

Adopted 12/14/2020

RESOLUTION 203-20

TOWN CODE - ORDINANCE UPDATES RED #2

Motion by Councilman Leible, seconded by Councilman Evchich, the following resolution was

ADOPTED: Ayes 5 Maerten, Evchich, Fischer, Graham, Leible

Nays 0

WHEREAS, the Planning Board has dedicated great time and effort focused on an endeavor identifying needed updates to the Town Code of the Town of Pendleton, and

WHEREAS, identified updates have been communicated to the Town Board for review and adoption,

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 14th day of December 2020 that the following additions, deletions, and modifications to the Town Code are accepted in its entirety by resolution of the Town Board, effective immediately:

RESOLUTION SECTION A) REPEAL TOWN CODE ARTICLE VI GENERAL LEGISLATION - §247-37 GOLF COURSES IN ITS ENTIRETY.

RESOLUTION SECTION B) ADOPT TOWN CODE ARTICLE VI GENERAL LEGISLATION - §247-37 GOLF COURSES IN ITS ENTIRETY.

§ 247-37 Golf courses.

The Planning Board may grant a Special Use Permit for a public golf course, private golf course, nonprofit golf course, commercial golf course or country club on a site of not less than 50 acres in any district, subject to the following conditions and such other conditions as shall be found necessary or desirable:

- A. Provisions for sanitary facilities shall have prior approval from the Town and County Health Departments.
- B. All buildings, parking areas, greens, tees, swimming pools and similar sources of noise shall be sufficiently removed from all property lines to assure the quiet enjoyment of adjacent properties and shall not be less than 100 feet from an adjacent property line.
- C. Any artificial lighting shall be shielded so as not to create conditions harmful or annoying to neighbors.
- D. Any signs shall be limited to identifying the use and shall be expressly approved by the Board.
- E. Suitable provision shall be made that any sales or services shall be incidental to the recreation use.

- F. Appropriate control of hours of operation shall be taken where considered necessary.
- G. Not more than 5% of the site shall be covered by buildings.
- H. Location and design of entrance drives shall be such as to minimize traffic hazard and nuisance factors.
- I. All Golf Course Applications shall be subject to Planning Board Site Plan Review per Section 247-54.
 - 1) Environmental Review (SEQR) is required.
 - 2) Public Hearing is required.
 - a. 400 feet notification is required.
 - 3) A Special Use Permit issued by the Planning Board is required upon approval of the Site Plan and is subject to an annual review by the Planning Board. Planning Board Review will be undertaken to insure that all above listed provisions are being adhered to. The Planning Board will have discretion to revoke the Special Use Permit due to noncompliance and establish a time frame to correct the violation/violations.

RESOLUTION SECTION C) REPEAL TOWN CODE PART II: GENERAL LEGISLATION, CHAPTER 104 BED-AND-BREAKFASTS IN ITS ENTIRETY.

RESOLUTION SECTION D) ADOPT PROPOSED TOWN CODE PART II: GENERAL LEGISLATION, §247-47, BED-AND-BREAKFASTS IN ITS ENTIRETY.

§247-47 Bed-and-Breakfasts

A. Purpose.

The Town Board recognizes that popularity has risen with regard to the rental of rooms on a temporary basis and on occasion providing breakfast to the renter, which has become known as a "bed-and-breakfast residence or inn." The Town Board has determined that the permission for such incidental use of an existing residence should not create a detriment to the surrounding residences, provided the same is properly regulated.

B. Definitions; regulations.

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

BED-AND-BREAKFAST RESIDENCE

A residence with living quarters within the principal building for the temporary use of guests of the occupants of the premises, which living quarters shall not be a dwelling unit and which are not rented or otherwise leased as separate dwelling units.

C. Regulations.

- (1) Bed-and-breakfast permits shall only be granted for residences in an R2 Zone and for existing residences (at the time this chapter is adopted) in a commercial zone which are used solely for residential purposes. Any property in a commercial zone which has any commercial activity shall not be allowed to operate a bed-and-breakfast.
- (2) No building permit for an addition to the principal structure may be issued within three (3) years of any granting of a bed-and-breakfast permit. No bed-and-breakfast Special Use Permits may be granted within three (3) years of the issuance of a building permit for an addition to the principal structure.
- (3) The quarters to be utilized by the guests or the occupants of the premises shall not be permitted in any accessory structure.
- (4) The principal building in which the use is permitted shall be occupied by the owners as their principal residence.
- (5) The use by guests shall be temporary only and limited to a maximum of fourteen (14) days for any one (1) guest.
- (6) A maximum of three (3) bedrooms and nine (9) guests shall be allowed.
- (7) At least one (1) bathroom shall be provided for each six (6) guests.
- (8) At least one (1) smoke detecting device shall be located in each bedroom.
- (9) At least one (1) fire extinguisher shall be located in every hallway.
- (10) Emergency lighting shall be provided in every hallway leading to an exit.
- (11) The serving or providing of meals to paying guests shall be limited to breakfast.
- (12) One (1) off-street parking space shall be provided for each room or rooms designated as a living quarter, in addition to the off-street parking spaces for the residence.
- (13) Signs shall be limited by Chapter 247, Zoning.

D. Special Use Permit.

- (1) The structure to be used must comply with all state, county and local health and building codes and permits.
- (2) The standards and regulations governing this use shall not be construed to exclude the requirement for further conditions and standards as determined as necessary for granting a Special Use Permit.

- (3) Such use shall be considered as a Special Use and shall require a Special Use Permit granted by the Planning Board.

E. All Bed-and-Breakfast Applications shall be subject to Planning Board Site Plan Review per Section 247-54.

- (1) Environmental Review (SEQR) is required.

- (2) Public Hearing is required.

- a) 400 feet notification is required.

F. A Special Use Permit issued by the Planning Board is required upon approval of the Site Plan and is subject to an annual review by the Planning Board. Planning Board Review will be undertaken to insure that all above listed provisions are being adhered to. The Planning Board will have discretion to revoke the Special Use Permit due to noncompliance and establish a time frame to correct the violation/violations.

G. Application for a Special Use Permit shall be accompanied by a fee of two hundred fifty dollars (\$250). The Town Building Inspector/Code Enforcement Officer shall inspect the premises for compliance with all applicable codes before any permit is granted.

H. Fees.

- (1) Once a Special Use Permit is granted, the Bed-and-Breakfast will be subject to an annual inspection by the Building Inspector/Code Enforcement Officer. An annual inspection fee of fifty dollars (\$50) payable prior to inspection is required.

- (2) See Chapter 131 to verify current fees.

I. Penalties for offenses.

Every person, firm, or corporation convicted of a violation of any provision of this chapter shall be punished by a fine of not more than two hundred fifty dollars (\$250) or imprisonment for not more than fifteen (15) days, or both. Each and every day that a violation of this chapter is permitted to exist by an owner of a bed-and-breakfast residence shall constitute a separate offense.

RESOLUTION SECTION E) ADOPT ALL APPROPRIATE BED-AND-BREAKFAST FEES AS DETAILED IN NEWLY ADOPTED TOWN CODE PART II: GENERAL REGULATIONS, §247-47, BED-AND-BREAKFASTS AND ADD SUCH FEES TO TOWN CODE PART II: GENERAL LEGISLATION, CHAPTER 131 FEES.

RESOLUTION SECTION F) REPEAL TOWN CODE ARTICLE VII: SUPPLEMENTAL REGULATIONS, §247-55 OIL AND GAS WELLS.

**RESOLUTION SECTION G) ADOPT NEW TOWN CODE ARTICLE VII:
SUPPLEMENTAL REGULATIONS, §247-55 OIL AND GAS WELL IN ITS ENTIRETY.**

§ 247-55 Oil and gas wells.

A. All oil or gas wells and gas and oil storage facilities shall be located in accordance with the yard requirements of this chapter. They shall not be nearer than 150 feet to any public building or area which may be used as a place of assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic or occupancy by the public. They should not be nearer than 75 feet to the traveled part of any public street, road or highway and/or closer than 100 feet to any public stream, river or other body of water. In addition, all laws and regulations enforced by the Oil and Gas Division of the New York State Department of Environmental Conservation shall be observed.

B. All Oil and Gas Well Applications shall be subject to Planning Board Site Plan Review per Section 247-54.

1) Environmental Review (SEQR) is required.

2) Public Hearing is required.

a. 400 feet notification

C. A Special Use Permit issued by the Planning Board is required upon approval of the Site Plan and is subject to an annual review by the Planning Board. Planning Board Review will be undertaken to insure that all above listed provisions are being adhered to. The Planning Board will have discretion to revoke the Special Use Permit due to noncompliance and establish a time frame to correct the violation(s).

D. See Chapter 131 for appropriate fees.

**RESOLUTION SECTION H) REPEAL TOWN CODE ARTICLE VII:
SUPPLEMENTAL REGULATIONS, §247-56 AIRPORTS AND AIRSTRIPS IN ITS
ENTIRETY.**

**RESOLUTION SECTION I) ADOPT NEW TOWN CODE ARTICLE VII:
SUPPLEMENTAL REGULATIONS, §247-56 AIRPORTS AND AIRSTRIPS IN ITS
ENTIRETY.**

§ 247-56 Airports and Airstrips.

A. It shall be unlawful for any person to construct, maintain or operate, within the limits of the Town of Pendleton, any airport unless such person shall first obtain a Special Use Permit from the Planning Board.

- B. The Special Use Permit shall be valid for a period of three years. Application for a renewal shall be filed with the Planning Board not less than 60 days before expiration of the current permit. Any Special Use Permit not renewed within 60 days after the expiration date shall become null and void. A renewal shall not require a public hearing. A change of ownership and/or operating personnel shall require a new Special Use Permit.
- C. Application for a Special Use Permit for an airstrip shall be accompanied by a fee (see Chapter 131 for fee schedule) and also any engineering costs. A renewal fee (see Chapter 131 for fee schedule) shall be collected every three years.
- D. Applications for Special Use Permits shall be accompanied by a plan of the airport showing the size of the field, position and size of buildings or structures, runways, number of planes permanently stationed or housed thereon, etc. It shall show the location of the airport from two intersecting streets. Any alteration or changes in the length or direction of runways shall require a new permit.
- E. All Airport Airfield Applications shall be subject to Planning Board Site Plan Review per Section 247-54.

- (1) Environmental Review (SEQR) is required.

- (2) Public Hearing is required.

- (a) 400 feet notification

- F. A Special Use Permit issued by the Planning Board is required upon approval of the Site Plan and is subject to an annual review by the Planning Board. Planning Board Review will be undertaken to insure that all above listed provisions are being adhered to. The Planning Board will have discretion to revoke the Special Use Permit due to noncompliance and establish a time frame to correct the violation/violations.
- G. No plane other than the applicant's may be based permanently at a private airstrip.
- H. Spacing requirements between existing and proposed airports shall be the sum of the following radii prescribed for each airport, in accordance with its size classification as defined in this section.

Class	Radius (miles)
I or smaller	1
II	2
III	3
IV or larger	4

- I. The size classification of airports under this section shall be in accordance with the standards as established by the Federal Aviation Administration or its successor.

Chapter 131

Fees

[HISTORY: Adopted by the Town Board of the Town of Pendleton 12-23-2019. Amendments noted where applicable.]

§ 131-1 Various fees enumerated.

Fees shall be as follows:

Type	Fee
Residential buildings	
Single-family residence	
0 to 2,000 square feet	\$900
Over 2,000 square feet	\$0.35 for each additional square foot
Two-family residence	\$1,200
Multiple dwelling	
1 to 5 units	\$1,500
Additional units	\$25 per unit
Cost includes certificate of occupancy, final	
New York State fee for new buildings with trusses	\$50
Alterations or additions	
Up to 500 square feet	\$100
500 square feet to 1,000 square feet	\$150
Over 1,000 square feet	\$250
Miscellaneous structures/buildings/concrete (i.e., porches, gazebos, decks and patios)	\$90
Fence, good side out	\$50
Replacement roofing	\$75
Generator	\$65
Plumbing other than new home (e.g., sump pump, drain tile, hot water tank, furnace, etc.)	\$75
Commercial and industrial buildings	
0 to 1,000 square feet floor space	\$500
Over 1,000 square feet floor space	Add \$0.30 per square foot
Cost includes certificate of occupancy, final	
Alteration, repair and removal, etc.	\$0.25 per square foot
Change in occupancy	\$75
Addition to commercial and industrial plumbing	\$50 plus \$25 per fixture
Generator, commercial	\$150
Fence, commercial	\$100
Roof, commercial	\$150
Pool, commercial	\$500
Demolition, commercial	\$250
New York State fee for truss signage	\$50
Commercial and industrial parking lot	
New	\$250
Resurface	\$150
Agricultural buildings	
0 to 3,000 square feet	\$125
3,001 to 6,000 square feet	\$250

Type	Fee
Over 6,000 square feet	\$500
Accessory buildings	
Residential storage buildings/sheds (144 square feet or less)	\$25
Residential garage or barn (145 to 400 square feet)	\$50
Residential garage or barn over 400 square feet	\$0.15 per square foot
Commercial garage or barn	\$0.20 per square foot
Pools	
Aboveground pool and deck	\$50
In-ground pool and fence	\$125
Signs	
Temporary signs	
30-day permit	\$30
30-day-plus permit (maximum 90 days)	\$50
Permanent signs, new	
100 square feet (each face)	\$0.50 per square foot
Additional square feet (each face)	\$0.15 per square foot
Alteration, reface, relocation or addition	\$0.30 per square foot
Bed-and-Breakfast	
Special Use Application Fee	\$250
Special Use Annual Renewal Fee	\$50
Building Inspector/Code Enforcement Officer Annual Inspection Fee	\$50
Miscellaneous	
Building permit renewal (12 months)	Same as original fee
Certificate of occupancy/compliance	
Residential	
One- and two-family residence	\$95
Multiple-family units (3 or more) and sleeping rooms	\$40 per unit
Commercial/industrial	
Commercial, per tenant	\$150
Industrial, per tenant	\$150
Copy of any certificate of occupancy/compliance or license	\$10 each
Compliance inspection	\$50
Fire alarm system	\$75
Demolition of structure	
Up to 3,000 square feet	\$125
Over 3,000 square feet	\$200
Excavations or grading, other than building construction	\$65
Fuel-burning stoves or fireplace (wood, gas, pellet, propane, etc.)	\$50
Garage sales and related sales (more than 2 per year)	\$275
Home occupation permit, per year	\$200
Operating permit	\$150
Flood hazard permit	\$150
Additional inspections (recall, or not ready when inspectors were called)	\$50 per recall, paid before CO
To lift a stop-work order from a job that was stopped due to violation	\$100
Fuel tank installation	
1,000 gallons and up	\$75 per tank
Permit for junkyard	\$5,000, plus \$1,000 per acre
Permit for trailer park or manufactured housing park	\$7,500, plus \$1,000 per acre
Contractor's license	\$100 per calendar year

Type	Fee
Curb cut, installation only, pipe at owner's expense	\$500
Inspection or curb cut where pipe has been set by contractor	\$200
Solar panels, residential under 1 acre	\$150
Large-scale solar energy system	\$2,500 or such other amount as the Planning Board may determine to cover Town costs
Wind energy conversion system site plan review fee	\$200
Wind energy conversion system permit	\$125
Peddler's or solicitor's permit	\$25
Transient business	\$125 per year or \$25 per event
Junk dealer's permit	\$500 annually

No permit obtained or delayed

In the event that work requiring a building permit is commenced without having the appropriate permit applied for, secured and obtained, or that work is commenced without having obtained a contractor's license with the Town of Pendleton, said permit or license fees will be doubled. Each day is considered a separate violation.

Site plan review payment schedule

Under 1 land-disturbed acre	\$300
Under 2 land-disturbed acres	\$450
Under 3 land-disturbed acres	\$750
Under 4 land-disturbed acres	\$1,250
Under 5 land-disturbed acres	\$1,750
Under 6 land-disturbed acres	\$2,250
Over 6 land-disturbed acres	\$2,500

Site plan review sketch:

§§ 247-54D(1)(b), 247-46B and 247-34F(4)	\$125
Site plan application fee	\$100

Environmental (SEQRA) review

Short Environmental Assessment Form (EAF)	\$100
Long Environmental Assessment Form (EAF)	\$300

§ 131-2 Fees for public hearings.

Fees shall be as follows:

Type	Fee
Board of Appeals	\$125
Planning Board	\$125
Town Board	\$125

§ 131-3 Subdivision fees.

Fees shall be as follows:

Type	Fee
Minor Subdivision	
Sketch plan application	\$30 per lot or dwelling unit, with a maximum of \$75
Final plat submission	\$25 per lot or dwelling unit with a maximum of \$100 (plus \$125 for publication of hearing)
Application fee	\$60
Major Subdivision	
Sketch plan application	\$30 per lot or dwelling unit, with a maximum of \$450

Type	Fee
Preliminary plat submission	\$1,500 or \$75 per lot or dwelling, whichever is greater (plus \$125 for publication of public hearing)
Final plat submission	\$1,500 or \$50 per lot or dwelling unit, whichever is greater (plus \$125 for publication of hearing)
Application fee	\$500
Recreation fee in lieu of parkland (major subdivisions only)	\$1,000 per lot

§ 131-4 Communication towers fees.

- A. The fee for the construction and equipping of a tower shall be 1% of the cost of construction and equipping of the tower as estimated by the developer and verified by the Town; or the minimum fee shall be \$2,000 and the maximum fee shall be \$5,000.
- B. Each construction, modification or alteration of a tower shall require a permit and the fee as stated above.

§ 131-5 Stormwater management fees.

- A. Fees for land development activities. Any applicant submitting a SWPPP to the Town for a land development activity or land disturbance requiring a NYSDEC SPDES construction permit shall submit a fee to the Town based upon the acreage of the entire development in accordance with the following schedule:

Acreage of Entire Development	SWPPP Review Fee
Under 5 acres	\$650
5 to 10 acres	\$1,000
Over 10 acres	\$1,000, plus \$500 for every 5 acres above 10 acres

Acreage of Entire Development	Inspection Fee
Under 5 acres	\$2,750
5 to 10 acres	\$3,750
Over 10 acres	\$6,500

- B. For all land development activities to be completed in multiple phases over time, the applicant, in addition to the fee provided above in Subsection A, shall pay the Town an additional \$500 for each subsequent phase after the first phase of the project, to be paid prior to the start of construction of each subsequent phase.

§ 131-6 Fees established for dog licensing.

Fees shall be as follows:

Type	Fee
Spayed or neutered dog	\$8
Unspayed or unneutered dog	\$20
Purebred license	\$25
Enumeration fee	\$25
Replacement tag	\$3
Late fee (60 days)	\$25

§ 131-7 Miscellaneous water/sewer fees.

Fees shall be as follows:

- A. Water Department:

Type	Fee
1-inch water service tap-in fee	\$1,100
Over 1 inch: cost of material plus labor	Priced per job
Inspection fee for tap-in over 1 inch	\$50
3/4-inch water meter fee with electronics	\$300
Water meter pit	Priced per job
Water service termination fee (dig to disconnect)	\$150
Damaged/frozen water meter	
3/4 inch	\$100
1 inch	\$175
Damaged water meter electronics	
3/4-inch or 1-inch	\$185
Water meter/electronics over 1 inch	Priced per job
Water curb box damage	\$150
Water on/off fee after hours	\$100
Sold-home water and/or sewer inspection compliance	\$50
B. Sewer Department:	

Type	Fee
Pressure sewer tap/inspection	\$1,100
Gravity sewer tap 6-inch standard	
Subdivision	\$400
All others	\$1,000
Grinder system unit	Call Sewer Department for price
Sewer service termination fee (dig to disconnect)	\$150
Grinder system curb box damage	\$150
Sewer call (normal hours)	Prevailing rate
Sewer service call (after hours)	2-hour minimum, prevailing rate