffered and screened from adjacent residential uses and residential zones in compliance with the provisions of Section 770 of this law.
- b. Parking and storage areas shall be to the side or rear of buildings.
- c. All nonresidential uses shall be provided with sidewalks, street trees and planted areas in

compliance with the provisions of Section 760 of this law.

- d. Lighting shall be in compliance with the provisions of Section 740 of this law.

Section 430. C-3 Highway Commercial Zone

- 1. The following uses shall be allowed in the C-3 zone and shall require a site plan review by the Planning Board prior to the issuance of a zoning permit by the Zoning Officer:

- small retail sales and services
 - large retail sales and services
 - outdoor retail sales and services
 - public and semi-public facilities
 - essential facilities

- 2. All uses shall meet the following requirements in the C-3 zone:

Lot Width Min	200 feet
Front Yard Depth Min w/ Side or Rear Parking	20 feet
Front Yard Depth Min w/ Front Parking	50 feet
Side Yard Each Min	10 feet
Rear Yard Min.....	10 feet
Building Coverage Max	30 percent
Impervious Surface Max	50 percent
Building Height Max	2.5 stories
Accessory Building Height Max	2.5 stories

- 3. Uses in the C-3 zone shall meet the following additional requirements:

- a. Storage areas shall be to the side or rear of buildings.
 - b. Highway access shall comply with the provisions of Section 720 of this law.
 - c. All nonresidential uses shall be appropriately buffered and screened from adjacent residential uses and residential zones in compliance with the provisions of Section 770 of this law.

Section 440. P Public/Semi-public Zone

- 1. The following uses shall be allowed in the P zone and shall require a site plan review by the Planning Board prior to the issuance of a zoning permit by the Zoning Officer:

- public and semi-public facilities
 - essential facilities

- 2. All uses shall meet the following requirements in the P zone:

Building Coverage Max	25 percent
Building Height Max	2.5 stories
Accessory Building Height Max	2.5 stories

- 3. Uses in the P zone shall meet the following additional requirements:

- a. All nonresidential uses shall be appropriately buffered and screened from adjacent residential uses and residential zones in compliance with the provisions of Section 770 of this law.

Section 450. I Industrial Zone

1. The following uses shall be allowed in the I zone and shall require a site plan review by the Planning Board prior to the issuance of a zoning permit by the Zoning Officer:

- manufacturing and processing facilities
- essential facilities

2. All uses shall meet the following requirements in the I zone:

- Building Setback from Residential Zones 25 feet
- Building Coverage Max65 percent
- Building Height Max 3 stories
- Accessory Building Height Max 3 stories

3. Uses in the I zone shall meet the following additional requirements:

- a. All nonresidential uses shall be appropriately buffered and screened from adjacent residential uses and residential zones in compliance with the provisions of Section 770 of this law.

Section 460. R-1 Residential Zone

1. The following uses shall be allowed in the R-1 zone and shall require a zoning permit issued by the Zoning Officer:

- single-family dwellings
- two-family dwellings
- accessory apartments

2. The following uses shall be allowed in the R-1 zone and shall require a site plan review by the Planning Board prior to the issuance of a zoning permit by the Zoning Officer:

- multifamily dwellings
- essential facilities

3. The following uses shall be allowed in the R-1 zone and shall require a special use permit by the Planning Board prior to the issuance of a zoning permit by the Zoning Officer:

- public and semi-public facilities
- home businesses

4. All uses shall meet the following requirements in the R-1 zone:

- Front Yard Depth same as majority of buildings on street
- Side Yard Each Min 2 feet
- Side Yard Total Min 16 feet
- Lot Coverage Max25 percent
- Building Height Max2.5 stories
- Accessory Building Height Max2.5 stories

5. Uses in the R-1 zone shall meet the following additional requirements:

- a. Accessory buildings located in side or rear yards are exempt from the accessory building setbacks as established in Section 520 of this law.
- b. All nonresidential uses shall be appropriately buffered and screened from adjacent residential uses

in compliance with the provisions of Section 770 of this law.

- c. Multifamily dwellings and nonresidential uses shall comply with the following:
 - 1) all uses shall be provided with sidewalks, street trees and planted areas in compliance with the provisions of Section 760 of this law,
 - 2) parking and storage areas shall be to the side or rear of buildings,
 - 3) parking areas shall comply with the provisions of Section 525 of this law, and
 - 4) lighting shall comply with Section 740 of this law.

Section 470. R-2 Residential Zone

- 1. The following uses shall be allowed in the R-2 zone and shall require a zoning permit issued by the Zoning Officer:

- single-family dwellings
 - two-family dwellings
 - accessory apartments

- 2. The following uses shall be allowed in the R-2 zone and shall require a site plan review by the Planning Board prior to the issuance of a zoning permit by the Zoning Officer:

- multifamily dwellings
 - essential facilities

- 3. The following uses shall be allowed in the R-2 zone and shall require a special use permit by the Planning Board prior to the issuance of a zoning permit by the Zoning Officer:

- public and semi-public facilities
 - home businesses

- 4. All uses shall meet the following requirements in the R-2 zone:

- Lot Frontage Max 150 feet
 - Front Yard Depth Min..... 35 feet
 - Front Yard Depth Max..... 50 feet
 - Side Yard Each Min..... 10 feet
 - Side Yard Total Min..... 35 % of building width
 - Lot Coverage Max25 percent
 - Building Height Max2.5 stories
 - Accessory Building Height Max 1 story

- 5. Uses in the R-2 zone shall meet the following additional requirements:
 - a. Accessory buildings located in side or rear yards are exempt from the accessory building setbacks as established in Section 520 of this law. Maintenance easements shall be required for all development directly adjacent to lot lines.
 - b. All nonresidential uses shall be appropriately buffered and screened from adjacent residential uses in compliance with the provisions of Section 770 of this law.
 - c. Multifamily dwellings and nonresidential uses shall comply with the following:

- 1) all uses shall be provided with sidewalks, street trees and planted areas in compliance with the provisions of Section 760 of this law,
- 2) parking and storage areas shall be to the rear of buildings,
- 3) parking areas shall comply with the provisions of Section 525 of this law,
- 4) lighting shall comply with Section 740 of this law, and
- 5) all buildings shall have a street orientation.

Section 480. R-3 Residential Zone

1. The following uses shall be allowed in the R-3 zone and shall require a zoning permit issued by the Zoning Officer:

single-family dwellings
two-family dwellings
accessory apartments

2. The following uses shall be allowed in the R-3 zone and shall require a site plan review by the Planning Board prior to the issuance of a zoning permit by the Zoning Officer:

multifamily dwellings
essential facilities

3. The following uses shall be allowed in the R-3 zone and shall require a special use permit by the Planning Board prior to the issuance of a zoning permit by the Zoning Officer:

public and semi-public facilities
home businesses

4. All uses shall meet the following requirements in the R-3 zone:

Lot Size Min8,000 square feet
Lot Width Min 50 feet
Lot Depth Min 120 feet
Front Yard Depth Min..... 35 feet
Side Yard Each Min..... 10 feet
Side Yard Total Min.....35 % building width
Lot Coverage Max20 percent
Building Height Max2.5 stories
Accessory Building Height Max.....2 stories or height of main building

5. Uses in the R-3 zone shall meet the following additional requirements:

- a. All nonresidential uses shall be appropriately buffered and screened from adjacent residential uses in compliance with the provisions of Section 770 of this law.

- b. Multifamily dwellings and nonresidential uses shall comply with the following:

- 1) all uses shall be provided with street trees and planted areas in compliance with the provisions of Section 760 of this law,
- 2) parking and storage areas shall be to the side or rear of buildings,

- 3) parking areas shall comply with the provisions of Section 525 of this law, and
- 4) lighting shall comply with Section 740 of this law.

Section 490. W-1, W-2, W-3 Wellhead Protection Overlay Zones

1. All uses and structures within the W-1, W-2 and W-3 Wellhead Protection Overlay Zones shall meet the requirements of Appendix A of this law in addition to the requirements of the underlying zone in which the use or structure is located.
2. All discretionary reviews of uses and structures in W-1 and W-2 Zones shall be Type 1 actions pursuant to the State Environmental Quality Review Act (SEQRA) regulations, 6 NYCRR. Part 617

ARTICLE 5. GENERAL REGULATIONS

Section 505. Home Businesses

Home businesses shall comply with the following:

1. The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.
2. No more than three employees per residence.
3. There shall be no exterior display, nor any more than one exterior sign of not more than eight square feet, no exterior unscreened storage of materials or waste products, and no other exterior indication of variation from the residential character of the principal building.
4. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.
5. No more than two customer vehicles shall be at the premises at a single time.

Section 510. Accessory Apartments

1. No more than one accessory apartment shall be allowed for each dwelling unit.
2. Each accessory apartment shall be a maximum of 35% of the total floor area of the principal dwelling unit.
3. If separate entrance to the accessory apartment is provided, such separate entrance shall be to the side or rear of the building.

Section 515. Line of Sight for Traffic Safety

1. No accessory structure, fence, wall, or hedge shall be erected in such a manner as to confuse or obstruct the views of any traffic sign, signal, or device, or obstruct the visibility of vehicles entering or exiting highways.
2. On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two feet and ten feet above the street centerline grades of two intersecting streets, in the area bounded by the street lines of such corner lot and a line joining points along said street lines 20 feet from the point of the intersection.

Section 520. Accessory Uses and Structures

1. Accessory uses and structures shall be allowed on the premises of any principal use in any zoning district.

2. The establishment or change of an accessory use or structure which is incidental to a use requiring a site plan review pursuant to Article 4 of this law shall likewise require a site plan review.
3. The establishment or change of an accessory use or structure which is incidental to a use requiring a special use permit pursuant to Article 4 of this law shall likewise require a special use permit.
4. When an accessory building is attached to a principal building, it shall comply in all respects with the requirements of this law applicable to the principal building.
5. Detached accessory buildings and all other structures shall comply with the following:
 - a) building distance from other buildings: 10 feet minimum
 - b) front yard: same as principal use
 - c) side yard: 10 feet minimum
 - d) rear yard: 10 feet minimum

Section 525. Parking Requirements

1. All uses shall be provided with off-street parking for all vehicles during typical peak use periods, except for uses in the C-1 zone.
2. All uses with nonconforming parking situations shall comply with the parking requirements of this Article, to the extent possible, if one or more of the following conditions occurs:
 - a. The use changes.
 - b. The use expands its gross floor area.
 - c. The use is destroyed and seeks to be reestablished.
 - d. The use is abandoned for a period of one year or longer and seeks to be reestablished.
3. A parking space shall be not less than 9 feet by 20 feet exclusive of access ways and driveways.
4. Off-street parking may be located off-site but must be within 500 feet of the site.
5. No nonresidential or multifamily dwelling parking area shall be located within ten feet of a side lot line.
6. To the greatest extent possible, all parking areas for nonresidential and multifamily dwelling uses shall be located to the side or rear of buildings and out of roadside view. Where parking areas must be located in side or in front yards adjacent to public streets, and where parking areas must be located adjacent to residential areas, appropriate buffering, landscaping or visual barriers shall be provided. Side yard parking areas in the C-1 zone shall be screened from view along the front building line.
7. Landscaping shall be provided around parking areas which shall be designed to break up the visual impact of such areas. Plantings shall be designed to provide adequate site distances to vehicles entering and exiting the site. When large areas are to be paved, parking rows shall be designed with the landscaping interspaced within the paved area.
8. All parking areas for nonresidential and multifamily dwelling uses shall be designed to allow vehicles to exit front first onto streets.
9. One parking area may contain required spaces for more than one use. The required spaces assigned to one use may not be credited to another use, except where the uses operate at different times. The applicant shall provide written evidence that the owner has granted permission for such shared parking.

10. All parking areas shall be surfaced with dust inhibiting materials acceptable to the planning board.
11. Minimum parking spaces for each use shall be required as indicated on Schedule A of this law.

Section 530. Off-street Loading Facilities

Off-street loading facilities shall be provided for each commercial or industrial establishment hereafter erected or substantially altered and shall be so arranged as not to interfere with pedestrians or motor traffic on the public street or highway. Off-street loading facilities shall be to the rear of structures where practicable, and shall otherwise be to the side of structures. All facilities shall be appropriately screened as required of parking areas.

ARTICLE 6. SITE PLAN REVIEWS

Section 605. Authority

The Planning Board of the Village of Boonville is hereby authorized pursuant to Village Law Section 7-725-a to review and approve, approve with modifications, or disapprove site plans within the Village of Boonville as designated in accordance with the standards and procedures set forth in this law.

Section 610. Applicability

All nonresidential uses on any site or lot, all multifamily dwellings of over two families, and any use wholly or partially within a Wellhead Protection Overlay Zone which is required to comply with any additional requirements as outlined within Appendix A of this law shall be required to have a site plan approved by the planning board prior to the issuance of a zoning permit or a certificate of occupancy by the zoning officer.

Section 615. General Review Criteria

The planning board shall require that all site plans comply with the following general review criteria:

1. that the site is designed in the interests of the public health, safety, welfare, and comfort and convenience of the public in general, the residents of the proposed development, and the residents of the immediate surrounding area;
2. that the site is designed so as to be in harmony with the comprehensive plan for the community;
3. that parking areas are adequate for the intended level of use, and arranged and screened so as to minimize negative impacts on adjacent properties;
4. that access to the site is safe and convenient and relates in an appropriate way to both the internal circulation on the site as well as the Village street system;
5. that the internal circulation of the site is arranged so as to minimize impacts on the Village street system;
6. that the site is suitably landscaped, and appropriately screened from adjacent properties and the street so as to protect the visual character of the area and to minimize negative impacts on adjacent properties and the neighborhood;
7. that any activities on the site which are incompatible with adjacent properties are suitably buffered so as to minimize negative impacts on such adjacent properties;
8. that signs, site lighting, and the locations of all buildings and structures are in keeping with the character of the neighborhood;
9. that any changes to existing drainage patterns, or increased drainage due to development activity has no

negative impacts on adjacent property;

10. that proposed water supply and sewage disposal facilities are adequate and compatible with Village systems;
11. that the site is designed so as to have no negative impacts on the Village water supply; and
12. that development activity complies with all other standards and requirements of this law.

Section 620. Application

The zoning officer shall refer any application for a zoning permit which requires a site plan review to the planning board. An application for a site plan review shall be filed with the planning board, and the appropriate fee as determined by the fee schedule adopted by village board resolution shall be paid to the village clerk. Ten copies of the application and site plans shall be provided which shall include the following:

1. Name and address of applicant and owner, if different, and of the person responsible for preparation of drawings;
2. Date, northpoint, written and graphic scale;
3. Boundaries of the site plotted to scale, including distances, bearings, and areas;
4. Locator map showing the site in relationship to the Village;
5. Location and ownership of all adjacent lands as shown on the latest tax records;
6. Location of all zone district boundaries;
7. Location, name, and existing width of adjacent streets;
8. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use or adjoining the property;
9. Complete outline of existing or proposed deed restrictions or covenants applying to the property;
10. Existing hydrologic features together with a grading and drainage plan showing existing and proposed contours at a maximum of five foot intervals;
11. Location, proposed use, and height and dimensions of all buildings including the number and distribution by type of all proposed dwelling units, and the designation of the amount of gross floor area and gross leasable area proposed for retail sales and services, office and other commercial or industrial activities;
12. Location and design of all parking and loading areas including access and egress drives and fire lanes and emergency access areas;
13. Provision for pedestrian access, including public and private sidewalks;
14. Location of outdoor storage;
15. Location and design of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences;
16. Description of the method of securing public water supply and disposing of sewage, and the location and design of such facilities;
17. Location and design of all energy distribution facilities, including electrical, gas, and solar energy;

18. Location, size and design of all proposed signs;
19. Location and design of outdoor lighting facilities;
20. General landscaping plan and planting schedule, including the location and proposed development of all buffer areas;
21. Erosion and sediment control plan conforming to the standards and practices contained in the USDA Soil Conservation Service Engineering Field Manual (EFM) and New York Guidelines for Urban Erosion and Sediment Control, or other erosion and sediment control manual recognized by the planning board;
22. An agricultural data statement pursuant to Village Law Section 7-739, when applicable;
23. If within a Wellhead Protection Overlay Zone, a map and a report showing the location of the premises for which the permit is sought and plans prepared by a licensed professional engineer or architect showing all features of the system necessary for the satisfactory conveyance, storage, distribution, use and disposal of stormwater, process wastes, hazardous substances and wastes, solid wastes, and incidental wastes.
24. If within a Wellhead Protection Overlay Zone, a complete list, including an estimate of the volume in pounds dry weight and liquid gallons, of all petroleum, chemicals, pesticides, fuels, and other hazardous substances to be used, generated, stored, or disposed of on the premises.
25. If within a Wellhead Protection Overlay Zone, a description of proposed measures to protect all storage containers or facilities associated with such materials from vandalism, accidental damage, corrosion, and leakage. At a minimum, such measures shall include a description of appropriate design and operating standards as described in Appendix A of this law.
26. If within a Wellhead Protection Overlay Zone, a description of proposed storage facilities for hazardous wastes and provisions for the disposal of these wastes by licensed waste haulers.
27. If within a Wellhead Protection Overlay Zone, a landscape plan that shows pre-development areas of undisturbed, natural vegetation and proposed post-development areas of undisturbed, natural vegetation and fertilized vegetation.
28. If within a Wellhead Protection Overlay Zone, copies of any permits and applications made to any other governmental agencies.
29. A statement of the nature and extent of the interest of any state employee, or officer or employee of the town in the applicant pursuant to General Municipal Law Section 809, when applicable;
30. An environmental assessment form (EAF) and, when applicable, a draft environmental impact statement (EIS) pursuant to 6 NYCRR Part 617;
31. Other elements integral to the proposed development as considered necessary by the planning board.

Section 625. Waiver of Submission Requirements

The planning board may waive any of the submission requirements listed in Section 620 above where it deems that the information is either not applicable or is unnecessary to a particular site plan review.

Section 630. Environmental Impact Review

The planning board shall be responsible for the completion of an environmental assessment form (EAF) for each application for site plan review. The planning board shall be responsible for compliance with 6 NYCRR Part 617 (State Environmental Quality Review regulations) in cooperation with other involved agencies in the review of any

site plan.

Section 635. Review

Upon a determination by the planning board that the application for a site plan review is complete, the board shall review the site plan taking into consideration the objectives for site plan review as outlined in Section 615 above, the general standards for all uses as outlined in Article 5 of this law.

Section 640. Area Variance

During the course of the review, should the planning board determine that a site plan approval may not be feasible without the granting of an area variance as defined by Village Law Section 7-712, the planning board may at any time refer the application and site plans to the zoning board of appeals for the consideration of such variance.

Section 645. Public Hearing

The planning board shall conduct a public hearing. Such public hearing shall be conducted within 62 days of the receipt of the completed application for a site plan review and shall be advertised at least five days before the hearing in a newspaper in general circulation in the village. A notice of the hearing shall be mailed to the applicant at least 10 days before the hearing.

Section 650. Referral to County Planning Board

At least 10 days before the hearing, the planning board shall refer all site plan review matters that fall within those areas specified under General Municipal Law Section 239-m to the Oneida County Department of Planning. This includes any use that falls within 500 feet of the following: the boundary of the village; a state or county park or recreation area; a state or county highway or expressway; a state or county owned drainage channel; state or county land where a public building or institution is located; or a farm operation in an agricultural district. Such referral shall be to the Oneida County Department of Planning for their recommendations thereon. If the Oneida County Department of Planning does not respond within 30 days from the time it received a full statement on the referral matter, then the planning board may act without such report.

Section 651. Referral to Municipal Commission of Boonville

At least 10 days before the hearing, the planning board shall refer all site plan review matters for proposed uses located partially or wholly within a Wellhead Protection Overlay Zone to the Municipal Commission of Boonville for their advisory comment. If the Municipal Commission of Boonville does not respond within 30 days from the time it received a full statement on the referral matter, the planning board may act without such advisory comment.

Section 655. Waiver of Public Hearing

The planning board may waive the public hearing. Such waiver shall not be allowed in any one of the following circumstances:

1. the use requires a special use permit pursuant to this law;
2. the use is a Type I SEQR action, the use is determined by the planning board to have environmental significance, or the use is within the Water Protection zone;
3. the use is over 1000 square feet of floor or ground area;
4. the use is over 20 feet in height;
5. the use requires an increase or change in public water supply facilities, sewerage facilities, drainage facilities, sidewalks, streets, curbs, gutters, or other public improvements;

6. the use is within 200 feet of a DEC designated wetland area, within 200 feet of a stream with a DEC classification of C or higher, or in a FEMA designated floodplain area;
7. the use is determined by the planning board to be of a publicly controversial nature; or
8. the applicant has requested a public hearing.

Section 660. Final Action

1. Within 62 days of the public hearing, or within 62 days of the acceptance of a complete application by the planning board where such hearing has been waived pursuant to Section 655 above, the planning board shall act on the site plans. The time within which the planning board must render its decision may be extended upon mutual consent of the applicant and the planning board. The action of the planning board shall be in the form of a written statement to the applicant stating whether or not the site plans are approved, approved with modifications, or disapproved. In its approval, the planning board shall have the authority to impose such reasonable conditions and restrictions on the issuance of a zoning permit for the application as are directly related to and incidental to a proposed site plan. The decision of the planning board shall immediately be filed in the office of the village clerk and a copy mailed to the applicant.
2. If the site plans are approved, and upon payment by the applicant of all fees and reimbursable costs due the village, the planning board shall endorse its approval on a copy of the application and site plans.
3. If the site plans are approved with modifications, the planning board shall specify in the statement all modifications to be made. Upon payment by the applicant of all fees and reimbursable costs due the village, and upon approval of the modified application and site plans, the planning board shall endorse its approval on a copy of the application and site plans.
4. If the site plans are disapproved, the statement shall contain the reasons for such findings. In such case, the planning board may recommend further study of the application and resubmission after it has been revised or redesigned.

Section 665. Report to County Planning Board

Within 30 days of final action on any matter referred to the county planning board pursuant to Section 650 above, the planning board shall file a report of the final action it has taken with the county planning board.

ARTICLE 7. SITE PLAN REVIEW STANDARDS

Section 710. Site Review Standards

All uses reviewed by the planning board pursuant to Article 6 and 8 of this law shall conform to the standards of all sections below.

Section 720. Access

Access to all sites shall be consistent with the standards set forth in "Policy and Standards for Entrances to State Highways," as revised, published by the New York State Department of Transportation.

Section 730. Drive-Up Service Windows

Facilities with drive-up service windows shall have a minimum of five waiting spaces for each drive-up lane. Each waiting space shall be at least 20 feet in length. Where multiple drive-up windows exist, there shall be one additional waiting space which shall be in a common lane.

Section 740. Lighting

1. In commercial and industrial zones, exterior site lighting shall be planned, erected, and maintained so the light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way.
2. Light levels at lot lines or street lines adjoining either residentially developed land or residential zones shall not exceed 0.6 foot-candles, measured at ground level. High intensity lighting shall not be permitted.
3. No illumination source (lamp) shall be higher than 15 feet in C-1 and C-2 zones, or 20 feet in C-3 zones. No illumination source (lamp) shall be directly visible from adjacent properties or public rights-of-way. All illumination sources shall be appropriately shielded.
4. Architectural lighting shall be shielded and developed as necessary to adequately promote business operation and public safety. Flood lighting and dramatic landscape lighting shall be minimized and used only for specific effects as noted by the developer on the lighting plan.

Section 750. Screening of Storage and Collection Areas

1. Open storage areas, exposed machinery, and outdoor areas used for the storage and collection of rubbish, shall be visually screened from streets and surrounding land uses.
2. Suitable types of screening include opaque and semi-opaque wood fences (such as board on board) and dense, mixed evergreen and deciduous hedges of a height necessary to screen the intended use. The screening shall be sufficient to screen the site in all seasons.
3. In locations where potential health or safety hazards may arise, such as rubbish storage/collection areas, a solid wooden fence, six feet in height is required to deter children and animals from entering the premises. Where new fencing would create a continuous surface greater than ten feet in length, the visual expanse of bare fence shall be alleviated by plant groupings, consisting of mixed evergreen and deciduous shrubs and trees.

Section 760. Continuation of Streetscape

All multifamily uses and nonresidential uses shall provide sidewalks, street trees and planted areas along streets in keeping with the pattern established for the street and neighboring properties.

Section 770. Buffer Area Requirements

1. Side and rear yard buffer areas shall be required by the planning board as a landscape and utility area in the following circumstances:
 - a. Where a nonresidential use in a nonresidential district abuts land in a residential district.
 - b. Where a nonresidential use in a residential district abuts a residential use in a residential district.
2. Buffer areas shall be of such width and landscaping as to eliminate the impacts of objectionable lights, noise, smoke, odor, and aesthetics.
3. Buffer area landscaping shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grassed areas and ground cover. One shade tree at least eight feet in height and at least two inches in diameter measured at a point six inches above finished grade level shall be planted no nearer than five feet to any lot line, for each 500 square feet of required landscaped area; and one deciduous shrub or evergreen shall be planted for each 200 square feet of required landscaped area.

Section 780. General Landscaping and Screening Requirements

1. Landscaping and screening plans shall specify the types of vegetative materials, planting schedule and minimum sizes, and shall be designed to provide suitable cover within three years of time of installation. Material will be selected to provide year-round coverage suitable to the climate.
2. All vegetation shall be maintained in a healthy state and condition by the owner, with ground cover or grassed areas, and damaged and dead shrubs and trees shall be removed and replaced at the property owner's expense.

ARTICLE 8. SPECIAL USE PERMITS

Section 810. Authority

The Planning Board of the Village of Boonville is hereby authorized pursuant to Village Law Section 7-725-b to review and approve, approve with modifications, or disapprove special use permits within the Village of Boonville as designated in accordance with the standards and procedures set forth in this law.

Section 820. Applicability

All uses listed in Article 4 of this law as requiring a special use permit shall be required to have such permit approved by the planning board prior to the issuance of a zoning permit or a certificate of occupancy by the zoning officer.

Section 830. Considerations

1. In considering and acting on special use permits, the planning board shall consider the public health, safety, welfare, and comfort and convenience of the public in general, the residents of proposed developments, and the residents of the immediate surrounding area.
2. The planning board may prescribe such appropriate conditions and safeguards as may be required in order that the results of its action shall, to the maximum extent possible, further the accomplishment of the following objectives:
 - a. *Compatibility:* That the proposed use is of a character compatible with the surrounding neighborhood and in harmony with the comprehensive plan for the community.
 - b. *Public Facilities:* That the public facilities to service the proposed use, including water supply, sewage disposal, drainage facilities, and street and highway facilities, and any other utilities and public services are adequate for the intended level of use.
 - c. *Water Supply:* That the proposed use does not negatively impact or threaten the provision of good quality drinking water to the people dependent upon the Village of Boonville water supply. In making such determination, the planning board shall give consideration to the simplicity, reliability, and feasibility of the control measures proposed and the degree of threat to water quality which would result if the control measures failed.
 - d. *Other Requirements:* That the proposed use complies with all special requirements as set forth for the use in this law.

Section 840. Application and Review Procedure

All applications for special use permits shall be submitted and reviewed in compliance with the submission requirements and review procedures for site plan reviews in Article 6 of this law.

ARTICLE 9. NONCONFORMITIES

Section 910. Intent

The intent of this article is to recognize lots, structures and uses of land and structures which legally existed prior to the enactment or subsequent amendment of this law which would be prohibited or unreasonably restricted by the requirements herein. All rights of nonconformity shall continue regardless of the transfer of ownership of nonconforming lots, structures or uses.

Section 920. Nonconforming Lots

Any lot held under separate ownership prior to the enactment or amendment of this law, and having a width, depth or area less than the minimum requirements set forth in this law, may be developed for any use allowed in the zone in which it is located as designated in Article 4 of this law, except as otherwise prohibited by this law, provided that such lot has sufficient width, depth and area to undertake development which will maintain the required minimum front yard, side and rear yards, and not exceed the maximum permitted lot coverage.

Section 930. Nonconforming Structures

No structure which by the enactment or amendment of this law is made nonconforming or placed in a nonconforming situation with regard to yard sizes, lot coverage, height or any requirement of this law, other than the use to which it is put, shall be changed so as to increase its nonconformity. If a structure is nonconforming as to use, see Section 940 below. Any such nonconforming structure may be used for any compatible use listed for the zone in which it is located as designated in Article 4 of this law.

Section 940. Nonconforming Uses of Land or Structures

Any use of land or structures which by the enactment or amendment of this law is made nonconforming may be continued on the premises and to the extent preexisting provided that:

1. no nonconforming use other than single- and two-family dwellings shall be increased in size so as to occupy a greater area of land or floor area than was committed to the nonconforming use at the time of such enactment or amendment;
2. no nonconforming use of any kind within the Wellhead Protection Overlay Zone shall be increased in size so as to occupy a greater area of land or floor area than was committed to the nonconforming use at the time of such enactment or amendment;
3. a site plan review shall be required for any alteration or reconstruction which is on the premises of a nonconforming multifamily residential or nonresidential use;
4. a site plan review shall be required for any alteration or reconstruction which is on the premises of a nonconforming use of any kind within a Wellhead Protection Overlay Zone; and
5. no nonconforming use which has for any reason been discontinued for a period of one year or more shall be reestablished.

Section 950. Nonconforming Structures Damaged or Destroyed

Any structure which is nonconforming as to use, yard sizes, lot coverage, height or any other requirement of this law, which is damaged or destroyed by fire or other hazard, may be repaired, restored or reconstructed provided that such work is undertaken within one year of the date on which the damage or destruction occurred. No such work shall increase the nonconformity of the structure.

ARTICLE 10. ADMINISTRATION AND ENFORCEMENT

Section 1005. Zoning Permits Required

No land-use activity as listed below shall be carried out until a zoning permit has been issued by the zoning officer stating that the proposed building, structure, use of land, or development activity complies with the requirements of this law:

1. Erection, re-erection or movement of a building or structure;
2. Change of the exterior structural dimensions of a building or structure;
3. Change in use of land, buildings or structures through the establishment of a new use, or through the expansion or enlargement of an existing use;
4. The resumption of any use which has been discontinued for a period of 12 months or longer;
5. Establishment or change in dimensions of a parking area for nonresidential or multifamily residential uses;
6. Change in the contours of land.

Section 1010. Zoning Permit Exceptions

A zoning permit shall not be required for:

1. Accessory structures with less than 100 square feet of ground coverage, unless over 15 feet in height;
2. Fences or walls complying with Section 515 of this law;
3. Interior structural alterations or routine maintenance and improvement that does not expand the exterior dimensions of the structure (e.g., roofing, window replacement, siding replacement, etc.);
4. Minor accessory structures such as posts, sidewalks, driveways, flagpoles, playground equipment, etc.;
5. Family day care homes and group family day care homes.
6. Signs regulated by Chapter 3 of the Village of Boonville Municipal Code.

Section 1015. Temporary Zoning Permits

Temporary zoning permits may be issued upon approval of the planning board for a period not to exceed 12 months for temporary uses and structures incidental to a construction project. Such temporary zoning permit shall be conditioned upon agreement by the applicant to remove any nonconforming uses or structures upon expiration of the permit.

Section 1020. Application Procedure for Zoning Permits

1. Applications for zoning permits shall be submitted to the zoning officer or village clerk and shall include three copies of a layout or plot plan showing the actual dimensions of the lot to be used; the size and location on the lot of existing and proposed structures and accessory structures; the setbacks of structures from all lot lines, street lines, mean high water lines of streams, ponds and wetlands, and any other features of the lot; and such other information as may be necessary to provide for the enforcement of this law. This information, and other relevant application data, shall be provided on forms issued by the village clerk.
2. When establishing measurements to meet the required setbacks and yard sizes, the measurements shall be taken from the lot line, street line, or nearest mean high water line to the furthest protruding part of the use or structure. This shall include such projecting facilities as porches, carports, attached garages, etc.
3. The zoning officer shall take action to approve or disapprove the application within 15 days of the receipt of a completed application by the zoning officer and the payment of all fees.

4. A zoning permit shall expire one year from the date of issue if construction is not substantially started or the use has not commenced.

Section 1025. Permit Fees

A fee as determined by village board resolution shall be paid for each application for a zoning permit. No permit shall be issued until full payment has been received by the village clerk.

Section 1030. Certificate of Occupancy

No use or structure requiring a zoning permit shall be occupied, used, or changed in use until a certificate of occupancy has been issued by the zoning officer stating that the use or structure complies with the provisions of this law. All certificates of occupancy shall be applied for coincidentally with the application for a zoning permit and shall be issued within five days after the use has been approved as complying with the provisions of this law.

Section 1035. Temporary Certificate of Occupancy

A temporary certificate of occupancy for not more than 60 days for a part of a building or lot may be issued upon approval of the zoning board of appeals. Such temporary certificate may be renewed upon request for an additional 30 days.

Section 1040. Unapproved Lots

No zoning permit or certificate of occupancy shall be issued for any use or structure on any lot which has been filed in the office of the county clerk after the effective date of the Village of Boonville Subdivision Regulations, unless such lot is included in a plat which has been approved by the planning board and filed with the office of the county clerk, or was exempt from said regulations at the time of filing.

Section 1045. Zoning Officer

This law shall be enforced by the zoning officer, who shall be appointed by the village board. The duties of the zoning officer shall be to:

1. Approve and disapprove zoning permits and certificates of occupancy;
2. Scale and interpret zone boundaries on the zoning map;
3. Refer appropriate matters to the board of appeals, planning board, or village board;
4. Revoke zoning permits or certificates of occupancy where there is false, misleading or insufficient information or where the applicant has varied from the terms of the application;
5. Investigate violations, issue stop work orders and appearance tickets, and refer violations to the village justice or the village board;
6. Report at regular village board meetings the number of zoning permits and certificates of occupancy issued.

Section 1050. Zoning Board of Appeals

A zoning board of appeals is hereby created pursuant to Village Law Section 7-712. The board shall prescribe rules for the conduct of its affairs. The board of appeals shall have all the power and duties prescribed by Village Law Section 7-712 and by this law. All applications for appeals shall be made and reviewed in compliance with the administrative regulations established by the zoning board of appeals pursuant to Village Law Section 7-712.

Section 1055. Planning Board

The planning board shall have the following powers and duties with respect to this law:

1. Approval of site plans;
2. Approval of special use permits;
3. Submittal of an advisory opinion to the village board for proposed amendments to this law.

All applications made shall be made in writing on forms prescribed by the village. Every decision of the planning board shall be made by resolution which shall contain a full record of findings in the case.

Section 1060. Filing of Records

1. A copy of all zoning permits, temporary zoning permits, certificates of occupancy, notices of violation, and stop work orders shall be immediately filed in the office of the village clerk, upon issuance by the zoning officer.
2. A copy of all decisions of the zoning board of appeals shall be filed in the office of the village clerk within five business days of the decision of the board.
3. A copy of all decisions of the planning board shall be immediately filed in the office of the village clerk.
4. All such records shall be available for the inspection of the public.

Section 1065. Violations and Penalties

1. Whenever a violation of this law occurs any person may file a complaint in regard thereto. All such complaints shall be in writing and shall be filed with the zoning officer who shall properly record and immediately investigate such complaint. If the complaint is found to be valid, the zoning officer shall issue a stop work order requiring all work to cease until the violation is corrected. If the violation is not corrected within the specified time the zoning officer shall take action to compel compliance.
2. Pursuant to Criminal Procedure Law Section 150.20 (3), the zoning officer is hereby authorized to issue an appearance ticket to any person causing a violation of this law, and shall cause such person to appear before the village justice.
3. Pursuant to Municipal Home Rule Law Section 10 and Village Law Section 7-714, any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation and subject to fine and/or imprisonment. Any violation of this law is an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$750 nor more than \$1000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
4. The village board may maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law.

ARTICLE 11. MISCELLANEOUS PROVISIONS

Section 1110. Amendments

The Village Board may amend the provisions of this law pursuant to Village Law Section 7-708 and Municipal Home Rule Law Article 3 after public notice, public hearing, compliance with the State Environmental Quality Review Act regulations (6 NYCRR Part 617), and following appropriate referral to the County Planning Board pursuant to General Municipal Law Section 239-m.

Section 1120. Interpretation

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

Section 1130. Separability

Should any article, section, subsection, sentence or clause of this law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 1140. Effective Date

The provisions of this law shall take effect upon filing with the Secretary of State.

**Village of Boonville Zoning Law
Parking Space Requirements
Schedule A**

	Uses	Spaces Required
1.	Dwellings	1.5 spaces per dwelling unit
2.	Rooming house, tourist home, motel, hotel	1 space per guest room
3.	Office	1 space per 400 square feet of floor space
4.	Funeral home	10 spaces plus 1 space per employee
5.	Religious institution	1 space per 8 seating spaces in main assembly room
6.	Elementary school	2 spaces per classroom
7.	High school	4 spaces per classroom
8.	Theater or other place of assembly	1 space per 5 seating spaces
9.	Hospital	1 space per 2 beds
10.	Nursing or convalescent home	1 space per 4 beds
11.	Retail sales and service	1 space per 250 square feet of customer use floor space
12.	Large product retail sales and service	1 space per 400 square feet of customer use floor space
13.	Clubs and restaurants	1 space per 3 customer seats
14.	Bowling alley	5 spaces per alley
15.	Wholesale, warehousing	1 space per 1000 square feet gross floor area
16.	Industrial or manufacturing use	1 space per 2 employees on the maximum working shift
17.	Home occupation	1 space per client or patient and one space per employee

Appendix A

WELLHEAD PROTECTION OVERLAY

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Section A1. Definitions

Words used in this appendix shall have the following meanings:

Above-Ground Tank: shall mean any stationary tank which is not entirely covered with earth or other backfill material.

Aquifer: shall mean a geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield adequate quantities of groundwater to the wells.

Aquifer Recharge Area: shall mean the surface and subsurface land areas that collect precipitation or surface water and transmit this water to an aquifer.

Cone Of Depression: shall mean the usually inverted, cone-shaped depression in the water table that occurs due to the pumping of a well. The outermost limits of the cone of depression is a figure, generally circular in shape, defined by the point(s) where the elevation of the water table is no longer affected by the pumping of the well; also, the vertical projection of that figure onto the land surface.

Disposal: shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste, radioactive material, hazardous waste, or wastewater into or on any land or water so that such solid waste, radioactive material, hazardous waste, or wastewater will remain on the land or water and will not be removed.

Downgradient: shall mean portions of a lot defined by areas of lower land surface elevation with respect to the elevation of other portions of the same lot. In general, groundwater flows from areas of higher elevation (upgradient areas) to areas of lower elevation (downgradient areas). See definition for upgradient.

Feedlot: A designated area where domestic livestock are confined and managed until slaughter or sale. Domestic livestock shall include pigs, cattle, horses, sheep, goats, chickens, etc.

Fertilized Vegetation: shall mean areas of vegetation being cultivated by humans with the application of fertilizers, pesticides or other substances in order to grow or maintain its existence.

Fertilizer: shall mean any commercially produced mixture that contains phosphorus, nitrogen, and/or potassium which is applied to the ground to increase nutrients to plants.

First Flush: shall mean the delivery of a disproportionately large load of accumulated pollutants that are washed from impervious surfaces and the surface of the land during the early part of storms and transported in stormwater runoff.

Groundwater: shall mean all the water found beneath the surface of the land and water present in aquifers and aquifer recharge areas.

Hazardous Substance: shall mean any substance listed as a hazardous substance in 6 NYCRR Part 597, List of Hazardous Substances, or a mixture thereof.

Hazardous Waste: shall mean a waste, or combination of wastes, which are identified or listed as hazardous pursuant to 6 NYCRR Part 371, Identification and Listing of Hazardous Wastes. Hazardous waste, because of its quantity, concentration, or physical, chemical, or infectious characteristics poses a significant hazard to human health or safety if improperly treated, stored, transported, disposed of, or otherwise managed.

Herbicides: shall mean any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed, and being those substances defined as herbicides pursuant to Environmental Conservation Law Section 33-0101.

Human Excreta: shall mean human feces and urine.

Impervious Surface: shall mean any man-made material, such as pavement used in parking lots or driveways or any building or other structure on a lot, that does not allow surface water to penetrate into the soil.

Manure: shall mean animal feces and urine.

Municipal Well: shall mean a groundwater well operated by the Municipal Commission of Boonville for the purpose of providing a public water supply.

Natural Vegetation: shall mean existing and naturally occurring indigenous vegetation which grows and is maintained without need of applications of fertilizers, pesticides or other chemical substances.

On-Site Consumption: shall mean the use of petroleum to heat or cool a residential or non-residential structure or to operate machinery necessary for agricultural activities. On-site consumption does not include the on-site use of petroleum for processing or manufacturing activities or the sale or distribution of petroleum for or into vehicles, except vehicles used for agricultural operations on that site.

Pest: shall mean (1) any insect, rodent, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other micro-organism which the Commissioner of Environmental Conservation declares to be a pest as provided by Environmental Conservation Law Section 33-0101.

Pesticide: shall mean any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant, and being those substances defined as pesticides pursuant to Environmental Conservation Law Section 33-0101, et seq.

Petroleum: shall mean any petroleum-based oil of any kind which is liquid at 20 degrees Celsius under atmospheric pressure and has been refined, re-refined, or otherwise processed for the purpose of being burned as a fuel to produce heat or usable energy, or which is suitable for use as a motor fuel or lubricant in the operation or maintenance of an engine, or used in the operation of hydraulic equipment. Waste oil which has been reprocessed or re-refined and which is being stored for sale or use as a fuel or lubricant is considered petroleum for purposes of this ordinance.

Radioactive material: shall mean any material in any form that emits radiation spontaneously.

Radiation: shall mean ionizing radiation; that is, any alpha particle, beta particle, gamma ray, x-ray, neutron, high-speed proton, and any other atomic particle producing ionization, but shall not mean any sound or radio wave, or visible, infrared, or ultraviolet light.

Recharge: shall mean the addition of water to an aquifer or to a pumping well; also, the amount of water added to an aquifer or a pumping well. Recharge is typically expressed as a rate, e.g., inches per year or gallons per day.

Recreational Vehicles: shall mean motor vehicles for personal use by the occupants of the household. Examples of recreational vehicles shall include motorcycles, all terrain vehicles, snowmobiles, and boats. Examples of recreational vehicles shall not include motor vehicles for sale or lease.

Secondary Containment: shall mean a structure which prevents any materials that have spilled or leaked from primary containment structures, such as piping, tanks or other containers, from reaching the land surface or any water body.

Septage: shall mean the contents of a septic tank, cesspool, or other individual wastewater treatment works which receives domestic sewage wastes.

Sludge: shall mean the solid, semi-solid or liquid waste generated from a waste processing facility, but does not include the liquid stream of effluent.

Spill: shall mean any escape of a hazardous substance or petroleum from the primary containers used in the normal course of storage, transfer, processing, or use.

Underground Tank: shall mean any tank completely covered with earth or other backfill material.

Upgradient: shall mean portions of a lot defined by areas of higher land surface elevation with respect to the elevation of other portions of the same lot. In general, groundwater flows from areas of higher elevation (upgradient areas) to areas of lower elevation (downgradient areas). See definition for downgradient.

Zone Of Contribution: shall mean the surface and subsurface land area surrounding a pumping municipal well that supplies direct recharge to the well.

Section A2. Prohibited Uses and Activities.

Within all Wellhead Protection Overlay Zones, the following uses and activities are specifically prohibited:

1. Chemical/bacteriological laboratories;
2. Sanitary landfills, including construction and demolition debris landfills;
3. Junkyards or motor vehicle salvage operations;
4. Airports;
5. Disposal of snow or sand that contains de-icing chemicals, and that has been transported from areas outside the Wellhead Protection Overlay Zone;
6. Feedlots;
7. Storage of animal manure, not being used for the primary purpose of agriculture;
8. Surface land application of septage, sludge, or human excreta; and the
9. Discharge, surface land application or disposal of any hazardous substance, hazardous waste, petroleum, or radioactive material.

Section A3. Additional Prohibited Uses and Activities.

Additional prohibited uses and activities for each Wellhead Protection Overlay Zone are listed in Schedules B, C, and D of this law.

Section A4. Permitted Uses.

All uses currently permitted in the underlying zone are permitted in the Wellhead Protection Overlay Zone subject to the additional requirements as indicated in Schedules B, C, and D of this law.

Section A5. Additional Requirements for Wellhead Protection Overlay Zones.

The following requirements and standards shall be observed for proposed uses located within any portion of a Wellhead Protection Overlay Zone where indicated in Schedules B, C, and D of this law, and described below.

Section A6. Lot Coverage and Size.

1. For each use proposed within a specific Wellhead Protection Overlay Zone, the stricter requirement for maximum allowable lot coverage, whether it be specified within the underlying zone or within the

requirements for the Wellhead Protection Overlay Zone, shall apply. The area of existing, natural vegetation to be left on a lot shall be located so as to increase the distances between impervious surfaces, fertilized vegetation, and/or on-site sewage or stormwater disposal systems and any surface water body or municipal well.

2. W-1 and W-2 Zones: For each use proposed, the minimum lot size shall be 25,000 square feet.
3. W-1 Zone: Any proposed use on a lot shall not exceed 20% impervious surface area, or retain less than 40% of the existing, natural vegetation on the lot. Proposed areas of fertilized vegetation shall be located at the farthest practical location from any surface water body or municipal wells.
4. W-2 Zone: Any proposed use on a lot in Highway Commercial Zone C-3 shall not exceed 30% building coverage and 50% impervious surface area, or retain less than 20% of the existing, natural vegetation of the lot. Proposed areas of fertilized vegetation shall be located at the farthest practical location from any surface water body or municipal wells.

Section A7. Petroleum Storage.

1. W-1 and W-2 Zones: As may be indicated on Schedules B and C of this law, a proposed use within these zones is required to meet the following standards for storage of petroleum in new or replacement storage tanks and/or containers:
 - a. Underground storage: the underground storage of petroleum is prohibited.
 - b. Outdoor, above-ground storage: the outdoor, above-ground storage of petroleum, **except** the outdoor, above-ground storage of petroleum used for on-site consumption, is prohibited.
 - c. Storage for On-site Consumption: The preferred method of storage for petroleum used for on-site consumption shall be the installation of storage tank(s) in the basement of or within the building where the petroleum will be consumed. Storage areas shall meet all applicable local, state and federal requirements. If site conditions or other constraints prevent such installation, the following design standards shall be observed:
 - Outdoor, above-ground tanks for petroleum used for on-site consumption shall be equipped with a pad and a dike, berm or other secondary containment structure constructed of material that is impervious to the product stored in the tank. This containment structure shall be designed to capture at least 120% of the volume of the largest tank enclosed by the containment structure.
 - All outdoor, above-ground tanks for petroleum used for on-site consumption shall be equipped with visual gauges to monitor fluid levels.
 - d. Indoor Storage Areas: Indoor storage areas for petroleum shall meet all applicable local, state and federal requirements and the design requirements listed below. Indoor storage areas for petroleum used for on-site consumption and the indoor storage of petroleum in quantities necessary for household use (operating lawn care equipment, recreational vehicles, snow blowers, etc.) shall be exempt from the design requirements for indoor storage areas.
 - Petroleum shall be stored in containers equipped with a lid.
 - All storage areas shall be equipped with a pad and a dike, berm or other secondary containment structure constructed of material that is impervious to the product stored in the tank. This secondary containment structure shall be designed to contain at least 120 % of the volume of the largest container enclosed by the structure.
 - No storage areas shall be located in proximity to floor drains.

- Storage areas shall be secured against unauthorized entry.
2. W-3 Zone: As may be indicated on Schedule D of this law, a proposed use within this zone is required to meet the following standards for storage of petroleum in new or replacement storage tanks and/or containers.
- a. Underground and Above-ground Storage: The storage of petroleum in underground or above-ground tanks with a combined storage capacity of over 1,100 gallons shall be in accordance with the standards of the New York State Department of Environmental Conservation Rules and Regulations for Petroleum Bulk Storage, 6 NYCRR Part 614.
 - b. Underground Storage Tanks: Piping for all underground storage tanks shall be equipped with secondary containment constructed of product-tight materials. Piping shall also be equipped with a leak monitoring system.
 - c. Above-ground Storage Tanks: Piping for all above-ground storage tanks shall have secondary containment constructed of product-tight materials
 - Piping for all above-ground storage tanks shall be equipped with a leak monitoring system.
 - All above ground tanks shall be equipped with a dike, berm or other secondary containment structure constructed of material that is impervious to the product stored in the tank. This containment structure shall be designed to contain at least 120% of the volume of the largest tank enclosed by the containment structure.
 - All outdoor storage areas, loading docks, and product transfer areas shall be equipped with a permanent covering or roof to protect tanks from adverse weather conditions and to prevent stormwater from accumulating in the containment area.
 - All loading docks and product transfer areas shall be equipped with a spill sump which empties into a holding tank to catch and store any spilled petroleum and accumulated stormwater within the containment area until such time as it can be removed and properly treated and/or disposed of.
 - All above-ground tanks shall be equipped with visual gauges to monitor fluid levels.
 - Storage areas shall be secured against unauthorized entry.
 - d. Indoor Storage Areas: Indoor storage areas for petroleum shall meet all applicable local, state and federal requirements and the design requirements listed below. Indoor storage areas for petroleum used for on-site consumption and the indoor storage of petroleum in quantities necessary for household use (operating lawn care equipment, recreational vehicles, snow blowers, etc.) shall be exempt from the design requirements for indoor storage areas.
 - Petroleum shall be stored in containers equipped with a lid.
 - All storage areas shall be equipped with a pad and a dike, berm or other secondary containment structure constructed of material that is impervious to the product stored in the tank. This containment structure shall be designed to contain at least 120% of the volume of the largest container enclosed by the structure.
 - No storage areas shall be located in proximity to floor drains.
 - Storage areas shall be secured against unauthorized entry.

- e. **Spill Control Plan:** A spill control plan shall be prepared for any facility that stores petroleum. Facilities that only store petroleum for on-site consumption and the storage of petroleum in quantities necessary for household use (operating lawn care equipment, recreational vehicles, snow blowers, etc.) shall be exempt from the requirement to prepare a spill control plan. The spill control plan shall be posted in a conspicuous location. The spill control plan shall include, at a minimum, the following components:
- A site plan illustrating the direction of stormwater and groundwater flow;
 - A description of operational procedures;
 - A description of potential spill sources;
 - The spill response training program for the employees;
 - The names and telephone numbers of the person or persons responsible for responding to the spill;
 - The procedures for containing and cleaning up the spill; and
 - The procedure for notifying the Planning Board, Municipal Commission, and other appropriate local and state officials of a spill, leak or other reportable discharge as defined in 6 NYCRR Part 613.

Section A8. Municipal Inspection of Petroleum Storage Sites

Following site development, the Municipal Commission is authorized, at their discretion, to perform periodic inspections of facilities that use or store petroleum to ensure that these facilities pose no threat to the water supply.

The Municipal Commission or its designee(s) will notify the owner and/or his designee(s) by telephone and in writing of the planned inspection. The owner and/or his designee(s) shall grant the Municipal Commission or its designee(s) access to the site and the petroleum storage facilities for the purposes of a periodic inspection at a mutually agreeable time within 72 hours of notice of the inspection.

The purpose of these inspections is to ascertain whether storage containers for petroleum, including above-ground and underground storage tanks, are in good operating condition and the facility is in compliance with the applicable requirements and standards of this law.

Any violations observed by the Municipal Commission or its designee(s) shall be immediately reported, in writing, to the zoning officer.

Section A9. Hazardous Substance Storage.

As may be indicated on Schedules B, C, and D of this law, a proposed use within Wellhead Protection Zones is required to meet the following standards for storage of hazardous substances in new or replacement tanks and/or containers.

1. The underground storage or outdoor, above-ground storage of hazardous substances, including pesticides, herbicides, and fertilizers, is prohibited.
2. Indoor storage areas for quantities of hazardous substances, including pesticides, herbicides, and fertilizers, that total more than 250 pounds dry weight or 50 gallons liquid shall meet all applicable federal and state requirements and the additional design standards and requirements listed below. The indoor storage of hazardous substances, including pesticides, herbicides, and fertilizers, in their original, sealed containers for the purposes of resale, shall be exempt only from Subsections c., d. and e. below.
 - a. All products shall be stored in product-tight containers equipped with a lid.

- b. Each container shall be clearly and visibly labeled.
- c. Drip pans shall be located under the spigots of drums or containers that are stored in a horizontal position on racks to catch spills/leaks. Drip pans shall be routinely emptied and the contents recycled, reused, or disposed of appropriately.
- d. All storage areas shall be equipped with a pad and a dike, berm or other containment structure constructed of material that is impervious to the product stored in the tank. This containment structure shall be designed to contain at least 120% of the volume of the largest container enclosed by the structure.
- e. Storage areas shall be inspected by the applicant at least once a week for signs of leaks or spills and the aisle space between containers shall be adequate to allow for inspections. A summary report, noting the results of weekly inspections, shall be prepared every six months and sent to the zoning officer.
- f. Absorbent materials such as kitty litter, sawdust, soil, or clay shall be kept on hand for emergency cleanups and containment in the event of a spill.
- g. No storage areas shall be located in proximity to floor drains.
- h. Storage areas shall be secured against unauthorized entry.
- I. An accurate log or inventory of materials stored on-site shall be maintained and provided to the zoning officer annually.
- j. A spill control plan shall be prepared and shall be posted in a conspicuous location. The spill control plan shall include, at a minimum, the following components:
 - A site plan illustrating the direction of stormwater and groundwater flow;
 - A description of operational procedures;
 - A description of potential spill sources;
 - The spill response training program for the employees;
 - The names and telephone numbers of the person or persons responsible for responding to the spill;
 - The procedures for containing and cleaning up the spill; and
 - The procedure for notifying the Planning Board, Municipal Commission, and other appropriate local and state officials of a spill, leak or other reportable discharge as defined in 6 NYCRR Part 595 and Part 597.

Section A10. Municipal Inspections of Hazardous Substance Storage Sites

1. Following site development, the Municipal Commission is authorized, at their discretion, to perform periodic inspections of facilities that use or store hazardous substances to ensure that these facilities pose no threat to the water supply. The Municipal Commission or its designee(s) will notify the owner and/or his designee(s) by telephone and in writing of the planned inspection. The owner and/or his designee(s) shall grant the Municipal Commission or its designee(s) access to the site and the hazardous substance storage facilities for the purposes of a periodic inspection at a mutually agreeable time within 72 hours of notice of the inspection.

2. The purpose of these inspections is to ascertain whether above-ground storage containers for hazardous substances are in good operating condition and the facility is in compliance with the applicable requirements and standards of this law.
3. Any violations observed by the Municipal Commission or its designee(s) shall be immediately reported, in writing, to the zoning officer.

Section A11. Monitoring Wells.

As may be indicated on Schedules B, C, and D of this law for a proposed use within Wellhead Protection Zones, a minimum of three groundwater monitoring wells shall be installed prior to site development for the purposes of evaluating pre-development and post-development groundwater quality, groundwater flow direction, and groundwater elevation. As other regulations and setback requirements permit, one well shall be installed near an upgradient property boundary, one well shall be installed near a downgradient property boundary, and one well shall be installed between the two upgradient and downgradient wells to facilitate the calculation of groundwater flow direction. The specific location of these monitoring wells shall be determined by a professional geologist, hydrogeologist, engineer, or other qualified expert trained and experienced in hydrogeology. The location of the monitoring wells shall be approved by the Planning Board prior to site development.

Prior to site development, a groundwater sample shall be collected from each of the monitoring wells and submitted to a New York State certified analytical laboratory for analysis of nitrate-nitrogen, sodium, chloride, coliform bacteria and other appropriate parameters that represent each of the petroleum or hazardous substances proposed to be used, stored or disposed of on-site. Groundwater elevations shall also be recorded and groundwater flow direction shall be calculated.

Three months after site development has been completed, a groundwater sample shall be collected from each of the monitoring wells and submitted to a New York State certified analytical laboratory for analysis of each of the parameters tested for under pre-development conditions. Groundwater elevations shall also be recorded and groundwater flow direction shall be calculated.

An initial summary report shall be prepared that describes pre-development and post-development groundwater quality, groundwater elevation and groundwater flow direction. This initial summary report shall be submitted to the zoning officer within six months of the completion of site development.

Following the submission of the initial summary report, the applicant shall begin a monitoring program that includes one sampling event each year during the "wet" season, defined as the months of March, April, May, September, October or November. Groundwater samples shall be collected from each of the monitoring wells and submitted to a New York State certified analytical laboratory for analysis of the parameters evaluated under pre-development conditions and/or additional parameters to reflect a change in the type of substances used, stored, or disposed of on-site. Groundwater elevations shall be recorded, and groundwater flow direction shall be calculated. An annual summary report that describes trends in groundwater quality and groundwater flow direction shall be provided to the zoning officer within three months of the annual sampling event.

The costs of installing and operating the monitoring wells, including sampling and laboratory analysis, and preparing the required summary reports shall be borne by the owner or applicant. Access to the monitoring wells shall be provided to the Planning Board and/or its designees for purposes of any additional water quality sampling deemed appropriate by the Planning Board.

Manufacturing facilities utilizing non-hazardous materials or processes may petition the Planning Board to be excluded from the monitoring well requirement.

Section A12. Floor Drains.

As may be indicated on Schedules B, C, and D of this law, for a proposed use within Wellhead Protection Zones, floor drains are required to be connected to a holding tank or an oil and grit separating tank that is connected to the

municipal sewer system. Floor drains which are connected to the sanitary sewer must meet discharge limits and permit requirements established for the Boonville wastewater treatment plant.

Section A13. Hazardous Waste Storage and Disposal.

As may be indicated on Schedules B, C, and D of this law, a proposed use within Wellhead Protection Zones is required to meet the following standards for hazardous waste disposal.

1. The underground storage or outdoor, above-ground storage of hazardous waste is prohibited.
2. The owner or applicant shall demonstrate the availability and feasibility of indoor storage and proper disposal methods which are in conformance with all applicable local, state and federal laws for any hazardous waste to be produced in quantities greater than those associated with normal household or agricultural use. The owner or applicant shall also demonstrate that wastes will be properly handled and stored until disposed of by a licensed waste hauler.
3. If a spill control plan is required by this law for the storage of petroleum or hazardous substances, the spill control plan shall include provisions for responding to an accidental discharge of hazardous waste and shall include, at a minimum, the following additional components that specifically address hazardous waste:
 - a. A description of potential hazardous waste spill sources;
 - b. The hazardous waste spill response training program for the employees;
 - c. The names, addresses, and telephone numbers of the person or persons responsible for responding to the hazardous waste spill;
 - d. The procedures for containing and cleaning up the hazardous waste spill; and
 - e. The procedure for notifying the Planning Board, Municipal Commission, and other appropriate local and state officials of a hazardous waste spill, leak or other reportable discharge as defined in 6 NYCRR Part 372, Hazardous Waste Manifest System and Related Standards for Generators, Transporters, and Facilities.

Section A14. Municipal Inspections of Hazardous Waste Generation Sites

1. Following site development, the Municipal Commission is authorized, at their discretion, to perform periodic inspections of facilities that generate hazardous waste to ensure that these facilities pose no threat to the water supply.
2. The purpose of these inspections is to ascertain whether storage containers for hazardous wastes are in good operating condition and the facility is in compliance with the applicable requirements and standards of this law.
3. The Municipal Commission or its designee(s) will notify the owner and/or his designee(s) by telephone and in writing of the planned inspection. The owner and/or his designee(s) shall grant the Municipal Commission or its designee(s) access to the site and the hazardous waste storage facilities for the purposes of a periodic inspection at a mutually agreeable time within 72 hours of notice of the inspection.
4. Any violations observed by the Municipal Commission or its designee(s) shall be immediately reported, in writing, to the zoning officer.

Section A15. Road Salt Storage & Application.

1. Safe alternatives to road salt (defined as sodium chloride), such as calcium chloride and sand, shall be used whenever possible.

2. Signs shall be posted along roadways that receive no salt or reduced salt application to inform motorists.
3. The outdoor, unprotected storage of road salt or a sand/salt mixture is prohibited.
4. W-1 Zone: A proposed use within this zone is required to meet the following standards:
 - a. The application of road salt to all Village-owned roads and parking areas is prohibited.
 - b. As may be indicated for those uses on Schedule B of this law, the application of road salt to private roads and parking lots is prohibited.
5. W-2 and W-3 Zones: A proposed use within these zones is required to meet the following standards:
 - a. As may be indicated for those uses on Schedules C and D of this law, the use of more than a 6% mixture of salt to sand (6% salt in a sand and salt mixture) is discouraged.

Section A16. Pesticide Application.

1. W-1 Zone: the application of a liquid or solid pesticide, herbicide or fertilizer is prohibited.
2. W-2 and W-3 Zones: As may be indicated on Schedules C and D of this law, a proposed use within these zones is required to meet the following standards:
 - a. The application of liquid or solid pesticides, herbicides, or chemical fertilizers shall be performed in accordance with the recommendations and label of the manufacturer.
 - b. Non-agricultural use of liquid or solid fertilizers, pesticides, and herbicides shall be in conformance with the best management practices described in materials developed by Cornell Cooperative Extension which are available from the Village Clerk's office and the Planning Board. Empty containers and unused pesticides and herbicides shall be disposed of properly, i.e., at the Oneida-Herkimer Solid Waste Management Authority's Household Hazardous Waste facility in Utica, New York.
 - c. Property owners who enlist the services of a commercial pesticide or herbicide applicator shall ensure that the applicator is certified and licensed by the New York State Department of Environmental Conservation.
 - d. Agricultural use of liquid or solid fertilizers, including the land application of manure, and the use of liquid or solid pesticides and herbicides shall be in conformance with the best management practices described in the DEC Manual, "Controlling Agricultural Nonpoint Source Water Pollution in New York State - A Guide to the Selection of Best Management Practices to Improve and Protect Water Quality" and/or Best Management Practices as developed by the New York State Soil and Water Conservation Committee and implemented by the use of farm plans prepared by the Oneida County Soil and Water Conservation District.
 - e. As applicable, all pesticide and herbicide use and application shall be under permit as provided in New York State Environmental Conservation Law, Article 33.
 - f. Disposal of containers or unused pesticides and herbicides is prohibited except in accordance with the permit issued as provided in New York State Environmental Conservation Law, Article 33.
 - g. Disposal of water used for make-up water or for washing of equipment is prohibited except pursuant to permit issued as provided in New York State Environmental Conservation Law, Article 33.

- h. Use of streams or watercourses for make-up water or washing equipment used in conjunction with pesticides and herbicides is prohibited.

Schedule B: Additional Requirements for Uses Within the Wellhead Protection Overlay Zone

WELLHEAD PROTECTION OVERLAY DISTRICT 1	Prohibited Uses	REQUIREMENTS / STANDARDS								
		Lot coverage	Runoff / Drainage	Petroleum Storage	Hazardous Substance Storage	Monitoring Wells	Floor Drains	Hazardous Waste Storage & Disposal	Road Salt Application	Pesticide Application
Use										
Single - Family Dwelling		●	●	●	●		●	●	●	●
Two - Family Dwelling		●	●	●	●		●	●	●	●
Multi - Family Dwelling		●	●	●	●		●	●	●	●
Accessory Apartment		●	●	●	●		●	●	●	●
Home Businesses		●	●	●	●		●	●	●	●
Essential Facilities		●	●	●	●		●	●	●	●
Public and Semi-public Facilities	●									
Manufacturing and Processing Facilities	●									
Retail / Wholesale trades -Small		●	●	●	●		●	●	●	●
-Large	●									
-Outdoor	●									
Gas Station	●									
Motor Vehicle Sales & Services	●									
Auto Body Shop	●									
Furniture Stripping / Painting	●									
Dry Cleaning	●									
Metal Plating / Finishing	●									
Boat Service / Repair	●									
Wood Preserving	●									
Sand & Gravel Extraction	●									
Golf Courses	●									
Trucking or Bus Terminals	●									
Photo Processors/Printing	●									
Car Wash	●									
Laundromat	●									

● Means the proposed use must comply with the requirements of Appendix A of the Village of Boonville Zoning Law

Schedule C: Additional Requirements for Uses Within the Wellhead Protection Overlay Zone

WELLHEAD PROTECTION OVERLAY DISTRICT 2	Prohibited Uses	REQUIREMENTS / STANDARDS								
		Lot coverage	Runoff / Drainage	Petroleum Storage	Hazardous Substance Storage	Monitoring Wells	Floor Drains	Hazardous Waste Storage & Disposal	Road Salt Application	Pesticide Application
USE										
Single - Family Dwelling		●		●						●
Two - Family Dwelling		●		●						●
Multi - Family Dwelling		●	●	●	●		●		●	●
Accessory Apartment				●						
Home Businesses				●	●					
Essential Facilities		●	●	●	●		●	●	●	●
Public and Semi-public Facilities		●	●	●	●		●	●	●	●
Manufacturing and Processing Facilities	●									
Retail / Wholesale trades -Small		●	●	●	●		●	●	●	●
-Large		●	●	●	●		●	●	●	●
-Outdoor		●	●	●	●		●	●	●	●
Gas Station	●									
Motor Vehicle Sales & Services		●	●	●	●		●	●	●	●
Auto Body Shop	●									
Furniture Stripping / Painting	●									
Dry Cleaning	●									
Metal Plating / Finishing	●									
Boat Service / Repair	●									
Wood Preserving	●									
Sand & Gravel Extraction	●									
Golf Courses	●									
Trucking or Bus Terminals	●									
Photo Processors/Printing	●									
Car Wash		●	●	●	●		●	●	●	●
Laundromat		●	●	●	●		●	●	●	●

● Means the proposed use must comply with the requirements of Appendix A of the Village of Boonville Zoning Law

Schedule D: Additional Requirements for Uses Within the Wellhead Protection Overlay Zone

WELLHEAD PROTECTION OVERLAY DISTRICT 3	Prohibited Uses	REQUIREMENTS / STANDARDS							
		Lot coverage	Runoff / Drainage	Petroleum Storage	Hazardous Substance Storage	Monitoring Wells	Floor Drains	Hazardous Waste Storage & Disposal	Road Salt Application
USE									
Single - Family Dwelling		●		●					●
Two - Family Dwelling		●		●					●
Multi - Family Dwelling		●	●	●	●		●	●	●
Accessory Apartment				●					●
Home Businesses				●	●		●	●	
Essential Facilities		●	●	●	●		●	●	●
Public and Semi-public Facilities		●	●	●	●		●	●	●
Manufacturing and Processing Facilities		●	●	●	●		●	●	●
Retail / Wholesale trades -Small		●	●	●	●		●	●	●
-Large		●	●	●	●		●	●	●
-Outdoor		●	●	●	●		●	●	●
Gas Station		●	●	●	●		●	●	●
Motor Vehicle Sales & Services		●	●	●	●		●	●	●
Auto Body Shop		●	●	●	●		●	●	●
Furniture Stripping / Painting		●	●	●	●		●	●	●
Dry Cleaning		●	●	●	●		●	●	●
Metal Plating / Finishing		●	●	●	●		●	●	●
Boat Service / Repair		●	●	●	●		●	●	●
Wood Preserving		●	●	●	●		●	●	●
Sand & Gravel Extraction			●	●	●	●	●	●	
Golf Courses			●	●	●	●	●	●	●
Trucking or Bus Terminals		●	●	●	●	●	●	●	●
Photo Processors/Printing		●	●	●	●		●	●	●
Car Wash		●	●	●	●		●	●	●
Laundromat		●	●	●	●		●	●	●

● Means the proposed use must comply with the requirements of Appendix A of the Village of Boonville Zoning Law

