

**ARTICLE 19
ADMINISTRATION AND ENFORCEMENT**

SECTION 19.01 ENFORCEMENT

The provisions of this Ordinance shall be enforced by the Town of Schuyler Zoning Enforcement Officer.

SECTION 19.02 DUTIES OF THE ZONING ENFORCEMENT OFFICER

The Zoning Enforcement Officer shall have the right and duty to make inspections of all buildings, structures or premises within the Town of Schuyler, whether a permit has been applied for or not, as is necessary to ensure the enforcement of this Ordinance. It shall be unlawful for any Building Permit to be issued unless all plans are found to be in compliance with the provisions of this Ordinance.

The Zoning Enforcement Officer shall record all nonconformities existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Article 16. Under no circumstances is the Zoning Enforcement Officer permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his/her duties. A building Permit shall be issued when conditions imposed by this Ordinance are complied with despite violations of contracts, such as covenants or private agreements, which may occur upon the granting of said Permit.

The Zoning Enforcement Officer shall accept any application for a variance, Special Use Permit, Site plan review, zoning amendment or any other action subject to review under the provisions of this Ordinance and shall refer said applications to the appropriate Board for review.

The Zoning Enforcement Officer shall order discontinuance of illegal uses of land, buildings or structures, removal of illegal buildings or structures, discontinuance of any illegal construction, or shall take any other lawful action authorized by this Ordinance to ensure compliance with or prevent violations of its provisions.

SECTION 19.03 VIOLATIONS AND PENALTIES

A. Penalties

Any violation of any provision of this Ordinance is punishable by penalties (fines and/or imprisonment) as provided for in Article 16 of the Town Law

of New York State. Each day during which a violation continues shall be deemed to be a separate offense. The imposition of any fine, jail sentence, or both, shall not exempt the violator from compliance with the provisions of this Ordinance.

B. Inspection of Violation

The Zoning Enforcement Officer shall inspect each alleged violation and shall order correction, in writing, of all conditions found to be in violation of this Ordinance. The order to correct a violation shall be issued by serving personally, or by sending by registered mail, return receipt requested, such order to the last known address of the owner of the property upon which the violation occurs, or when applicable, the violator. A party who has failed to accept such registered mail shall be deemed to have been served.

C. Correction Period

All violations shall be corrected within a period of thirty (30) days after the order to correct is served unless, in the opinion of the Zoning Enforcement Officer, a lesser time period is required because of imminent danger to the health, safety or welfare of the inhabitants of the Town. Any person so served an order to correct a violation who may have good reason why such corrections cannot be initiated may apply to the Zoning Board of Appeals for an extension of the thirty (30) day correction period. If a violation is not corrected within the thirty (30) day time period or any extension thereof by the Zoning Board of Appeals, said violation shall be reported to the Town Attorney, who may initiate prosecution procedures, if indicated. Legal proceedings may be stayed during any period that such violation is pending review by the Planning Board or Zoning Board of Appeals.

SECTION 19.04 COUNTY REFERRALS

Pursuant to Sections 239-l and 239-m of General Municipal Law of the State of New York, certain classes of zoning actions shall be referred to the Herkimer County Planning Board before final action is taken.

The actions to be referred include the following:

A. Any municipal zoning regulation or any amendment thereof, which would change the district classification of or the regulations applying to real property lying within a distance of five hundred (500) feet from:

1. Any municipal boundary;

2. The boundary of any existing or proposed County or State Park or other recreational area;
 3. The right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
 4. The existing or proposed boundary of any County or State owned land on which a public building or institution is situated.
 5. The boundary of any New York State Agricultural District, as defined by Article 25-AA of the Agricultural Markets Law.
- B. And, any special permit or variance affecting such real property within such distance of five hundred (500) feet.

Within thirty (30) days after receipt of such referred matter, the Herkimer County Planning Board shall report its recommendations thereon to the referring municipal body for site plan review.

If the Herkimer County Planning Board fails to report within such period or within such mutually agreed extension thereof, the municipal body may act without such report. If the Herkimer County Planning Department recommends disapproval of the proposal, or recommends modification thereof, the municipal body shall not act contrary except by a vote of majority plus one of its full membership, and after adoption of a resolution fully setting forth the reasons for such contrary action.

SECTION 19.05 STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)

The basic purpose of the State Environmental Quality Review Act (SEQRA) is to incorporate the consideration of environmental factors into the existing planning, review and decision making processes of State, Regional and Local Government Agencies at the earliest possible time.

To accomplish this goal SEQRA requires that all agencies determine whether the actions they directly undertake, fund or approve may have a significant effect on the environment, and if it is determined that the action may have a significant effect, prepare or request an Environmental Impact Statement (SEQRA 6 NYCRR, Part 617, Section 617.1). It is not the intention of this Ordinance to provide detailed direction for the procedure to be followed in association with SEQRA. All applicants and all officers, boards or agencies of the Town should be aware that a proposal for development may be subject to the provisions of SEQRA and that it is their responsibility to ascertain and follow the requirements for compliance with SEQRA. The time and public hearing requirements of

SEQRA and of this Zoning Ordinance shall be coordinated so as to expedite any application or review process.

SECTION 19.06 PUBLIC HEARING

Public notice of any hearing required by this Ordinance to be open to the public shall be printed in the Town Board approved newspaper at least five (5) days prior to the date of a public hearing to consider a site plan application, a special use permit application or hearing of appeal before the Zoning Board of Appeals and at least ten (10) days prior to the date of a public hearing on zoning adoption or amendments. The Board hearing the case shall send written notice to adjoining property owners at said property owners addresses as recorded on the latest completed assessment roll of the Town.

The notice shall describe said application, state where and by what date written comments will be received on the application under consideration and the date, time and place of the public hearing.