

Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Fenton

Local Law No. 1 of the year 2025

A local law to amend and update Town of Fenton Code § 150-47 and adding a new provision, Section K, to further define the characteristics of “Self-Storage Facilities.”

Be it enacted by the Town Board of the Town of Fenton as follows:

Section 1. The Town of Fenton Code described in Section 150-47 of the Town Code is hereby amended as follows:

§ 150-47. Special approval procedure.

A. Site plan approval.

(1) No building or use permit for an improvement or use subject to the provisions of this section, or for any improvement or use in connection with a commercial enterprise, shall be issued, except upon the approval of the Planning Board. The applicant shall submit to the Planning Board an application and site plan for the subject premises, drawn to a scale of not less than one inch to 100 feet, containing the following information: **[Amended 9-8-1999 by L.L. No. 2-1999]**

- (a) The use, location and dimensions of proposed buildings and open spaces, including yards.
- (b) The proposed streets and other vehicular circulation facilities, including the location and widths of driveways on the site and access to existing and prospective highways.
- (c) The amount, location and dimensions of off-street parking and loading areas and access thereto.
- (d) The location and arrangement of landscaping in transitional areas.
- (e) A storm drainage plan showing how surface water will be collected and discharged from the site and the effect on adjacent properties.
- (f) The location of public sewer and water supply facilities.

- (g) Such additional information as may be required under Subsections B through I of this section.
- (2) The Planning Board shall review the application and site plan, together with such other facts as shall be properly in evidence before it, and it may either reject or approve the application and site plan, subject to any conditions necessary to meet the following objectives and any other objectives required for a particular improvement or use by another subsection of this section:
 - (a) The proposed improvements and use, considering the nature and intensity of operations involved in connection with it, will be appropriate in the proposed location and will have no material adverse effect on existing or prospective development permitted in the district or in any adjoining district.
 - (b) The lot on which the proposed improvements or use is to be located is adequate in size.
 - (c) The potential generation of traffic by the proposed development and use will be within the reasonable capacity of the existing streets providing access to the lot, including streets contracted for by appropriate government agencies.
 - (d) The proposed use will be provided with adequate, properly located off-street parking, regardless of the minimum requirements of this chapter. Parking areas will be properly screened from any adjoining residential lots, and entrance and exit drives will be so located as to minimize traffic hazards.
 - (e) A licensed professional engineer shall have rendered a written opinion that the plans for storm drainage and connections to public sewer and water facilities, if any, are adequate.
- (3) Building permits shall be issued only pursuant to an approved site plan.
- (4) An application for amendment of an approved site plan shall be processed without payment of an additional fee, provided that construction shall not have been commenced pursuant to the original approval.
- B. Electrical distribution substations and other public utility structures. Electrical distribution substations and other public utility structures shall be permitted in any district under the following additional conditions:
 - (1) Unless housed in a completely enclosed structure, the facility shall be enclosed by a fence sufficient to protect the installation.
 - (2) Landscaping shall be provided appropriate to the district in which such facility is located.
 - (3) The facility shall not include business offices, storage areas or structures involving traffic movements.
 - (4) At no point on a boundary of said public utility site shall the sound levels exceed those permitted by Subsection A of § 150-39.
- C. Commercial outdoor recreational uses.
 - (1) Commercial outdoor recreational uses shall be permitted in districts under the following additional conditions:

- (a) The applicant shall demonstrate that such activities will not be detrimental to the neighborhood taking into consideration the physical relationship of the proposed use to the surrounding structures, the probable hours of operation and social activities to be conducted on the premises.
- (b) No clubhouse or building customarily incidental to the outdoor recreation use principal shall be located closer than 200 feet to any lot line other than a street line.
- (c) Adequate parking spaces shall be provided.

(2) Racing facilities for animals and power driven vehicles are prohibited.

D. Drive-in theaters. Drive-in theaters shall be permitted under the following additional conditions:

- (1) No such facility shall have a direct entrance or exit to a state, county or Town highway, except as authorized by the appropriate agency of government concerned.
- (2) Each facility use shall provide automobile parking or standing space between the ticket gate and highway for not less than 20 automobiles.
- (3) No structure on the premises, other than a fence, shall be located within 50 feet of any boundary line.
- (4) The screen shall be located not less than 100 feet from every highway and every residence district boundary and shall be so located or shielded as not to be visible from any point on a public highway.

E. Commercial radio and television transmission or receiving tower and facilities.

- (1) Commercial radio and television transmission or receiving towers and facilities shall be permitted under the following additional conditions:
 - (a) No portion of the installation shall be within 100 feet of any property boundary line.
 - (b) The facility shall be surrounded by a fence suitable to discourage access by unauthorized persons and children.
- (2) The provisions of Subsection B of this section shall also be complied with to the extent applicable.¹

F. (Reserved)²

G. Gasoline service stations. Gasoline service stations for the sale of fuel, lubricants and services, including washing and lubricating of vehicles, radiator cleaning and flushing, tire repair and servicing, battery repair and servicing, replacement of tailpipes and mufflers and similar services, shall be permitted under the following additional conditions:

- (1) A gasoline service station lot shall not be located within 250 feet from any lot or parcel occupied by a school, as measured along the shortest line between points on each lot.

¹ Editor's Note: Former § 30.67F, regulating quarries, sandpit, gravel pits and topsoil stripping, which immediately followed this subsection, as amended 11-7-1984 by L.L. No. 1-1984, was repealed 8-2-1989 by L.L. No. 7-1989.

² Editor's Note: Former Subsection F, regarding junkyards, auto wrecking and storage of salvage materials, amended 6-4-1997 by L.L. No. 2-1997, was repealed 5-11-2016 by L.L. No. 2-2016.
November 14, 2024

- (2) Fuel pumps shall be located at least 20 feet from every highway.
- (3) All storage tanks shall be located at least 35 feet from every street or lot line, except underground gasoline storage tanks shall be permitted at least 20 feet from every highway or lot line.
- (4) No gasoline service station shall be located on any lot having an area of less than 10,000 square feet and street frontage of less than 100 feet on each street upon which it abuts.
- (5) The parking of trucks as an accessory use shall not be permitted, except those used exclusively for the conduct of the gasoline service station business.

H. Animal hospitals and kennels. Animal hospitals and commercial kennels shall be permitted under the following additional conditions:

- (1) Adequate off-street parking spaces shall be provided to serve persons employed on the premises and the visiting public.
- (2) Unenclosed kennels or fenced exercise yards for small animals (dogs, cats, etc.) shall be located at least 20 feet from any property line.
- (3) Suitable provisions shall be made to preserve the peace in the adjacent neighborhood.

I. Accessory buildings for the storage of commercial vehicles shall be permitted under the following additional conditions: **[Added 7-1-1992 by L.L. No. 2-1992]**

- (1) Submission of satisfactory evidence to the Planning Board that the proposed structure will not create or impose any negative, physical or aesthetic impact in the neighborhood.
- (2) No business office shall be maintained in the accessory building or the lot on which it is located.
- (3) No business signage shall be permitted on the accessory building.
- (4) No employee may perform work-related activities within the building. No business or sales representatives may call at the storage facility for the purpose of conducting business.
- (5) No more than two commercial vehicles, exclusive of accessory equipment, may be stored in the accessory building.
- (6) Natural or artificial buffers shall be provided to reduce the structure's impact on the neighborhood. The buffers will be subject to the Planning Board's approval.
- (7) The applicant must agree to impose a deed restriction to be recorded in the Broome County Clerk's Office which limits the use of the proposed storage building for the specific and sole purpose of garaging the applicant's commercial-type vehicle. This deed restriction shall be binding on any future owner of this property. All expenses for compliance with this provision shall be the responsibility of the applicant. The Building Inspector shall supply the appropriate format for the deed restriction.
- (8) The Building Inspector shall certify that all conditions of this subsection have been met before the occupancy permit shall be issued. Failure to comply with these provisions shall result in a fine of \$100 per day until such conditions are corrected. Failure to receive an occupancy permit shall result in the removal of the structure from the premises at the applicant's expense. It is agreed by the applicant that

if he or she fails to comply with these conditions, the Town of Fenton may remove the structure and the applicant will be billed for this removal on the next Town tax billing period.

- (9) Nothing herein shall be construed to restrict or waive normal site plan review under Subsection A above, which is required in addition to the matters set forth in this Subsection I.

J. In addition to the requirements of § 150-47A, in order for storage buildings to qualify as permitted uses rather than accessory uses, such buildings must: **[Added 4-16-2003 by L.L. No. 2-2003]**

- (1) Be built on site and attached permanently to the ground. Structures such as truck bodies, trailers, intact, gutted, or modified mobile homes, buses, and similar structures shall not qualify as permitted storage buildings.
- (2) Be covered with siding in a manner satisfactory to the Planning Board.
- (3) Be shingled or otherwise roofed as required by the Planning Board.
- (4) Be sealed from the weather with windows and doors.
- (5) Be constructed at a location within the applicant's parcel deemed suitable by the Planning Board, giving due regard to the location of dwelling units and other structures on adjoining parcels.

§ K. Self-Storage Facilities (Indoor) provided that:

- (1) the facility layout, design, color and exterior building materials and treatment for all structures including, but not limited to fences, walls, gates, building and landscaping shall be of high quality and be aesthetically pleasing when viewed from adjacent properties and the public right-of-way.
- (2) Fences or walls visible from the public right-of-way shall be constructed of decorative building materials such as slump stone masonry, concrete block, wrought iron, or other similar materials.
- (3) Roof designs are limited to peak roofing with a roof pitch $\frac{1}{4}$ " in 12" up to 1" in 12".

§ L. Stormwater pollution prevention plan: A stormwater pollution prevention plan (SWPPP) consistent with the requirements of Chapter 121, Stormwater Management, shall be required for site plan approval. The SWPPP shall meet the performance and design criteria and standards in §§ 121-6 through 121-9. The approved site plan shall be consistent with the provisions of Chapter 121. **[Added 3-7-2007 by L.L. No. 2-2007]**

Section 2. The Town Board shall cause the Town Code to be amended to reflect this amendment thereto.

Section 3. This local law shall become effective upon filing with the Secretary of State.

I hereby certify that the local law annexed hereto, designated as Local Law No. 1 (2025) of the Town of Fenton was duly passed by the Town Board on January 29th, 2025, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.

Dated: January 31st, 2025

Melodie A Bowersox
Melodie Bowersox, Town Clerk

[SEAL]

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF BROOME

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Dated: January 30, 2025

Richard H. Miller III
Richard H. Miller III, Esq.
Deputy Town Attorney
Town of Fenton