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OTSEGO COUNTY
PLANNING DEPT.

**Local Law # 2 of 2007
Amendment to the
Local Law # 1 of 2006
Amendment to the
Local Law #1 of 1989
Amendment to the
Local Law
No. 3 of 1987
Town of Springfield**

**LOCAL LAW PROMULGATING LAND USE REGULATIONS APPLYING TO
OTSEGO LAKE SHORELINE AND ADJACENT LANDS**

WHEREAS, it is in the interest of the citizens of the Town of Springfield to protect the environmental, recreational and aesthetic qualities of Otsego Lake from intensive development and at the same time develop regulations compatible to those in the Towns of Middlefield and Otsego as well as the Village of Cooperstown and the Village of Cooperstown Watershed Supervisory Committee.

THEREFORE, BE IT RESOLVED, that the following regulations be and hereby are enacted:

1. PREAMBLE

Local Law No. 3 of 1987 regulations shall apply to all property fronting on Otsego Lake, as well as any property having deeded or contractual access to said lake from back lots, parcels, or multiple family dwellings not directly situated on the shoreline of Otsego Lake.

Application of Regulations and Non-conforming Uses

All lots, buildings and uses of land or buildings existing when this ordinance (Local Law #3 of 1987) was adopted may continue. Non-conformities of lots, or parcels or uses of land or buildings may not be increased, expanded, or exchanged for other non-conformities. However, if setback, septic, water and runoff requirements are met, then buildings, structures, or parts thereof, associated with single family dwellings, can be erected, moved or altered in conformity with the provisions of this ordinance. By nature, lakeside lots and parcels often pose unique and complex engineering problems difficult to mitigate. All construction will require an engineered building site plan as well as Site Plan Review (SPR) by the Springfield Planning Board (SPB). Through SPR, the SPB can allow an increase in the footprints of impervious surfaces, including buildings and

roadways on non-conforming lots or parcels. Footprints of structures may be increased no more than a maximum of 50% of the original footprint. However, all SPB decisions must reflect the intent of this ordinance.

Any substandard lot of record may be regarded and used as a conforming lot provided that such lot does not adjoin another lot in common ownership, in which case all lots shall be considered as one parcel.

2. DEFINITIONS

Accessory Building: A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

Addition: A room or rooms added to a building.

Agricultural Use: The use of any parcel of land, which is used solely for the raising of agricultural products. Such use includes necessary structures and equipment. Also included are farm stands, fruit stands, greenhouses, and nurseries.

Ancillary Structure: Structures designed for activities other than residency. These include but are not limited to pump houses, storage sheds, and decks.

Building: Any structure having a roof supported by columns, or by walls, and intended for the shelter, housing, or enclosure of persons, animals, or chattel.

Building, Height of: The vertical distance from the mean finished grade from the uphill side of the building to the horizontal projection of the highest structural part of a building.

Building, Principal: A building in which the principal use of the lot on which it is located is conducted.

Boathouse: A structure with direct access to a navigable body of water (1) which is used for the storage of boats and associated equipment and (2) which does not have bathroom or kitchen facilities and is not designed or used for lodging or residency.

Casual Water: A temporary accumulation of water.

Clustering: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

Commercial Activity: Businesses intended for the sale of goods or personal services; including but not limited to lodging, bed & breakfasts, rental properties,

department stores, restaurants, marinas, secondhand shops, taverns, utilities, and agriculture.

Common Open Space: An area reserved for use by patrons, customers, residents, or the general public, suitably landscaped and exclusive of building coverage, parking areas, or driveways.

Dwelling: A building designed or used exclusively as the living quarters of one or more persons.

Dwelling, Single-family: A detached building designed or occupied exclusively by one-family (See family).

Dwelling, Multi-family: A detached building designed or occupied exclusively by more than one family (See family) each occupying their own dwelling unit. May include but is not restricted to duplexes, apartments, condominium units, motels and hotels.

Dwelling Unit: A building or portion thereof providing complete housekeeping facilities for one family.

Family: Any number of individuals related by blood, marriage, or adoption, or not more than five (5) individuals who are not so related, living together as a single housekeeping unit, using rooms including kitchens and bathrooms, in common.

Footprint: Outline of a building on the ground.

Home Occupation: A use secondary to the primary activity of residence in a dwelling unit. Such activities and the results thereof, including but not restricted to, dwelling character, traffic, noise and odors, are not to be obvious from outside the dwelling. No sales are permitted.

Impervious surfaces: The surface area of land (measured in square feet) covered by all structures and artificial surfaces, including all roofed over areas, decks, patios, cantilevered units, walkways and drives potentially impacting natural precipitation and runoff on a lot or parcel of land.

Lot: A parcel of land separately recorded in the Otsego County Clerk's office, or separately depicted on the Town Real Property Assessment Map. Whenever two or more principal buildings are located on a single lot, the area devoted to each principal building together with its accessory buildings and uses, yards and open spaces, shall be considered as a separate lot for the purpose of this ordinance.

Lot Line: The established division line between different parcels or property.

Neighbors, Second Layer: Individuals owning lots or parcels of land one parcel or lot removed from the boundaries of a lot or parcel which in subject to review.

New Construction: the act of constructing a physical structure or part of a physical structure (as in an addition).

Non-Conforming Building: A building or structure existing at the time of the enactment of Local Law #3 of 1987 or as a result of amendments thereto, which do not conform to these regulations.

Non-Conforming Use: A use of land existing at the time of enactment of Local Law #3 of 1987 or as a result of amendments thereto, which do not conform to these regulations.

Parcel: Any two (2) or more contiguous lots held in common ownership (See Lot).

Parcel of Land: Any area of land described by deed or other written indenture capable of being recorded pursuant to the Laws of the State of New York. Should such a deed or written indenture combine descriptions of more than one area of land, whether they are adjoining or separate, each such separately defined area of land shall be a Parcel of Land. Contiguous areas under the same ownership even though conveyed by separate deeds shall be considered one parcel for planning purposes.

Parent Parcel: Any parcel in existence at the date of establishment of the Town of Springfield subdivision regulations; 6 Oct. 86, thereafter, any parcel that has remained undivided for 20 years.

Reconstruction: Rebuilding a structure or system to approach the original size and scale, on or near the original location on the lot, while not increasing the size of the structural footprint. Rebuilding or repairing damaged or decayed portions of a structure or system to meet Code requirements.

Residential Use: The use of a parcel which is primarily used for human habitation in one single-family dwelling.

Runoff: The fraction of natural precipitation on a lot or parcel of land that is not directly absorbed by the soil.

Setback: Distance from a property line, the edge of a right-of-way, or waterway.

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

Waterway (watercourse): A river, stream, channel, lake, pond, or other body of water (including basins, streambeds, and channels containing casual water;

intermittent streams) connecting with other surface waters on a watershed or drainage basin.

Wetland: Any bog, swamp, marsh, pond, stream, or other watercourse listed as a wetland by the New York State Department of Environmental Conservation.

3. GENERAL

Permitted Uses:

- A. All construction of single-family residential dwellings, on any shoreline lot shall be carried out in such a manner as to minimize interference with the natural course of the lake and its tributaries within the context of the preamble, to avoid erosion of the shoreline and stream banks, to minimize runoff rates of ground and surface water into the waterway, to remove only that vegetation which is necessary to the accomplishment of the project, and to generally maintain the existing aesthetic and ecological character of the shoreline.
- B. Any boat pump-out or other connection to provide for the accommodation of sanitary wastes shall be connected to an adequate disposal system.
- C. Any marina, boat service facility keeping or selling petroleum base products within One Hundred (100') feet of any shoreline shall have a reasonable setback as determined by the SPB to insure that any leak, rupture or spill will be contained in and not be introduced into or affect the adjacent waterway. An impermeable containment structure shall be constructed to contain any such spill.

4. FRONTAGE

Minimum lot width (frontage) along the shoreline of Otsego Lake, defined as 1194 feet 6 inches above sea level, or to the edge, margin or upper portion of a steep bank adjoining the ordinary high water line of the shore shall be 200 linear feet (see attached figure A).

5. LOT SIZE

The minimum lot size per one (1) habitable single-family dwelling shall be five (5) Acres.

6. SETBACK

The minimum setback from the shoreline of Otsego Lake of all principal and accessory buildings or structures in excess of One Hundred (100) square feet, other than docks, boat houses or swimming floats as hereinafter regulated, shall be One Hundred (100') feet. Setbacks from all property lines must be at least ten (10') feet.

7. BUILDING HEIGHT

The maximum height of any building shall be Thirty - feet (30') as measured from the uphill side. In no case shall such a building block or unreasonably impede the view of existing neighboring buildings.

8. RUNOFF OF WATER

Newly created runoff of water on a lot or parcel must be engineered to pass through infiltrators or some form of construction or landform that inhibits surface runoff from that lot or parcel.

9. NEW CONSTRUCTION

New single-family dwellings and additions may be constructed if all setbacks, property lines, 100 feet lake setback, septic and water setbacks are applied. All runoff protections must apply. If at all possible, neighbor's views should not be impeded. All construction requires an engineered building and site plan; an Otsego county building permit and site plan review by the planning board. Only one addition may be applied for within a three (3) year period, a maximum of 50% of original footprint.

10. SEWAGE

- A. All septic systems shall be in full conformity with New York State Health Department design and performance requirements. Any Local, State or Federal regulations that are more restrictive shall take precedence over this regulation. No surface disposal of sanitary waste is allowed.
- B. All new septic systems will have a minimum setback of One Hundred feet (100') from the shoreline of Otsego Lake as well as One Hundred feet (100') from all wetlands, streams, and human water supplies.
- C. All existing septic systems being repaired or reconstructed within One Hundred feet (100') from the shoreline of Otsego Lake as well as One Hundred feet (100') from all wetlands, streams, and human water supplies will be engineered by a licensed engineer, and will include phosphorus removal technology, and will be approved by the Village of Cooperstown Watershed Committee.
- D. If an approved system cannot be designed, the existing leach field shall be sealed and the septic tank will be fitted with an alarm and will require pumping.

11. VEGETATION

- A. Within Five hundred feet (500') of the shore line of Otsego Lake not more than thirty percent (30%) of the trees over six inches (6") in diameter breast height (DBH) existing at any one time may be cut over any ten (10) year period.
- B. Within twenty feet (20') of the shore line of Otsego Lake, no vegetation may be removed, except that up to a maximum of no more than thirty (30%) of the shore front may be cleared of vegetation on any individual parcel providing that such clearing will not exceed fifty feet (50')
- C. The above cutting provisions will not be deemed to prevent the removal of diseased vegetation or of rotten or damaged trees or of other vegetation that present safety or health hazards. Such removal shall be performed only by a permit issued by the Planning Board, subject to the recommendation of an independent professional arborist who must verify these conditions. The cost of such recommendation shall be borne by the property owner or applicant.

12. ACCESS FRONTAGE

Minimum frontage for deeded or contractual access from back lots, parcels, or existing multiple-family dwelling units shall be as follows:

- A. Where there are one (1) to five (5) lots or one (1) to five (5) single-family dwelling units or a single multiple-family dwelling unit containing up to five (5) single-family units are involved, a total of not less than Two Hundred feet (200') of shoreline frontage will be required when shoreline access is provided.
- B. Twenty-five (25) additional feet of shoreline for each lot, parcel or site or dwelling unit thereafter is required except that no more than ten (10) lots or dwelling units may access from any one-parent parcel possessing frontage on the shoreline of Otsego Lake.
- C. No more than one (1) boathouse, one (1) dock and one (1) swimming float shall be allowed in conjunction with such common access for each Two Hundred feet (200') of shoreline lot width.

13. CLUSTERING

In order to encourage clustering of buildings and the maintenance of undeveloped shorelines, as an alternative to minimum lot widths, shoreline development may also take place as follows:

- A. Approximate overall intensities of ten (10) single-family dwellings per linear mile of shoreline or proportionate fraction thereof.
- B. This alternative method of “cluster” shoreline development can only be employed where single ownership or groups of owner acting in concert are involved.
- C. Approval of this method of development must carry with it provisions, whether by deed restriction, restrictive covenant or other appropriate means, to insure the permanent retention of open space and undeveloped portions of shoreline developed on a cluster basis instead of in conformity with the minimum lot width restrictions.

14. ANCILLARY WATERFRONT STRUCTURES

Shall be permitted only as follows:

- A. Not more than two (2) such structures (limited to 100 sq. ft each) and no more than one (1) boat house and one (1) dock shall be permitted per minimum required lot width, existing lot of record or established right-of-way.
- B. No dock, boathouse, raft, or moored object (i.e. boat) shall project across the extension of the side lot lines of any lot or right-of-way as such lines are projected into the waterway from the shoreline.
- C. No dock, raft or other moored object shall project more than Seventy-five feet (75') from the shoreline.

15. Nothing herein provided shall waive or otherwise affect any requirement of the New York State Department of Environmental Conservation under Article 15, Title 5 of the Environmental Conservation Law.

16. In the event that any portion of this Local Law shall be invalidated by Court order or legislative enactment, the remaining portions shall survive and continue in full force and effect.

17. The penalty for violations of any of the provisions hereof shall be One Hundred Dollars (\$100) per day, each day to constitute a separate violation.

18. This Local Law shall take effect immediately upon the passage hereof by the Town Board of the Town of Springfield and a copy hereof shall be filed with the Otsego County Clerk and the Otsego County Planner.

Date: Revised by Town Board

Thomas Armstrong, Supervisor

R. Ricks Morris, Councilman
Richard Rathbun, Councilman
Daniel Rosen, Councilman

Amendment approved: