

N. Waste disposal areas.

O. Junkyards.

P. Major public utility uses.

Q. Industrial uses.

R. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

#### 4. RURAL USE AREAS

A. All land uses and development, except subdivisions of land, located in the following critical environmental areas:

(1) within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation;

(2) involving wetlands;

(3) at elevations of twenty-five hundred feet or more;

(4) within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of State lands, except for an individual single family dwelling and accessory uses or structures thereto;

(5) within one hundred fifty feet of the edge of the right-of-way of Federal or State highways except for an individual single family dwelling and accessory uses or structures thereto;

(6) within one hundred fifty feet of the edge of the right-of-way of County highways designated by rule or regulations of the Agency adopted pursuant to subdivision fourteen of section eight hundred nine of the Adirondack Park Agency Act, as major travel corridors by the Agency, except for an individual single family dwelling and accessory uses or structures thereto.

Provided, however, that the above shall not include forestry uses (other than clearcutting as specified in (I) and sand and gravel pits associated with such uses located within one hundred fifty feet of the edge of the right-of-way of the above described travel corridors), agricultural uses (other than sand and gravel pits associated with such uses

located within one hundred fifty feet of the edge of the right-of-way of the above described travel corridors), open space recreation uses, and accessory uses or structures (other than signs) to any such uses or to any pre-existing use.

B. All land uses and development, except subdivisions of land, involving twenty or more residential units, whether designed for permanent, seasonal or transient use.

C. Commercial agricultural service uses involving twenty-five hundred or more square feet of floor space.

D. All structures in excess of forty feet in height, except residential radio and television antennas.

E. Tourist attractions.

F. Ski centers.

G. Commercial seaplane bases.

H. Commercial or private airports.

I. Timber harvesting that includes a proposed clearcutting of any single unit of land of more than twenty-five acres.

J. Sawmills, chipping mills, pallet mills and similar wood using facilities.

K. Mineral extractions.

L. Mineral extractions structures.

M. Watershed management and flood control projects.

N. Sewage treatment plants.

O. Waste disposal areas.

P. Junkyards.

Q. Major public utility uses.

R. Industrial use.

S. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent of the original square footage of such structure.

5. RESOURCE MANAGEMENT AREAS

A. All land uses and development, except subdivisions of land, located in the following critical environmental areas:

(1) within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation;

(2) involving wetlands;

(3) at elevations of twenty-five hundred feet or more;

(4) within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of State lands, except for an individual single family dwelling and accessory uses or structures thereto;

(5) within three hundred feet of the edge of the right-of-way of Federal or State highways, except for an individual single family dwelling and accessory uses or structures thereto;

(6) within three hundred feet of the edge of the right-of-way of county highways designated as major travel corridors by rule or regulation of the Agency adopted pursuant to subdivision fourteen of section eight hundred nine of the Adirondack Park Agency Act, except for an individual single family dwelling and accessory uses or structures thereto.

Provided, however, the above shall not include forestry uses (other than clearcutting as specified in "H" below and sand and gravel pits associated with such uses located within three hundred feet of the edge of the right-of-way of the above described travel corridors), agricultural uses (other than sand and gravel pits associated with such uses located within three hundred feet of the edge of the right-of-way of the above described travel corridors), open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such uses or to any pre-existing uses.

B. Campgrounds involving fifty or more sites.

C. Group camps.

D. Ski centers and related tourist accommodations.

E. All structures in excess of forty feet in height, except residential radio and television antennas.

- F. Sawmills, chipping mills and pallet mills and similar wood using facilities.
- G. Commercial sand and gravel extractions.
- H. Timber harvesting that includes a proposed clearcutting of any single unit of land of more than twenty-five acres.
- I. Mineral extractions.
- J. Mineral extraction structures.
- K. Watershed management and flood control projects.
- L. Sewage treatment plants.
- M. Major public utility uses.
- N. Any material increase or expansion of any existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

6. INDUSTRIAL USE AREAS

- A. Mineral extractions.
- B. Mineral extraction structures.
- C. Commercial sand and gravel extractions.
- D. Major public utility uses.
- E. Sewage treatment plants.
- F. Waste disposal areas.
- G. Junkyards.
- H. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

7. Any amendment to the Class A regional project list in Section 810 (1) of the Adirondack Park Agency Act subsequent to the adoption of this ordinance shall be deemed to effect a corresponding change in this Appendix A without action by the Town,

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except so far as that amendment affects the delineation of subdivisions which are Class A regional projects.

## APPENDIX B - CLASS "B" REGIONAL PROJECTS

1. MODERATE INTENSITY USE AREAS
  - A. Multiple family dwellings.
  - B. Mobile home courts.
  - C. Public and semi-public buildings.
  - D. Municipal roads.
  - E. Commercial or agricultural service uses involving less than ten thousand square feet of floor space.
  - F. Tourist accommodations.
  - G. Marinas, boat yards and boat launching sites.
  - H. Golf courses.
  - I. Campgrounds.
  - J. Group camps.
  - K. Commercial seaplane bases.
  - L. Commercial sand and gravel extractions.
  - M. Land use or development, except subdivisions of land, involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
  - N. Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for moderate intensity use areas as set forth in Appendix C of this ordinance.
  - O. An individual single family dwelling within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness primitive or canoe in the master plan for management of State lands.
  - P. All land uses and development, except subdivisions of land within one-quarter mile of rivers designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law other than those navigable by boat, during the period of such designation.

Q. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

2. LOW INTENSITY USE AREAS

A. Multiple family dwellings.

B. Mobile home courts.

C. Public and semi-public buildings.

D. Municipal roads.

E. Commercial or agricultural service uses involving less than five thousand square feet of floor space.

F. Tourist accommodations.

G. Marinas, boatyards and boat launching sites.

H. Golf courses.

I. Campgrounds.

J. Group camps.

K. Commercial seaplane bases.

L. Commercial sand and gravel extractions.

M. Land use or development, except subdivision of land, involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.

N. Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for low intensity use areas as set forth in Appendix C of this ordinance.

O. An individual single family dwelling within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of State lands.

P. All land uses and development, except subdivisions of land, within one-quarter mile of rivers designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.

Q. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

3. RURAL USE AREAS

A. Multiple family dwellings.

B. Mobile home courts.

C. Public and semi-public buildings.

D. Municipal roads.

E. Marinas, boatyards and boat launching sites.

F. Golf courses.

G. Campgrounds.

H. Group camps.

I. Commercial sand and gravel extractions.

J. Land use or development, except subdivisions of land, involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.

K. All land uses and development, except subdivisions of land, within one-quarter mile of rivers designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.

L. Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for rural use areas as set forth in Appendix C of this ordinance.

M. Commercial and agricultural service uses involving less than twenty-five hundred square feet.

N. An individual single family dwelling within one-eighth mile of tracts of forest preserve land or water described in paragraph "4", subparagraph "A" of Appendix "A" or within one hundred fifty feet of a travel corridor described in such paragraph.

O. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

#### 4. RESOURCE MANAGEMENT AREAS

A. Single family dwellings.

B. Individual mobile homes.

C. Forestry use structures.

D. Hunting and fishing cabins, hunting and fishing and other private club structures involving five hundred or more square feet of floor space.

E. Land use or development, except subdivision of land, involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided in the shoreline restrictions.

F. Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for resource management areas as set forth in Appendix "C" of this ordinance.

G. Municipal roads.

H. Golf courses.

I. An individual single family dwelling within one-eighth mile of tracts of forest preserve land or waters described in paragraph "5", subparagraph "A" of Appendix "A": or within three hundred feet of a travel corridor described in such paragraph.

J. Campgrounds involving fewer than fifty sites.

K. All land uses and development, except subdivisions of land, within one-quarter mile of rivers designated to be studied as wild, scenic and recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.

L. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

5. INDUSTRIAL USE AREAS

A. Sawmills, chipping mills, pallet mills and similar wood using facilities.

B. Industrial uses.

C. Commercial uses.

D. Agricultural service uses.

E. Public and semi-public buildings.

F. Municipal roads.

G. Any land use or development not now or hereafter included on either list of primary uses or the list of secondary uses for industrial use areas as set forth in this ordinance.

H. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

6. Any amendment to the Class B regional project list in Section 810 (2) of the Adirondack Park Agency Act subsequent to the adoption of this ordinance shall be deemed to effect a corresponding change in this Appendix B without action by the Town, except so far as that amendment affects the delineation of subdivisions which are Class B regional projects.

## APPENDIX C - COMPATIBLE USE LISTS

The following compatible uses are listed in the Adirondack Park Land Use and Development Plan for the purpose of guiding development in the Adirondack Park. Any use not listed below is considered to be a Class B regional project requiring a permit under Section 10 of this ordinance.

### 1. MODERATE INTENSITY USE

#### Primary Compatible Uses:

Accessory uses and structures to any use classified as a compatible use.

Agricultural uses.

Agricultural use structures.

Cemeteries.

Forestry uses.

Forestry use structures.

Game preserves and private parks.

Hunting and fishing cabins, and hunting and fishing and other private club structures.

Individual mobile homes.

Open space recreation uses.

Private roads.

Private sand and gravel extractions.

Public utility uses.

Single family dwellings.

#### Secondary Compatible Uses:

Agricultural service uses.

Campgrounds.

Commercial or private airports.  
Commercial sand and gravel extractions.  
Commercial seaplane bases  
Commercial uses.  
Golf courses.  
Group camps.  
Industrial uses.  
Major public utility uses.  
Marinas, boatyards and boat launching sites.  
Mineral extractions.  
Mineral extraction structures.  
Mobile home courts.  
Multiple family dwellings.  
Municipal roads.  
Public and semi-public buildings.  
Sawmills, chipping mills, pallet mills and similar wood using facilities.  
Sewage treatment plants.  
Ski centers.  
Tourist accommodations.  
Tourist attractions.  
Watershed management and flood control projects.

2. LOW INTENSITY USE

Primary Compatible Uses:

Accessory uses and structures to any use classified as a compatible use.

Agricultural uses.

Agricultural use structures.

Cemeteries.

Forestry uses.

Forestry use structures.

Game preserves and private parks.

Hunting and fishing cabins, and hunting and fishing and other private club structures.

Individual mobile homes.

Open space recreation uses.

Private roads.

Private sand and gravel extractions.

Public utility uses.

Single family dwellings.

Secondary Compatible Uses:

Agricultural service uses.

Campgrounds.

Commercial or private airports.

Commercial sand and gravel extractions.

Commercial seaplane bases.

Commercial uses.

Golf courses.

Group camps.

Industrial uses.

Junkyards.

Major public utility uses.

Marinas, boatyards and boat launching sites.

Mineral extractions.

Mineral extraction structures.

Mobile home courts.

Multiple family dwellings.

Municipal roads

Public and semi-public buildings.

Sawmills, chipping mills, pallet mills and similar wood using facilities.

Sewage treatment plants.

Ski centers.

Tourist accommodations.

Tourist attractions.

Waste disposal areas.

Watershed management and flood control projects.

### 3. RURAL USE

#### Primary Compatible Uses:

Accessory uses and structures to any use classified as a compatible use.

Agricultural uses.

Agricultural use structures.

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Cemeteries.

Forestry uses.

Forestry use structures.

Game preserves and private parks.

Hunting and fishing cabins, and hunting and fishing and other private club structures.

Individual mobile homes.

Open space recreation uses.

Private roads.

Private sand and gravel extractions.

Public utility uses.

Single family dwellings.

Secondary Compatible Uses:

Agricultural service uses.

Campgrounds.

Commercial or private airports.

Commercial sand and gravel extractions.

Commercial seaplane bases.

Commercial uses.

Golf courses.

Group camps.

Industrial uses.

Junkyards.

Major public utility uses.

Marinas, boatyards and boat launching sites.

Mineral extractions.

Mineral extraction structures.

Mobile home courts.

Multiple family dwellings.

Municipal roads.

Public and semi-public buildings.

Sawmills, chipping mills, pallet mills and similar wood using facilities.

Sewage treatment plants.

Ski centers.

Tourist accommodations.

Waste disposal areas.

Watershed management and flood control projects.

#### 4. RESOURCE MANAGEMENT

##### Primary Compatible Uses:

Accessory uses and structures to any use classified as a compatible use.

Agricultural uses.

Agricultural use structures.

Forestry uses.

Forestry use structures.

Game preserves and private parks.

Hunting and fishing cabins, and hunting and fishing and other private club structures involving less than five hundred square feet of floor space.

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Open space recreation uses.

Private roads.

Private sand and gravel extractions.

Secondary Compatible Uses:

Agricultural service uses.

Campgrounds.

Commercial sand gravel extractions.

Golf courses.

Group camps.

Hunting and fishing cabins, and hunting and fishing and other private club structures involving five hundred square feet or more of floor space.

Individual mobile homes.

Major public utility uses.

Mineral extractions.

Mineral extraction structures.

Municipal roads.

Sawmills, chipping mills, pallet mills and similar wood using facilities.

Sewage treatment plants.

Single family dwellings.

Ski centers and related tourist accommodations.

Watershed management and flood control projects.

5. INDUSTRIAL USE

Primary Compatible Uses:

Accessory uses and structures to any use classified as a compatible use.

Agricultural uses.

Agricultural use structures.

Commercial sand and gravel extractions.

Forestry uses.

Forestry use structures.

Hunting and fishing cabins, and hunting and fishing and other private club structures.

Industrial uses.

Major public utility uses.

Mineral extractions.

Open space recreation uses.

Private roads.

Private sand and gravel extractions.

Public utility uses.

Sawmills, chipping mills, pallet mills and similar wood using facilities.

Secondary Compatible Uses:

Agricultural service uses.

Commercial uses.

Junkyards.

Municipal roads.

Public and semi-public buildings.

Sewage treatment plants.

Waste disposal areas.

## **APPENDIX D - DEVELOPMENT CONSIDERATIONS**

The following are those factors which relate to potential for adverse impact on the park's natural, scenic, aesthetic, ecological wildlife, historic, recreational or open space resources and which shall be considered, as provided in this ordinance before any Class A regional project or Class B regional project, is undertaken in the Town. Any burden on the public in providing facilities and services made necessary by such land use and development or subdivision of land shall also be taken into account, as well as any commercial, industrial, residential, recreational or other benefits which might be derived therefrom.

### A. Natural Resource Considerations

#### 1. Water

- a. Existing water quality.
- b. Natural sedimentation or siltation.
- c. Eutrophication.
- d. Existing drainage and run-off patterns.
- e. Existing flow characteristics.
- f. Existing water table and rates of recharge.

#### 2. Land

- a. Existing topography.
- b. Erosion and slippage.
- c. Flood plain and flood hazard.
- d. Mineral resources.
- e. Viable agricultural soils.
- f. Forest resources.
- g. Open space resources.
- h. Vegetative cover.

- i. The quality and availability of land for outdoor recreational purposes.
3. Air Quality.
4. Noise Levels.
5. Critical Resource Areas.
  - a. Rivers and corridors of rivers designated to be as wild, scenic or recreational in accordance with the Environmental Conservation Law.
  - b. Rare plant communities.
  - c. Habitats of rare and endangered species and key wildlife habitats.
  - d. Alpine and sub-Alpine life zones
  - e. Wetlands.
  - f. Elevations of twenty-five hundred feet or more.
  - g. Unique features, including gorges, waterfalls, and geologic formations.
6. Fish and Wildlife.
7. Aesthetics.
  - a. Scenic vistas.
  - b. Natural and man-made travel corridors
8. Historic Sites or Structures
9. Site Development Considerations
  - a. Natural site factors.
    1. Geology.
    2. Slopes.
    3. Soil characteristics.
    4. Depth to groundwater and other hydrological factors.
  - b. Other site factors
    1. Adjoining and nearby land uses.
    2. Adequacy of site facilities

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B. Governmental Considerations

- a. Ability of government to provide facilities.
- b. Municipal school or special district taxes or special district user charges.
- c. Conformance with governmental controls.

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RESOLUTION NO. 137 OF 2001

Messrs. Hill & Monroe introduced Res. 137 and moved it's adoption:

RESOLUTION TO ADOPT PROPOSED AMENDMENT TO  
SECTION 17.91 OF THE TOWN OF HORICON  
ZONING ORDINANCE

WHEREAS, the Town Board of the Town of Horicon held a public hearing on August 16th at 7:30 PM at the Horicon Town Hall regarding a proposed amendment to Section 17.91 of the Town of Horicon Zoning & Project Review Ordinance, AND

WHEREAS, at said public hearing, the public was invited to comment and did comment favorably on said proposed amendment,  
NOW, THEREFORE BE IT

RESOLVED, that the Town Board does hereby adopt the proposed Alternative Remedy Amendment as follows:

Section 17.91: Town of Horicon Zoning & Project Review Ordinance (Currently in effect)

17.91 Alternative Remedy: In case of any violation or threatened violation of any of the provisions of this ordinance, or conditions imposed by a land use and development permit, in addition to other remedies herein provided, the Town may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use, to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

Adopted amendment: Further, no application, including any after the fact approval, shall be accepted for which there is an outstanding violation until and unless the violator has remedied the violation through removal, remediation as determined by the Town Board, termination and/or payment of an appropriate penalty as determined by the Town Board, which penalty shall not exceed the sum of \$12,500.00. In addition, the Town Board in its absolute discretion may prohibit the violator from making any required application for such period of time as determined by the Town Board so as to allow for the violator to implement the terms of the Board's order of remediation. For the purposes of this Section, any violation existing on any lot or parcel of land owned by the same individual or corporation, whether situated within subdivision or not, shall be considered a separate violation. For good cause shown upon a proper showing supported by relevant proof, the Town Board may waive all or any portion of said penalty.

Hill-aye, Monroe-aye, Newton-aye, Higgins-aye, Bentley-aye



**RESOLUTION NO.128 OF 2004**

Messrs. Olson & Higgins introduced Res. 128 and moved it's adoption:

**RESOLUTION TO ADOPT PROPOSED REVISION OF  
HORICON ZONING LAW REGARDING PROPERTY  
SITUATED IN SPLIT ZONES**

WHEREAS, the Horicon Town Board held a public hearing on December 16th to invite the public to speak for or against the proposed revision of the Horicon Zoning Law Regarding Property Situated in Split Zones, NOW, THEREFORE BE IT

RESOLVED, that the Town Board does hereby adopt, with the approval of the Adirondack Park Agency, the following revision to be added to SECTION 8-ZONING DISTRICT REGULATIONS. (A new section to be inserted after paragraph one and before 8.10 Intensity Regulations.)

**PROPERTY SITUATED IN SPLIT ZONES**

In some instances, different portions of a particular property are situated in different zoning districts. In these instances, the use regulations applicable to each particular zone govern that portion of the property situated in that zone. The area regulations applicable to the particular zone shall also govern, but compliance shall be based on the entire parcel rather than only the portion of the lot situated in that zone. Therefore, subject to the following limitations, a particular use may be conducted on any portion of a property which is zoned to allow that use.

In situations where a single property lies within more than one zoning district, the following rules shall apply.

1. A proposed use on the property shall be deemed an "allowable use" if it is so classified in the zoning district applicable to that portion of the property in which it is proposed to be located and if the entire property is of sufficient size to meet the minimum lot size requirement for that particular zoning district. If the proposed use is located on a portion of the property in which the zoning district does not allow that use, then no such use may be undertaken without a use variance. If the proposed use is to be located on a portion of the property which is properly zoned but the entire property does not meet the minimum lot size requirement for that zoning district, then no such use may be undertaken without an area variance

2. If a use or structure is proposed for a multiple district property such that the proposed use and/or structure is itself situated in more than one zoning district (the zoning line runs through the proposed use/structure), then the use and/or structure must comply with all applicable provisions of the more restrictive zoning district or obtain a use and/or area variance from the Zoning Board of Appeals.
3. For the purpose of creation of new lots by subdivision, any new lot to be created must meet the minimum lot size requirement of any and all of the zoning districts in which any portion of the lot is to be situated. No new lot shall be created nor shall creation of any new lot be approved by the Town Planning Board if the lot fails to meet the minimum lot size of each and every zoning district in which any portion of the lot is situated without first obtaining an area variance from the Zoning Board of Appeals.
4. Any initial determination regarding the applicability of these provisions or their interpretation shall be made by the Town Zoning Officer and anyone aggrieved by this determination may appeal it to the Zoning Board of Appeals.

AYES:                      NAYS:                      ABSENT:  
Councilmen Hill: Aye    Higgins: Aye    Olson: Aye  
Councilwoman Hayes: Absent    Supervisor Bentley: Absent

STATE OF NEW YORK  
COUNTY OF WARREN)

I, ARLENE MAYER, TOWN CLERK OF THE TOWN OF HORICON, COUNTY OF WARREN, do hereby certify that the foregoing is a true and correct copy and the whole thereof of a Resolution duly adopted by the Town Board of the Town of Horicon on the 16th day of December, 2004.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the Town of Horicon this 16th day of December, 2004.

  
\_\_\_\_\_  
Arlene Mayer, Town Clerk

**RESOLUTION NO. 80 OF 2005**

Messrs. Olson & Hill introduced Res. 80 of 2005 and moved its adoption:

**RESOLUTION TO ADOPT PROPOSED AMENDMENTS  
TO THE HORICON ZONING ORDINANCE AND HORICON  
SUBDIVISION REGULATIONS IN LOCAL LAW # 1 OF 2005**

WHEREAS, the Town Board of the Town of Horicon held a public hearing on May 19<sup>th</sup> at 7:00 PM at the Horicon Community Center for proposed changes to the Zoning Ordinance and Subdivision Regulations, AND

WHEREAS, the public had the opportunity to speak for or against the proposed changes, NOW, THEREFORE BE IT

RESOLVED, that the Town Board does hereby adopt the proposed amendments in Local Law # 1 of 2005, "A LOCAL LAW AMENDING ZONING AND PROJECT REVIEW LAW AND SUBDIVISION REGULATIONS"

**Section 1. Authority-** This Local Law is adopted pursuant to Municipal Home Rule Law Section 10.

**Section 2. Amendment of Zoning Law-** The Town of Horicon Zoning and Project Review Law is revised as follows:

- A. The last sentence of paragraph 2 of **Section 8.32**, entitled "Restrictions and Standards for Activities Not Requiring a Conditional Use Permit Within Recreational River District", is amended to read as follows:

This provision shall not apply within those portions of the river district in hamlet and moderate-intensity areas, in which areas the setback restrictions contained in Section 11.24 of this local law shall apply.

- B. The first sentence of paragraph 2 of **Section 14.20**, entitled "Gifts, Devises and Inheritances", is amended to read as follows:

In no case shall the use of this regulation create substandard frontage or lot size.

- C. **Section 15.40**, entitled "Destruction of Non-Conforming Use", is amended to read as follows:

If a non-conforming structure or a structure containing or constituting a non-conforming use is destroyed by any cause to an extent exceeding 90 percent (90%) of its fair market value as indicated on the latest assessment records of the Town, the structure or use may be replaced and resumed to the same extent and on the same building footprint; so long as the replacement or resumption occurs within twelve (12) months of the destruction. Any replacement or resumption to any greater extent or any different location shall conform to all provisions of this local law, including all applicable lot size, density, setback and zoning classification requirements. This amendment applies to any structure replacement for which a building permit has not been issued as of May 19, 2005.

**Section 3. Amendment of Subdivision Regulations-** The last sentence of the first paragraph of subsection 2 of **Section 7.20**, entitled "Open Space-Major Subdivision", is amended to read as follows:

Such space shall have a total area equal to ten percent (10%) of the gross land area of the subdivision being offered for sale.

**Section 4. Severability-** The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

**Section 5. Repealer-** All Local Laws or ordinances or parts of Local Laws or ordinances in conflict with any part of this Local law are hereby repealed.

**Section 6. Effective Date-** This Local Law shall take effect upon filing in the office of the New York State Secretary of State.

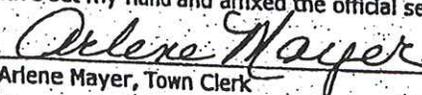
AYES: Councilmen Hill: Aye  
Councilwoman Hayes: Aye  
STATE OF NEW YORK  
COUNTY OF WARREN)

NAYS: Higgins: Aye  
Supervisor Bentley: Aye

ABSENT: Olson: Aye

I, ARLENE MAYER, TOWN CLERK OF THE TOWN OF HORICON, COUNTY OF WARREN, do hereby certify that the foregoing is a true and correct copy and the whole thereof of a Resolution duly adopted by the Town Board of the Town of Horicon on the 19th day of May, 2005.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the Town of Horicon this 19th day of May, 2005.

  
Arlene Mayer, Town Clerk

Town of Horicon Proposed Program Amendments  
 Town of Horicon Zoning and Project Review Local Law - Appendix E  
 March 2008

**Appendix E - Pre-Existing Subdivisions**

Brant Lake Heights

Date of Map: January 10, 1972

Location: NYS Route 8

Landowner when subdivision filed with County Clerk: Edward Sinkora

Adirondack Park Agency Land Use Area: Rural Use

Total number of building lots in filed subdivision: 40

Number of lots vested: 40

Lots determined to qualify as a pre-existing subdivision per Section 14.10 of this local law:

All Lots

Blue Sky Estates

Date of Map: March 5, 1973

Location: James Street and Pine Street

Landowner when subdivision filed with County Clerk: Adirondack Land Corp.

Adirondack Park Agency Land Use Area: Moderate Intensity Use and Rural Use

Total number of building lots in filed subdivision: 95

Number of lots vested: 95

Lots determined to qualify as a pre-existing subdivision per Section 14.10 of this local law:

All Lots

Curtis Castner

Date of Map: May 9, 1973

Location: Grassville Road

Landowner when subdivision filed with County Clerk:

Adirondack Park Agency Land Use Area: Rural Use

Total number of building lots in filed subdivision: 3

Number of lots vested: 3

Lots determined to qualify as a pre-existing subdivision per Section 14.10 of this local law:

All Lots

Deerwood Acres Subdivision

Date of Map: February 7, 1973

Location: Padararum Road

Tax Map number: 63-2-19

Landowner when subdivision filed with County Clerk: James Sweeney

Adirondack Park Agency Land Use Area: Rural Use

Total number of building lots in filed subdivision: 37

Number of lots vested: 32

Lots determined to qualify as a pre-existing subdivision per Section 14.10 of this local law:

All Lots except: 5, 18, 20, 21, 34

Lots 5 and 18 may be sold together as a single building lot

Lots 20 and 21 may be sold together as a single building lot

Town of Horicon Proposed Program Amendments

Town of Horicon Zoning and Project Review Local Law - Appendix E  
March 2008

Schroon River Estates

**Date of Map: January 30, 1964**

**Location: Tannery Road**

**Landowner when subdivision filed with County Clerk: R. C. Delaney**

**Adirondack Park Agency Land Use Area: Low Intensity Use**

**Total number of building lots in filed subdivision: 41**

**Number of lots vested: 41**

**Lots determined to qualify as a pre-existing subdivision per Section 14.10 of this local law:**

**All Lots**

## Definitions:

# Accessory Structure

**Accessory Structure** means any structure or a portion of a main structure customarily incidental and subordinate to a principal land use or development and that customarily accompanies or is associated with such principal land use or development, including a guest cottage not for rent or hire that is incidental and subordinate to and associated with a single family dwelling.

# Guest Cottage

**Guest Cottage** means not more than one residential structure which is associated with a single family dwelling and which:

- 1) is used only on an occasional basis
- 2) is used only by guests of the resident(s) of the single family dwelling
- 3) is not for rent or hire separately from the single family dwelling
- 4) contains one-half or less of the enclosed floor space of the associated single family dwelling or 2000 sq. ft, whichever is less; and
- 5) can contain kitchen facilities and bathroom facilities described as a sink, toilet, shower or tub.
- 6) otherwise meets the definition of accessory structure

Pursuant to this section, in order to qualify as an accessory structure a guest cottage must be customarily incidental and subordinate to a principal land use or development and must be used only by guests of the residents of the primary dwelling on the property. To be considered incidental and subordinate, the size of the structure must be one half or less of the enclosed floor space of the associated single family dwelling or 2000 sq. ft, whichever is less. The occasional occupancy of the guest cottage must occur at infrequent and irregular intervals. The guest cottage may not be used for rent or hire separate from the single family dwelling, cannot be sold separately from the main house, nor may the guest cottage be used for permanent or seasonal residency.

The deed to property improved by an accessory structure guest cottage should include a covenant which runs with, touches and concerns the land, is expressly enforceable by the Town, which restricts the use of the guest cottage as described above and prohibits the conveyance of the guest cottage as a separate principal building without prior Town approval.

# Garage, Residential

**Residential Detached Garage** means a shelter for motor vehicles, allowing bathroom facilities of a toilet and hand sink and/or utility sink only along with a proper septic system approved by the Town of Horicon Zoning Administrator. Detached garage not to be habitable space and within which space no business activity or industry connected directly or indirectly with motor vehicles is conducted.

# Garage, Commercial

Any garage other than a private garage, available to the public, operated for gain, and which for storage, repair, sale, greasing, washing, servicing, adjusting or equipping of motor vehicles and/or for the retail sale



The (Revised) Amendment to the Zoning & Project Review Ordinance reads as follows:

**Section 14.20 Gifts, Devises and Inheritances:**

The mere division of land resulting from bona fide gift, devise or inheritance by and from natural persons shall not be subject to review by the town.

1. A subdivision map shall be presented to the Chairman of the Planning Board without Planning Board Review for his signature to facilitate record keeping of all subdivisions.
2. New Land use or development on lots, parcels or sites conveyed by individuals, who on December 29, 1977, owned such land, to members of their immediate families by bona fide gift, devise or inheritance, shall be exempt from the minimum lot size criteria specified in Section 8.10 for the purpose of constructing one single family dwelling or mobile home on any such lot, parcel or site. To qualify for such development the minimum size of lots created by gift, devise or inheritance shall be 1.3 acres in all zoning districts except R1-20,000 and CR-20,000 where the minimum lot size shall be 20,000 square feet and the minimum frontage shall be 100 feet. The minimum front yards, side yards and rear yards for development on such lots shall meet the standards listed for the R1-1.3 zoning district, except that new development on such lots in the R1-20,000 and CR-20,000 zoning districts shall meet the standards in sec. 8.10 for those zoning districts.

*Adopted by: Res. 63 of 2006 (4/06)*



**RESOLUTION NO. 58 OF 2005**

Messrs. Olson & Higgins introduced Res. 58 and moved its adoption:

**RESOLUTION TO APPROVE ZONING & SEPTIC AMENDMENTS**

WHEREAS, the Town Board had approved the proposed Amendments to the Horicon Zoning Ordinance and Sanitary Code by Resolutions 96 of 2003, and Resolution 95 of 2004, AND

WHEREAS, these amendments were approved upon the approval of the Adirondack Park Agency, AND

WHEREAS, after many communications between the Town of Horicon and the APA, the amendments, as corrected, have been approved by the APA, NOW, THEREFORE BE IT

RESOLVED, that the Amendments to the Zoning Ordinance and the Sanitary Code have been approved in the final draft form as follows:

**Section 14. GENERAL EXCEPTION TO MINIMUM LOT AREA REQUIREMENTS:**

Sub-heading:

**14.10 Pre-Existing Lots and Subdivisions:**

Any lot on record as of December 29, 1977 which does not meet the minimum lot area and/or lot width requirement of this ordinance for the zoning district in which such lot is situated shall be considered as complying with such minimum lot requirements, and no variance shall be required. For the purpose of this exemption, such lot must not adjoin other lots in the same ownership, provided however, that all such adjoining lots in the same ownership (*omit-except lots in a pre-existing subdivision*), shall be deemed to have merged into one undivided lot.

**16.50**

**Referrals**

1. The Zoning Board of Appeals may refer any completed variance application to the Town Planning Board for its advisory report and recommendation. When required by Section 239-m of the General Municipal Law, the application shall be referred to the Warren County Planning Board for its report and recommendation. In no case shall final action under Section 16.60(2) be taken until the Town Planning Board, if requested, and the County Planning Board, if required, have submitted their reports or until thirty (30) days have passed since the date of referral, whichever occurs first.

**Amendment to Horicon Sanitary Regulations (Res. 58 of 2005)**

**ARTICLE 5, SECTION F ALTERNATIVE SYSTEMS-DISPOSAL BUILDING & USE PERMITS. (PAGE 14)**

A paragraph 3 shall be added.

3. The development administrator shall, upon determination of compliance with Paragraph # 1 above, issue a disposal system building permit to persons who have contracted to install an approved "AEROBIC TREATMENT UNIT" (ATU) meeting Town approved standards as noted on Drawing No. 04-109 dated August 2, 2004 by James Hutchins, P.E. The lot layout diagrams and Aerobic Treatment Unit Installation Requirements will become a part of the Appendix to the Sanitary Code.

Hill-aye, Higgins-aye, Olson-aye, Hayes-aye, Bentley-aye

*\* Omit last paragraph of Section 14.10... The determination as to whether a subdivision qualifies as "pre-existing" under this Ordinance will be made by the Town Planning Board.*

*See Res 53 of 2007. Following page*

*\* Inadvertently left out of this Resolution but legally adopted by the Town Board.*



Horicon Planning Board  
NYS D.O.T.  
Real Property Services

RE: Referrals of Zoning Changes  
RE: Resurfacing of Northway  
RE: Residential Assessment Rate (64.68)

Old Business-

RFP's for Grant- Some new information has surfaced regarding the wording for the Request for Proposals. It was decided to table the RFP's until a meeting can be held with Patricia Tatish from the WC Planning Department and new information discussed.

Cable Extension- Shaw Road & Grassville Road will be next extension. Perhaps someone on these roads will volunteer to canvas houses to see how many places want to hook up to cable.

New Business-

Boarding of stray dogs- The Schroon River Animal Hospital will no longer take our stray dogs. We are trying to find someplace such as SPCA or another Animal Hospital to contract with. In the meantime we have no place to take them.

Joint Meeting with Chester & Schroon- Councilman Hill & Councilwoman Hayes made a MOTION that Board attend Joint meeting on March 27<sup>th</sup> at 6:00 PM in Schroon Lake, all ayes. Councilman Olson said he had a conflict and would not be able to make it.

Resolutions-

**RESOLUTION NO. 53 OF 2007**

Messrs. Olson & Hill introduced Res. 53 and moved its adoption:

**RESOLUTION TO AMEND RESOLUTION 58 OF 2005  
REGARDING ZONING AMENDMENTS**

WHEREAS, Resolution 58 of 2005 is a Resolution to Approve Zoning and Septic Amendments, AND

WHEREAS, when Resolution 58 was typed into the official Town Board Minutes a section was inadvertently omitted from the text of the Resolution, but legally adopted through public hearing and APA approval, AND

WHEREAS, because of this omission, subsequent copies of the Resolution that were attached to the current Zoning Ordinance books as a way of revising and updating lacked this one paragraph of information,  
NOW, THEREFORE BE IT

RESOLVED, that the Town Board does hereby amend Resolution 58 of 2005, in the minutes book and the Zoning Ordinance, adding the following section under Section 14, Sub-heading 14.10 "PRE-EXISTING LOTS & SUBDIVISIONS": OMIT- last paragraph of Section 14.10: "The determination as to whether a subdivision qualified as "pre-existing" under this Ordinance will be made by the Town Planning Board".

Hill-aye, Higgins-aye, Olson-aye, Hayes-aye, Bentley-aye  
**RESOLUTION NO. 54 OF 2007**

Messrs. Hill & Olson introduced Res. 54 and moved its adoption:

**RESOLUTION TO AWARD SAND BID**

WHEREAS, the Town of Horicon advertised for bids for sand for Highway purposes for 2007, AND

WHEREAS, sealed bids were opened on March 15<sup>th</sup> at 7:00 PM and only



**RESOLUTION NO. 98 OF 2009**

Messrs. Higgins & Hill introduced Res. 98 and moved its adoption:

**RESOLUTION TO ADOPT PROPOSED AMENDMENT  
TO THE HORICON ZONING ORDINANCE LAW**

WHEREAS, the Town Board held a public hearing regarding the proposed amendment to the Zoning Ordinance and said hearing was held open for an additional month for written comments, AND

WHEREAS, the Town Board has reviewed comments and heard all interested parties who attended said public hearing, NOW, THEREFORE BE IT

**RESOLVED, that the Town Board does hereby adopt the following amendment to the Horicon Zoning & Project Ordinance Law being Local Law Number 1 of 2009. The amendment is regarding Section 17-Administration, specifically 17.10 Zoning Administrator: The addition of the following sentence is adopted: "The Zoning Administrator is hereby empowered and authorized to issue appearance tickets returnable in the Town Justice Court of the Town of Horicon"**



# BOUNDARY LINE ADJUSTMENTS

## RESOLUTION NO. 34 OF 1994

Councilmen Hill and Baker introduced Res. 34 and moved it's adoption:  
**RESOLUTION TO ADOPT PROPOSED AMENDMENTS  
TO THE SUBDIVISION REGULATIONS OF THE  
TOWN OF HORICON PERTAINING TO BOUNDARY LINE ADJUSTMENTS**

**RESOLVED**, that the Town Board, after holding a Public Hearing on January 20<sup>th</sup>, and upon recommendation of the Planning Board, does hereby adopt the Proposed Amendments To The Subdivision Regulations of the Town of Horicon Pertaining To Boundary Line Adjustments. There will be a fee of \$25.00 for this determination.

1. The Subdivision regulations shall be amended so as to add a new definition on Page 2 as follows:

Boundary Line Adjustment: A boundary line adjustment is the transfer of a parcel or real property between individuals, corporations or businesses consisting of less than the minimum lot size required in the zoning district wherein the property is located. A boundary line adjustment can only occur between adjacent property owners.

2. The definition of subdivision is amended to add at the end of the current definition the following:

The subdivision of land shall not include boundary line adjustments as defined herein.

3. The last paragraph of Section 4: Administration is amended to read as follows:

At such a meeting, the proposed subdivision will be classified as either a major or minor subdivision or as a boundary line adjustment and as either a Class A or Class B Regional subdivision, as defined in these regulations. If there is no meeting then the proposed subdivision will be classified by the Planning Board at the time of formal application submission.

4. A new Section 5 A entitled Boundary Line Adjustments shall be added to the subdivision regulations and shall provide as follows:

A boundary line adjustment is the transfer of real property consisting of less than the minimum lot size for the zoning district wherein the parcel is situated between adjacent property owners as defined herein. Whenever the Planning Board shall determine that a boundary line adjustment exists, the following general procedures and submission requirements shall apply:

1. The Planning Board shall determine the completeness of the application at its next regularly scheduled meeting after the date on which the application is filed with the clerk of the Planning Board.

2. Where appropriate, the applicant shall comply with the submission requirements required for minor subdivisions as provided for in Section 5.



3. It shall be within the sole discretion of the Town Planning Board to determine whether an application constitutes a boundary line adjustment. A boundary line adjustment may not include the transfer of real property which, by itself, would satisfy the minimum lot requirements in the zoned district where the property is situated

4. Whenever an applicant proposes to transfer real property to an adjacent property owner pursuant to a boundary line adjustment, the remaining acreage must, in all cases, satisfy the minimum lot area requirements of the zoned district wherein the property is situated. A boundary line adjustment may not result in the creation of a non-conforming parcel and a boundary line adjustment may not occur between adjoining property owners whenever the property owner reducing his acreage maintains a non-conforming parcel prior to the proposed adjustment.

5. All property transferred between adjoining property owners as a result of the boundary line adjustment shall be merged with the existing parcel and become a part thereof.

6. In its absolute discretion, the Planning Board may waive a public hearing regarding a boundary line adjustment application.

**AYES: 5**

**NAYS: 0**

**ABSENT:**

**Mr. Bennett: Aye**  
**Mr. Baker: Aye**

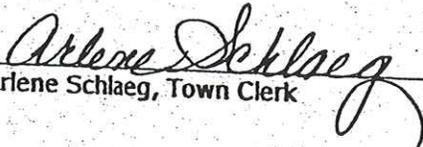
**Mr. Bentley: Aye**  
**Mr. Monroe: Aye**

**Mr. Hill: Aye**

STATE OF NEW YORK  
COUNTY OF WARREN)

I, ARLENE SCHLAEG, TOWN CLERK OF THE TOWN OF HORICON, COUNTY OF WARREN, do hereby certify that the forgoing is a true and correct copy and the whole thereof of a Resolution duly adopted by the Town Board of the Town of Horicon on the 17<sup>th</sup> day of February, 1994.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the Town of Horicon this 17<sup>th</sup> day of February, 1994.

  
Arlene Schlaeg, Town Clerk



**RESOLUTION NO. 48 OF 2008**

Messrs. Higgins & Olson introduced Res. 48 and moved its adoption:

**RESOLUTION TO ADOPT REVISED  
WORDING FOR ZONING SECTION 14.10**

WHEREAS, the Horicon Town Board held a second public hearing on February 21, 2008 to adopt the proposed text regarding Section 14.10 after making APA suggested changes to the original wording, NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Horicon does hereby adopt the following amendment, which is the last paragraph of Section 14.10 Pre-Existing Lots and Subdivisions, and which has been approved in this final wording by the Adirondack Park Agency Resolution 2008-1 "Amendments To The Town of Horicon Local Land Use Program.

"Subdivisions that qualify as "pre-existing subdivisions" under this Local Law are listed in Appendix E. Any additions to the list in Appendix E will be added in accordance with this Local Law, Section 18-Amendments.

BE IT FURTHER

RESOLVED, that a copy of this Resolution is hereby submitted to Brian Grisi at the Adirondack Park Agency in completion of this zoning change.

Ayes:

Councilman Hill: Aye

Councilwoman Hayes: Absent

State of New York  
County of Warren)

Nays:

Councilman Higgins: Aye

Supervisor Bentley: Aye

Absent:

Councilman Olson: Aye

I, ARLENE MAYER, TOWN CLERK OF THE TOWN OF HORICON, COUNTY OF WARREN, do hereby certify that the foregoing is a true and correct copy and the whole thereof of a Resolution duly adopted by the Town Board of the Town of Horicon on the 20th of March, 2008.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the Town of Horicon this 20th day of March, 2008.

*Arlene Mayer*  
Arlene Mayer, Town Clerk



**RESOLUTION NO. 101 OF 2010**

Messrs. Dooris and Hill introduced Res. No. 101 and moved its adoption:

**RESOLUTION TO ADOPT PROPOSED AMENDMENT TO  
THE HORICON ZONING ORDINANCE LAW**

WHEREAS, the Town Board held a public hearing regarding the proposed amendment to the Town of Horicon Zoning Ordinance, AND

WHEREAS, the Town Board has heard all interested parties who attended said public hearing,  
NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Horicon does hereby adopt the following amendment to the Town of Horicon Zoning & Project Ordinance Law being Local Law Number 1 of 2010. The amendment is in regards to Section 14 – Pre-Existing Subdivisions. The addition of Horicon Birches Subdivision to the list of Pre-Existing Subdivisions is adopted.

AYES: 5

Councilman Hill: AYE  
Councilman Dooris: AYE

NAYS: 0

Councilman Higgins: AYE  
Supervisor Bentley: AYE

ABSENT: 0

Councilman Olson: AYE

State of New York)  
County of Warren)

I, KRISTA WOOD, TOWN CLERK OF THE TOWN OF HORICON, COUNTY OF WARREN, do hereby certify that the foregoing is a true and correct copy and the whole thereof of a Resolution duly adopted by the Town Board of the Town of Horicon on the 19<sup>th</sup> day of August, 2010.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the Town of Horicon this 19<sup>th</sup> day of August, 2010.

\_\_\_\_\_  
Krista L. Wood, Town Clerk

