

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.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
AUG 11 2003
MISCELLANEOUS
& STATE RECORDS

County
City of Village of Cobleskill
Town
Village

Local Law No. 7 of the year 2003

A local law Amending Chapter 160 of the Village Code as it Pertains to Junkyards
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County
City of Village of Cobleskill
Town
Village
as follows:

1. Article I, General Provisions § 160-4 Definitions and Word Usage is amended as follows:

The definition of "JUNKYARD" is amended to read as follows:

JUNKYARD-- A lot, land or structure or part thereof used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or other scrap or discarded material; or for the collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition and for the sale of parts thereof. A "junkyard" shall mean and include a "junkyard" within the meaning of § 136 of the General Municipal Law and § 89 of the Highway law. In addition the definition shall include a "Scrap Processing Facility" which means an establishment having facilities for processing iron, steel, or non-ferrous scrap and whose principal product is scrap iron, steel or non-ferrous scrap for sale for remelting purposes, and shall also include a facility for processing and resale of used construction materials.

The definition of "MAIN-TRAVELED WAY" is added to read as follows:

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

MAIN-TRAVELED WAY-- means the traveled way of an interstate or primary highway or Street on which through traffic is carried.

The definition of "RIGHT-OF-WAY" is amended to read as follows:

RIGHT-OF-WAY – means that land area dedicated to public use for the highway and its maintenance; the area over which the State or one of its municipal subdivisions exerts jurisdiction for permanent use as a public highway or Street. The term "right-of-way" does not include permanent or temporary easements or rights for supplementary highway appurtenances such as for drainage systems and borrow areas but does include interests in property acquired for the restoration, preservation and enhancement of natural or scenic beauty pursuant to § 21 of the Highway Law.

2. Article I, General Provisions § 160-22 Uses Subject To Additional Standards is amended to add a new section FF as follows:

FF. Prior nonconforming junkyards

- (1) Subject: to the provisions of Article V of this Zoning Law junkyards lawfully in existence prior to the adoption of this Zoning Law and the predecessor Zoning Ordinance may only continue as prior nonconforming uses subject to the following regulations.
- (2) Measurement of distance. Distance from the edge of the right-of-way or of the main-traveled way shall be measured horizontally, along a line normal or perpendicular to the center line of the highway or Street. Distance from an adjoining property shall be measured horizontally, along a line perpendicular to the property line. Distance from the industrial activity shall be measured horizontally along a line normal or perpendicular to the nearest edge of the activity.
- (3) Regulated activities. No person, firm or corporation shall establish, operate or allow to exist a junkyard as defined in §160-4 of this Code, any portion of which is within 1,000 feet of the nearest edge of the right of way of any interstate or primary highway or Street as defined in §160-4 of this Code, except the following:

(a) Those which are screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the main-traveled way of the interstate, primary highway system or Street, or otherwise removed from sight.

(b) Those which are not visible from the main-traveled way of the interstate, primary highway system or Street.

- (4) Area and setback requirements. Lot size shall be at least 50,000 square feet. Screening with the exception of existing buildings, shall be placed a minimum of 5 feet from the right of way line of any interstate, primary highway or Street, measured at right angles. Screening shall be placed a minimum of 5 feet from any adjoining lot line, measured at right angles.
- (5) Installation of screening shall be subject to site plan review limited to the issues of compliance with the provisions of this Local Law.
- (6) Abatement of non-conforming facilities. Any junkyard established or allowed to exist in violation of this Part shall be a public nuisance and shall be abated and removed in the manner provided by law.
- (7) Cost Recovery: In the event that the Village takes action to abate a non-conforming junkyard as a public nuisance, the Village shall recover its costs of abatement, including litigation costs and attorneys' fees from the owner of such a junkyard and its operator.
- (8) Effective date. This law shall take effect immediately upon filing with the Secretary of State. All junkyards shall come into compliance with the provisions of this Local Law within 180 days of its effective date.

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.

Shirley Hay-Gillespie
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: August 7, 2003

(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 Schoharie

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.

Alan J. [Signature]
Signature
Village Attorney
Title

County
City of Village of Cobleskill
Town
Village

Date: 8 Aug 2003