

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

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.

County  City  Town  Village  
(Select one.)

of \_\_\_\_\_

Local Law No. \_\_\_\_\_ of the year 2022

A local law to amend Local Law No. 2 of the Year 2010 (Village of Lake Placid/Town of North Elba  
(Insert Title)  
Land Use Code) ("the Code") in various respects.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Be it enacted by the \_\_\_\_\_ of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of \_\_\_\_\_ as follows:

Section 1. Section 2.1(C) of the Code is hereby amended by adding " utility scale solar energy system " to the list of Conditional Uses in Rural Countryside Districts.

Section 2. Section 2.1(C), Section 2.2(C), Section 2.3(C), Section 2.4(C), Section 2.5(C), Section 2.6(C), Section 2.7(C), and Section 2.8(C) are each hereby amended by adding " residential scale solar energy system " to the lists of Conditional Uses in all districts.

Section 3. Section 2.6(D), 2.7(D) and 2.8(D) of the Code are each hereby amended by adding a footnote to " maximum building height " in each section, reading as follows: " However, a 45-foot tall structure shall be permissible if 75% of the structure is permanently designated for use as income-based housing. "

additional pages attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**Section 4.** 3.6.4(C)(2) of the Code is hereby amended to read as follows:

a. "All new wastewater disposal systems in Shoreland Overlay Districts (absorption fields and seepage systems) shall be subject to approval of the Review Board and shall set back 300 ft. or as far as practicable from the mean high water mark of the shoreline. All such installations shall be designed by a licensed professional engineer and shall comply with current DOH and APA requirements. Any such design plan with a less-than-300-foot septic setback shall also be reviewed by a second (independent) licensed professional engineer, at the applicant's expense. No setback of less than 300 feet shall be permitted unless the Review Board determines conclusively on the basis of the engineers' reports that the permitted facilities will effectively treat the effluents, with no adverse impact on water quality."

**Section 5.** Section 3.6.4(E) of the Code, Paragraphs 1,2,3,4, 1 and 2(sic), are hereby renumbered Paragraphs 1,2,3,4,5 and 6.

**Section 6.** Section 3.6.4(E)(1) of the Code is hereby amended to read as follows:

"No more than one boat house or dock shall be permitted for each minimum lot width and it shall not be more than 32 feet in length and shall not extend more than 35 feet into the water. No boathouse shall be permitted on Mirror Lake. Docks on Mirror Lake shall not extend more than 20 feet into the Lake."

**Section 7.** Section 3.6.4(E)(2) of the Code is hereby amended to read as follows:

"All docks and boat houses shall conform to the required side yard setback applying to the principal building in the particular planning district. In addition, no dock, boathouse, raft, buoy or float shall be located within this same distance from the linear projection of the side lot lines into the waterway from the shoreline, and all such materials or components used for floatation shall be encapsulated by December 31, 2023. In addition, the total width of shoreline of a given lot occupied by boathouses, docks or other shoreline structures (other than retaining walls), shall not exceed 30 percent of the shoreline lot width of the lot, or 50 lineal feet, whichever is less."

**Section 8.** Section 4.22(B)(1) of the Code is hereby amended to read as follows:

"A nonconforming building shall not be added to, enlarged, or expanded, in any way except that (a) a nonconforming building which is nonconforming as to height may be expanded or enlarged as long as the expansion or enlargement does not increase the maximum height of the building or create any nonconformity with the other dimensional regulations of the Code, (b) a nonconforming building which is nonconforming to setback may be expanded or enlarged as long as the expansion or enlargement does not exceed 25% in size of the building footprint within the setback zone in question and does not reduce the minimum distance between the building and the lot line in question, and does not create any nonconformity with the other dimensional restrictions of this Code, and (c) notwithstanding the foregoing, an expansion of a building which is nonconforming as to front or rear setback shall be permissible to any extent where the expansion or the enlargement would be away from the front or rear setback line (i.e. toward the center of the lot) and no other nonconformity with the dimensional restrictions of this Code would be created."

**Section 9.** Section 4.22(B) Paragraphs 3, 3(sic), 4, 5 and 6 of the Code, are hereby renumbered Paragraph 3,4,5,6 and 7.

**Section 10.** Section 4.6.7(L) of the Code is hereby amended to read as follows:

“Noise associated with construction activities that lessen the peaceful enjoyment of adjoining and neighboring property owners may not occur before 7:00 AM or after 7:00 PM on Monday through Friday, and may not occur before 8:00 AM or after 7:00 PM on Saturdays, Sundays and Federal holidays.”

**Section 11.** Section 5.2.4(A)(1) of the Code is hereby amended to read:

“The use of species native to the Adirondack region or other naturalized species with proven performance and hardiness is encouraged. Native plants should be hardy and, where adjacent to roads, drives or public walks, resistant to salt and other pollutants. The planting of invasive species is prohibited. (See Native Plants for the Adirondack Park (Appendix 1 hereto), and Landscaping and Gardening with Native Species (Adirondack Park Agency Research, Science and Planning).”

**Section 12.** Section 5.6.2(A)(1) of the Code, regarding “Applicability” of income-based housing requirements, is hereby amended to read as follows:

“Any development, including a subdivision into lots, containing or resulting in ten or more dwelling units through new construction, substantial rehabilitation of existing structures, and/or adaptive reuse or conversion of a nonresidential use to residential use.”

**Section 13.** Section 5.6.2(B)(4)(b) of the Code is hereby amended to read as follows:

“In lieu of creating income-based housing units, the developer may make a payment to the Adirondack Community Housing Trust, Inc. or other nonprofit housing trust or entity approved by the Review Board (See 5.6.3B). That payment will be based upon the difference between the median purchase price of housing in the Town of North Elba, and that which is affordable by households eligible for income based housing, more particularly calculated as follows:

The median purchase price for purposes of this section shall be based on the previous three-year average of median residential sales in the Town of North Elba as determined by Essex County Real Property Tax Services (arms-length transactions).

Households eligible for income based housing for this purpose shall have incomes at or below 120% of Area Median Income of Essex County for a family of four, as published for the most recent year by the United States Department of Housing and Urban Development.

The affordability of households eligible for income based housing shall be determined by multiplying the above-established income by 3.25.

An example is as follows:

Median Purchase Price

\$252,000 (2007 Median for Town of North Elba)

\$262,500 (2008 Median for Town of North Elba)

\$317,000 (2009 Median for Town of North Elba)

$\$831,500/3 = \$277,167$

Affordability

\$66,360 (120% of Area Median Income for Essex County - family of four)

x 3.25

\$215,670

Payment in Lieu

\$277,167 (3 year Median Purchase Price for Town of North Elba)

-\$125,679 (Affordability for family of four)

\$ 61,497 - Payment in Lieu”

**Section 14.** Section 6.3.4(B)(3)(a) of the Code is hereby amended to read as follows: “A flag with a brief commercial message, i.e. “Open” may be displayed during the hours of commercial operation, and may only be displayed in the Gateway Corridor, Old Military Corridor and Rural Countryside districts.”

**Section 15.** Section 6.3.4(B)(10)(g) of the Code (pertaining to Sandwich Board signs) is hereby to read as follows: “Any such sign in either district must be free standing, and be of natural earthtone colors only, not be illuminated, not include whiteboard surfaces or neon or fluorescent lettering, and not contain any advertising of a specific product on the frame, and no such sign shall have balloons, streamers or other attached materials.”

**Section 16.** Section 6.4.4(D) of the Code (pertaining to lighting on signs) is hereby amended by adding a new final sentence to read as follows: “Illuminated display monitors within 3 feet of a window are limited to 30 inches as measured diagonally and must be turned off between 11:00 p.m and daylight.”

**Section 17.** Section 6.5.4 of the Code is hereby amended to read as follows: “Any message displayed on a window, or attached to a window, shall be considered as signage and shall not exceed 20 percent of the window area of the front face of the principal use. Such signs shall be silk-screened, hand painted, cut vinyl, etched or other similar graphic treatment applied directly to the window surface.”

**Section 18.** A new Section 6.5.13 is hereby added to the Code, entitled “Personal Lawn Signs”, to read as follows: “Any sign including a personal message or statement by the owner, erected or placed on the lawn or grounds of a property, shall not exceed 4 square feet in size or be more than 6 feet in height.”

**Section 19.** The chart in Section 6.6.1 of the Code is hereby amended to provide, on the first horizontal line beginning “Accessory Sign”, a “Maximum Area” of “50% of allowable Principal.”

**Section 20.** The chart in Section 6.6.2 of the Code is hereby amended to provide, on the first horizontal line beginning “Accessory Sign”, a “Maximum Area” of “25% of Allowable Principal”.

**Section 21.** Section 7.1.4(F)(2)(f) of the Code is hereby amended to read as follows: “Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. Driveways shall provide a minimum unobstructed width of 12 feet and minimum unobstructed height of 13 feet 6 inches. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, except for approved security gates, and an unobstructed vertical clearance of not less than 13 feet 6 inches.”

**Section 22.** Section 8.1.5 of the Code is hereby amended to read as follows:

“A Building/Use Permit issued under this Code shall be valid for a period of three years from the date of issuance and shall thereafter be deemed null and void, unless the project for which the permit was issued has been completed within said three-year period. If the project is not completed within the three-year period, the owner must return the site to its original condition and the Enforcement Officer shall issue an order to that effect. If the owner does not comply with said order within 60 days of the date of said order, the Town Board or Village Board (as the case may be) shall be authorized to enter onto the site and to return the site to its original condition and in such case shall be entitled to recover the costs of removal and disposal from the owner of the property by commencing an action in a court of competent jurisdiction or by adding such costs to the next Town or Village Tax Bill (as the case may be), to the extent authorized by law. Upon application, the issuing agency may, for good cause shown, authorize a one-year extension of said three-year period.”

**Section 23.** Section 8.2.2(B)(1) of the Code (introductory language) is hereby amended to read as follows: “Site Plan - number of copies as determined by Code Enforcement Office, to include . . . .”

**Section 24.** Section 8.2.3(A) of the Code (introductory language) is hereby amended to read as follows: “Site Plan - A minimum number of copies as established by the Code Enforcement Office, at a scale established by the Code Enforcement Office upon initial review of the Sketch Plan, not generally to be less than 1" = 100', and to include: . . . .”

**Section 25.** Section 8.2.4(A) of the Code is hereby amended to read as follows: “A minimum number of copies in addition to the original, as established by the Code Enforcement Office, scale to be the same as for the Preliminary Plan unless otherwise approved, to include: . . . .”

**Section 26.** Section 8.3.3(G)(2) of the Code is hereby amended to read as follows: “The applicant or his/her authorized representative shall be notified in writing, within five days of the date of determination.”

**Section 27.** Section 10.2 of the Code is hereby amended by replacing the defined term “Agricultural Practices” with the defined term “Agricultural Uses” (definition unchanged).

**Section 28.** Section 10.2 of the Code is hereby amended by amending the definition or “accessory structure and/or building”, and by adding six new definitions, as follows:

ACCESSORY STRUCTURE AND/OR BUILDING: A building or structure, the use of which is customarily incidental and subordinate to that of a principal building and which is attached thereto, or is located on the same lot or premises as the principal building. Accessory structures may include such buildings as private boathouses, pools, docks, private garages, guest cottages, garden/tool shed, shipping containers, playhouses, or workshops for private use.

BASEMENT: A story that is not a story above grade plane (see “Story above grade plane”).

CONDOMINIUM ASSOCIATION: The community association which administers and maintains the common property and common elements of a condominium.

ENFORCEMENT OFFICER: The duly designated official(s) or person(s) responsible for enforcing this code as prescribed herein. The duties of such "Enforcement Officer" or "Person" may be assigned to a Building Inspector, Health Officer, Highway Superintendent, or others as directed by the Village and Town Board and the Review Board, as stated by Resolutions by said Boards.

HOMEOWNERS ASSOCIATION: A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space and/or common facilities.

INCOME BASED HOUSING: Housing owned and occupied on a full-time basis by persons whose gross annual household income does not exceed 120 percent of the Essex County median income, as defined by the United States Department of Housing and Urban Development.

RESIDENTIAL-SCALE SOLAR ENERGY SYSTEM: Any solar energy system that is designed and/or built to generate less than 25 megawatts of electrical energy and the equipment is not located on the roof of a single or two family residential structure.

STORY ABOVE GRADE PLANE: Any story having its finished floor surface entirely above grade plane, or in which the finished surface of the floor next above is any of the following:

1. More than 6 feet (1829 mm) above grade plane.
2. More than 6 feet (1829 mm) above the finished ground level for more than 50% of the total building perimeter.
3. More than 12 feet (3658 mm) above the finished ground level at any point.

UTILITY-SCALE SOLAR ENERGY SYSTEM: Any solar energy system designed and/or built to generate more than 25 megawatts of electrical energy. A utility-scale solar system may include equipment, such as but not limited to, electrical posts and frames, structures, access drives, inverter equipment, wires and cables, and any other equipment for the purpose of supplying electrical energy from solar technologies, whether such use is a principal, or in part a principal use or accessory use or structure.

**Section 29.** Section 10.2 of the Code, in respect to the definition of "Marina", is hereby amended to read as follows: "Any waterfront facility which provides accommodation services for vessels by engaging in any of the following: (1) the sale of marine products or services, or (2) the sale, lease, rental, or any other provision of storage, wharf space, or mooring for two or more vessels not registered to the owner of said facility or a member of the owner's immediate family."

**Section 30.** Section 12 of the Code is hereby amended to add: "Mill Pond Drive" and "Wesvalley Road" to the list of View Corridors on the map entitled "Planning Districts - View Corridors" and to depict those roads on the map accordingly.

**Section 31.** This local law shall take effect immediately upon filing with the New York State Department of State.

**(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)**

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

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.

\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: \_\_\_\_\_

(Seal)