STARK

2002 COMPREHENSIVE PLAN

Town of Stark

Planning Reference Guide
Comprehensive Plan

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Syracuse, New York

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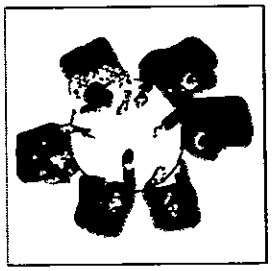
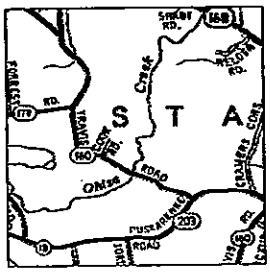
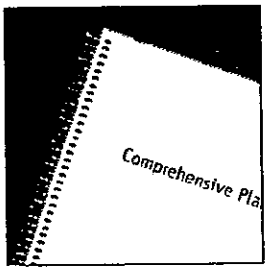
Socio-Economic Resources (con't)







Introduction

1. Introduction

The Planning Process

A town government faced with the challenge of preparing a comprehensive land use plan must utilize a process that ensures highly effective use of the energies and resources of those participating in the project. This section presents an outline of an eight-step process that will guide the planning process in the Town of Stark.

1. Collecting and Analyzing Data
2. Identify Issues, Problems and Opportunities
3. Formulating Goals and Objectives
4. Developing the Plan
5. Adopting the Plan
6. Implementing the Plan
7. Monitoring Implementation
8. Updating the Plan

Figure 1.1 illustrates the relationships among the steps of this conceptual model.

Although the steps appear to be separate activities transpiring in sequence, in reality distinctions between steps often become blurred. Nonlinear feedback and re-evaluation occur throughout the process as illustrated in Figure 1.1.

The diagram also indicates the significance of citizen participation, intergovernmental consultation and environmental reviews to the process. These considerations will be addressed following a discussion of the eight major steps.

Collection and Analysis of Data

Careful, in-depth collection and assessment of data and background information pertaining to existing conditions and trends form the basis for the decisions made while completing a plan. To gain an understanding of conditions in the Town, how its characteristics might change and how a plan might best serve the community, basic studies addressing population, housing, land use and the economy form this first stage in the process. Hard base-line data on regional and local infrastructure is also obtained. Information will be presented in maps and diagrams whenever possible.

Identification of Issues, Problems, and Opportunities

The issues, problems and opportunities identified during this early stage of the planning process help to focus attention on the most relevant concerns requiring analysis. The *Planning Reference Guide* summarizing the results of the initial research is presented as soon as an adequate amount of data and background information is obtained.

Formulation Goals and Objectives

Goals are the general expressions of community values that provide the direction for development in the Town. They define the ends toward which the Town intends its planning efforts to lead. Objectives are the more quickly attainable intermediate steps toward achieving a goal.

During this stage in the process, the community should begin to build a consensus on a set of goals and objectives. Proposed goals are evaluated, and relationships among the selected goals are discussed. A preliminary working list of goals and objectives will be presented to the Town Board for its review.

Developing the Plan

Once goals have been established, they become the directives and criteria for action that next must be translated into definite plans. Alternative sets of policies and proposals are developed during this stage to address the amount, scale, location and type of future development. At this time, narrower concerns identified earlier in the process are also focused on. A preferred plan is selected after evaluating the alternative policies and proposals with respect to potential environmental, economic and social impacts.

Adopting the Plan

Formal public review of the draft plan will take place before the Town Board acts upon it. The draft is revised to reflect any changes that have been recommended. The final draft is then adopted by resolution.

Implementing the Plan

In order for the plan to be effective, implementation measures that result from the adopted policies need to be considered and adopted. Such measures typically include zoning and subdivision regulations, as well as other development guidelines and plan review procedures. Realistic plan policies are essential to implementation. A feasible plan is one containing policies developed with implementation measures in mind.

Monitoring Implementation

Since conditions change over time in every town, the plan must not remain unchanged indefinitely. Constant monitoring is necessary. Short-term plan proposals focusing most directly on implementation should be reviewed and revised periodically. When there is a broad consensus that policy changes are warranted, amendments to the plan should be considered. However, extreme care must be taken to maintain consistency within the plan and to ensure that frequent amendments do not erode the plan.

Updating the Plan

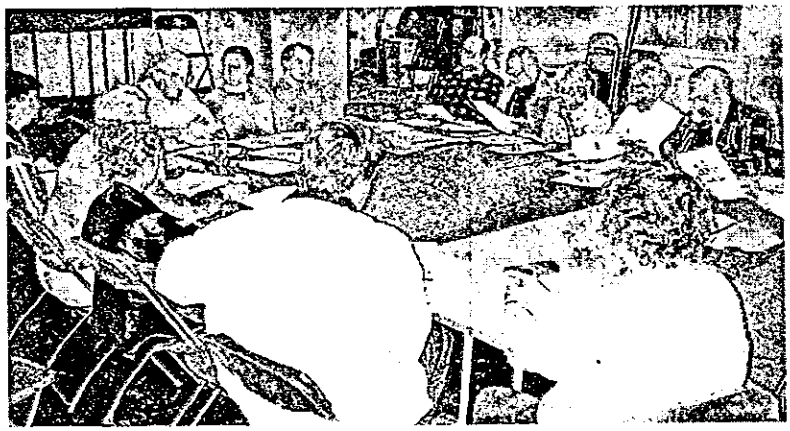
Although the plan is intended to serve as a guide to decision-making well into the future, eventually the community's needs will change to such an extent that an overall revision is required.

Citizen Participation

Citizen participation is encouraged throughout the planning process to ensure that the plan responds to the needs of the community as effectively as possible. Public presentations, discussions and hearings provide opportunities for involvement of any interested citizens.

Citizen involvement is important and helpful in identifying major issues and opportunities, formulating community goals, drafting and evaluating alternative plans and selecting the preferred alternative.

The significance of securing active participation of Town residents cannot be overstated, since the success of the plan ultimately depends on the effectiveness of the citizen participation program.



Town officials and citizens at a planning meeting.

Intergovernmental Consultation

Mutual understanding of the concerns of all relevant local and county agencies is essential in the preparation and implementation of the Town Plan.

Conflicts between the Town and other governmental agencies can be avoided and more useful policies result by contacting these entities early in the planning process, exchanging plans and information as necessary and maintaining a relationship conducive to ongoing consultation and negotiation.

Environmental Review

Review of plan policies and proposals with respect to their potential environmental impacts is fundamental to the planning process. All such assessment and evaluation is carefully documented, with environmental conditions and effects described fully.

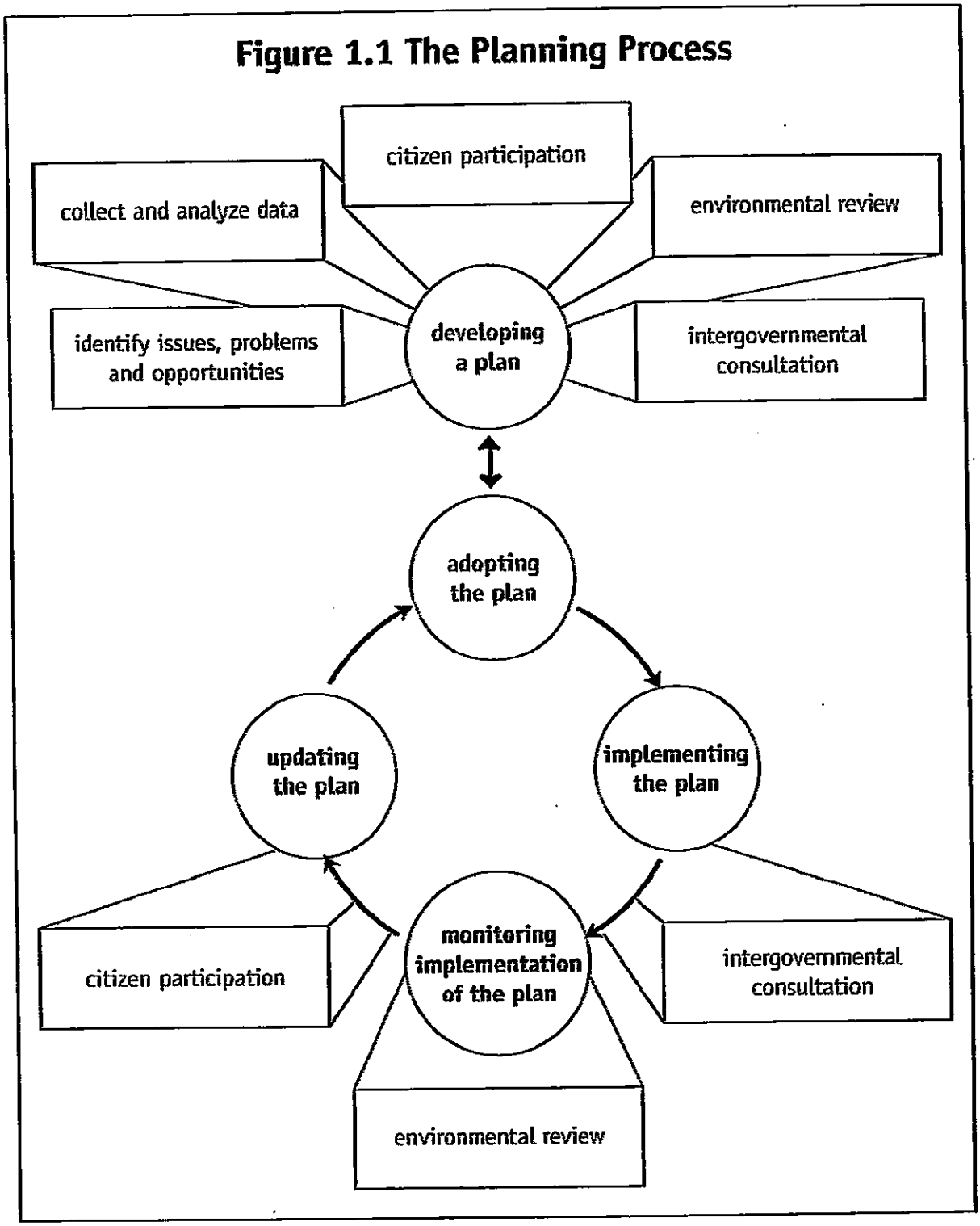
Plan preparation and environmental review are essentially parallel activities. Background information relating to natural systems obtained during the data collecting phase of the plan preparation process is incorporated into the environmental review document. Similarly, the analysis done while evaluating alternative policies in the development of the plan is the same used for the required evaluation of the plan's possible environmental impacts.

Conclusion

In its broadest interpretation, planning is an approach to problem solving, a process for dealing with existing conditions and providing for future needs. Through its preparation, adoption, implementation, and maintenance the Town Plan will serve as an identifier of community goals as they relate to land use and development, providing citizens the opportunity to participate in the process of Town government, establishing a guide to decision-making, and informing everyone of the ground rules that will guide future development in Stark.

So while change is inevitable, its effects on the nature of development are not predetermined. The continuous, cyclical planning process outlined in this section will enable the citizens of Stark to translate their values and goals into policies and standards and use these standards together with their knowledge and experience to control the future and provide for a quality environment.

Figure 1.1 The Planning Process



Regional and Historic Background

2. Regional Setting

The Town of Stark is located in the southeastern corner of Herkimer County. Within the county, the Towns of Danube, Little Falls, German Flatts and Warren border Stark. To the west lies Montgomery County and the Town of Minden, to the south is Otsego County and the Towns of Springfield and Cherry Valley.

The Town of Stark is nearly 31 square miles in area. When originally formed from the Town of Danube in 1828, Stark comprised only 28 square miles. The additional land was annexed from the Towns of Little Falls, in 1868 and Warren in 1869.

There are no villages within the Town. However, Stark has two hamlets, Starkville and Van Hornesville, located along Route 80 and the Otsquago Creek. These hamlets formed around the water-powered mills that once operated along the creek. The Otsquago is a fast-flowing creek that runs through a narrow valley, bordered by steep banks that reach up to 200 feet high in places, making it a prime source of waterpower.

Stark is on the southern uplands of the Mohawk Valley. Its rolling hills offer panoramic views to the north and east overlooking the valley. Nearby lie the villages of Richfield Springs, Mohawk, Cherry Valley, Cooperstown, Fort Plain and Herkimer.

Cooperstown is the site of the Baseball Hall of Fame and home to other tourist attractions and a large medical facility, the Mary Imogene Bassett teaching hospital. In the past five years, with the creation of the Field of Dreams Park, more people have been visiting Cooperstown for longer periods of time. This has increased demand for accommodations throughout the region. Additionally, many of Stark's residents work in Cooperstown.

Little Falls is approximately a half-hour's drive north of the Town. Its hospital provides medical care and is also a center of employment for Stark's residents. Little Falls is home to the Canal Village, a tourist attraction that celebrates the heritage of the Mohawk Valley and Erie Canal. During the summer, Little Falls hosts Canal Days, which draws large numbers of visitors to the area.

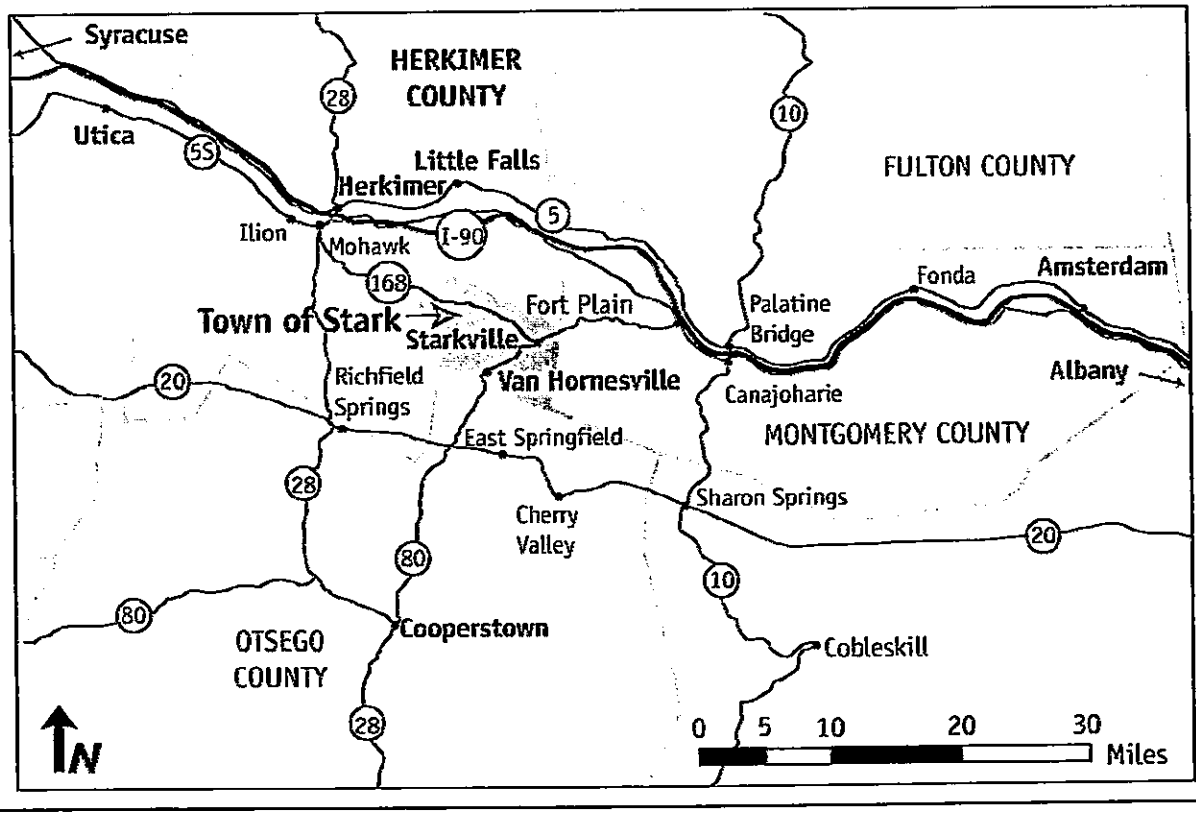
The county seat, Herkimer, is around 30 miles to the northwest of Stark. Herkimer and its neighboring communities of Ilion, Mohawk and Frankfort form a region known as "The Valley" to Town residents. These communities form the region's commercial center and provide employment and education opportunities. Herkimer County Community College is located in Herkimer. The college and county offices employ Town residents as well.

As shown in Map 2.1, Route 80 is the major north-south road, with Fort Plain to the north and Cooperstown to the south. Route 168 serves as the major east-west road heading from Starkville towards Mohawk and Herkimer. Regionally, the cities of Utica and Syracuse are to the west of Stark and Amsterdam and Albany are to the east.

The New York State Thruway is located just to the north with exits less than a half-an-hour's drive on either side of Stark in Herkimer, Canajoharie and Little Falls. In addition, to the south of the Town is Federal Route 20, which runs east-west across the state from Albany to Buffalo.

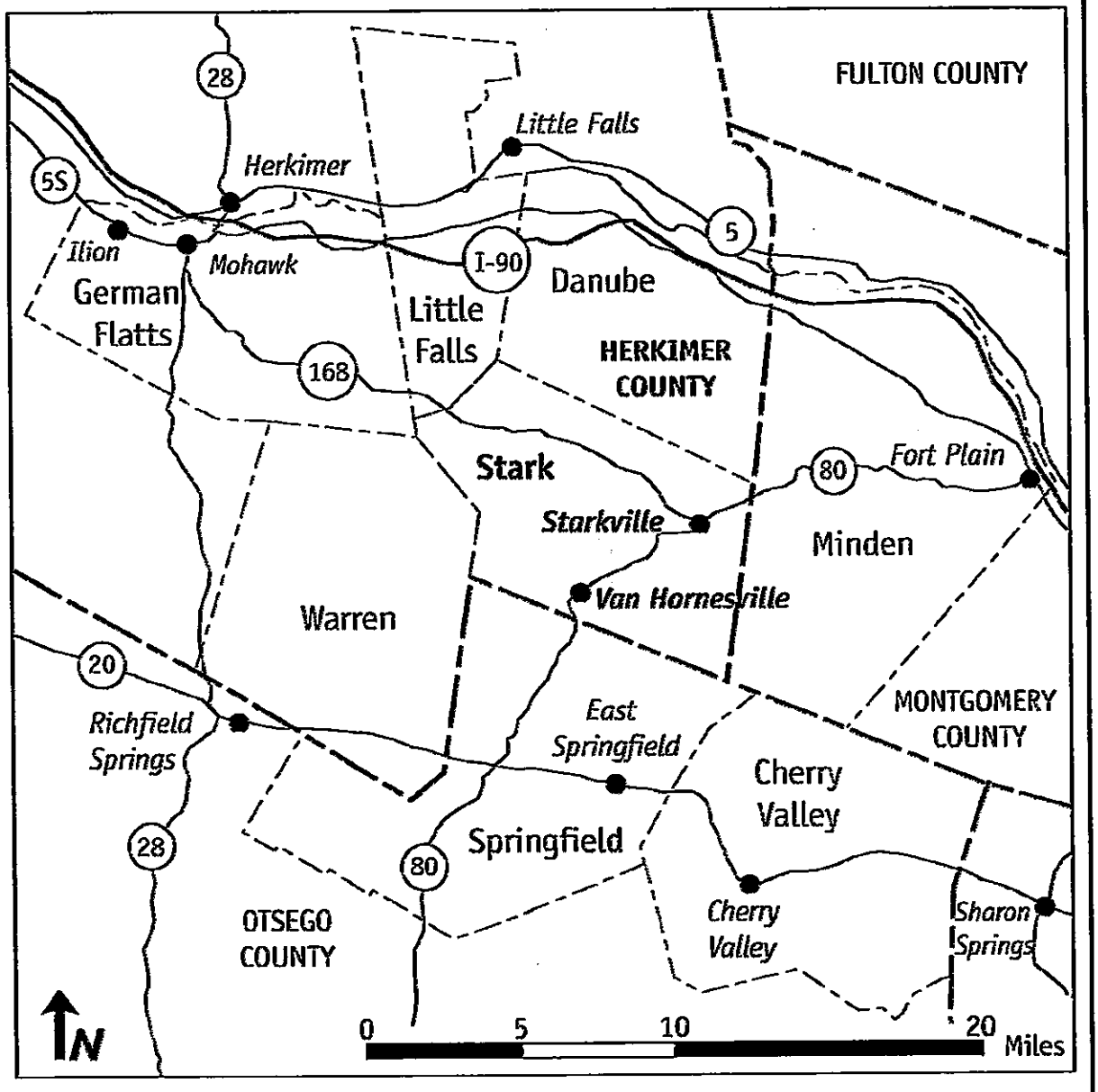
Map 2.1 Regional Setting

Town of Stark, New York



Map 2.2 Local Area

Town of Stark, New York



3. History

Eons before human habitation, the region that is now the Town of Stark underwent vast geologic and climatic changes. These events shaped the land, created the creeks and deposited the soil.

Stark's bedrock formed millions of years ago when the land was a seabed. As a result of further transformations, the shape of the land changed and the water drained away. The glaciers, which periodically formed and receded, left behind rich glacial soils and swift flowing streams that later allowed Stark to become a strong agricultural and manufacturing community.

Before European colonization of North America, the Mohawks inhabited the area that is now Stark. The Mohawks were part of the Iroquois Confederacy, or Haudenosaunee Nation, that included the Seneca, Oneida, Onondaga, Cayuga and later the Tuscarora people. Well before European settlers arrived, the Mohawks occupied much the land from what is now Albany south and west to the Susquehanna and Delaware rivers and north to the St. Lawrence River. The Mohawks farmed outside their villages, and fished and hunted throughout their territory.

In 1634 through 1635, Harmen Mendertsz van den Bogaert traveled throughout the Mohawk Valley. He roughly estimated the Mohawk population to be between eight and ten thousand people living in four to eight large villages. Archaeologists believe that within several decades of Bogaert's trip, epidemics of smallpox and other diseases swept through the valley, reducing the population to a few thousand. Another traveler, Wentworth Greenhalgh, describes the Mohawks in 1677 as having about three hundred fighting men in four towns. While this may be a low estimate, obviously there was a substantial decrease in population over a brief period.

During the American Revolution all of the Iroquois Nations except the Oneida sided with the British, their allies in the earlier French and Indian War. This decision was disastrous for the Mohawks. After the war with Britain ended, America's war with the Iroquois continued. Over time, with the aid of the Oneida, American soldiers drove most of the Mohawks into northern New York and southern Ontario.

Before the Revolution the English crown granted vast tracts of land to individuals and small groups. Colonists owned most of the land that now comprises Herkimer County before 1775. After the Revolution the state reclaimed and redistributed Mohawk lands and property taken from English sympathizers. As more land passed into private ownership, settlement pushed westward across the New York wilderness.

The Town of Stark in the southeastern corner of Herkimer County was formed in 1828 from the Town of Danube, with some land from the Towns of Little Falls and Warren added later in 1868 and 1869. The Town is named in honor of General John Stark who won the Battle of Bennington during the Revolutionary War.

As shown in Figure 3.1, in 1772, Tryon County was formed from the westernmost part of Albany County. Before this, Albany County, among the first New York counties created in 1683, extended westward without any defined limits. Tryon County was further divided into five districts and the land that is now Stark was then part of the Canajoharie District. Tryon County was renamed Montgomery County in 1784. Herkimer County split off from Montgomery County in 1791. However, the area that is now Stark remained part of Montgomery County at that time. Stark was part of the Town of Minden, which was formed from the Canajoharie District in 1798. In 1817 part of Minden became the Town of Danube, which further subdivided to form the Town of Stark in 1828. At this point the Towns of Danube and Stark became part of Herkimer County.

Several small and scattered European settlements appeared in the region before 1775, but these broke up during the Revolution when the inhabitants had to flee to nearby forts for protection. The first permanent European settlements formed in the region after the war. As armies marched through the Mohawk valley in 1779, an American soldier named Abraham Van Horne saw potential for harnessing the power of the Otsquago Creek. After the war in 1791, he returned with his family to dam the creek and build mills, forming the community now known as Van Hornesville.

Figure 3.1
Evolution of Political Boundaries

1683	• Creation of Albany County
1772	• Albany County subdivided • Creation of Tryon County • Tyron County divided into districts • Stark part of Canajoharie District
1784	• Tryon County renamed Montgomery County
1791	• Montgomery County subdivided • Creation of Herkimer County • Stark remains in Montogomery County
1798	• Town of Minden formed from Canajoharie District
1817	• Town of Minden subdivided • Town of Danube created
1828	• Town of Danube subdivided • Town of Stark created • Danube and Stark annexed by Herkimer County

One of Stark's oldest remaining structures.

A little further downstream in 1788, Johannes Schmidt and his son Andrew built a cabin near where Camp Creek flows into Otsquago Creek. This was the beginning of Southville, whose name later changed to Starkville. Both settlements grew rapidly due to waterpower for the mills that soon sprang up along the creeks.

The trails from Delaware County, the Susquehanna region and the largest Oneida village also joined at this location. The trail to Fort Johnson and Fort Plain crossed the trail to Cherry Valley and the largest Mohawk village, making the communities vital links for travel, trade, and communication. Recognizing this, Johnanes and Andrew used their large house as a tavern as well as a home. The business was very successful and operated until 1884. This inn still stands, converted from inn to wagon house to garage, although it is currently badly deteriorated and there are plans to demolish it.

Other early settlers included the Champion brothers, Daniel and John, who arrived in 1798. Two years later, Daniel built a sawmill on the south side of the Otsquago Creek and later a cloth finishing and fulling mill. John erected a store in 1810 and years later a gristmill, forge and molding shop. By the 1820s the region boasted a tannery, a wool carding mill, and a cooper and cabinet shop. Other businesses that developed over time were a cider and vinegar mill, a flax mill, a cotton mill, grist and feed mills, additional saw mills, a cheese factory, a furniture factory, a cigar factory, and a distillery. The feed mill built in 1836 by Daniel Van Horne is still in operation, although it has run on electric power since 1961.

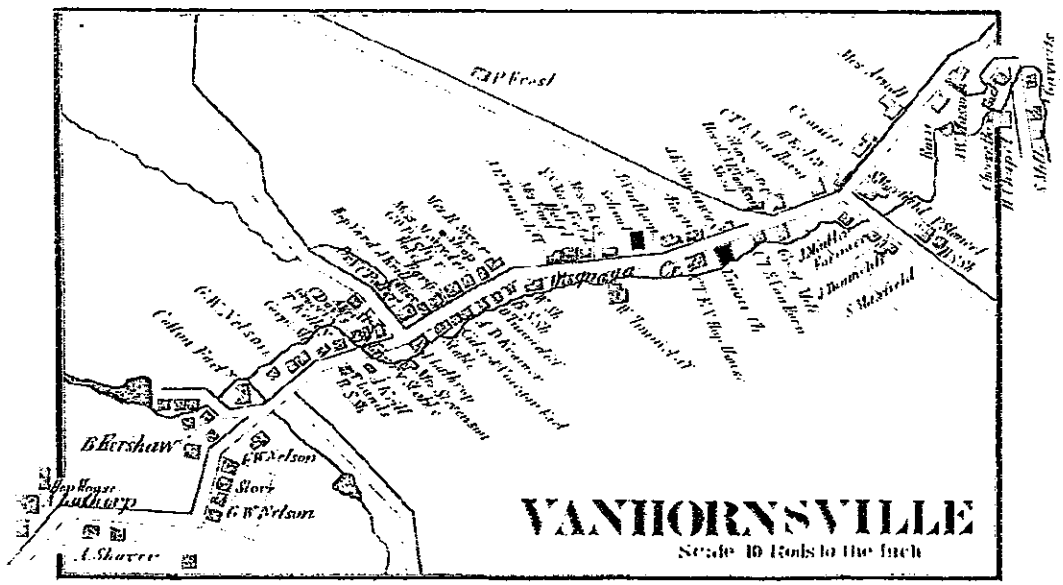
Along with mills and factories, there were several general stores and specialized retailers, including a milliner and a shoemaker. At one time the general store in Van Hornesville had its own currency system. The shopkeeper issued script money that could only be used in his store.

As industry grew in the hamlets, the surrounding forests were cleared for agricultural use. Stark's farmers produced a variety of crops including hay, corn, wheat, oats, rye, barley, buckwheat, corn, flax

and hops. Additionally, farming households grew staples like potatoes, peas and beans, maintained apple orchards and collected honey, wax, and maple sugar. Stark's farmers raised cattle, horses, swine, sheep and poultry, and produced butter and cheese. The 1840 census records 402 farming households in the Town of Stark, and the 1855 New York Census records nearly 18,000 acres of farmland, most of which was actively used.

Starkville built its first schoolhouse in 1802 and Van Hornesville built one in 1826. By 1840 there were 385 students in the Town. Around 1830, Starkville's first two churches were established, one Methodist and the other Baptist. The Baptist Church later became the St. James Lutheran Church. In the 1840s, the Van Hornesville Union Church was built next to the mill pond. It is now owned by the Van Hornesville Community Corporation and is used for a variety of public functions.

Throughout the 19th century, the Town continued to prosper. In 1848 and 1849, a plank road was laid from Fort Plain to Cooperstown and a daily mail route began. It was then that Southville was renamed Starkville. A stagecoach began running with the completion of the plank road. In 1931, the plank road was replaced with a paved road now known as Route 80. In 1987, Route 80 was widened and every tree that stood less than 25 feet from the center of the highway was removed.



Van Hornesville & Starkville Maps from the 1868 Atlas of Herkimer County

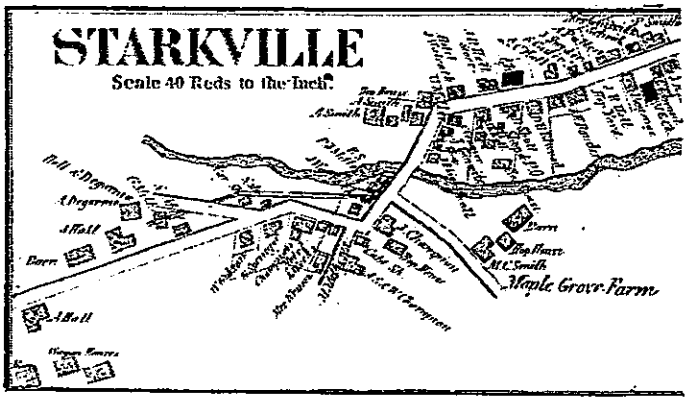
The stagecoach stopped and changed horses at the American Hotel, which began operation in 1850. The hotel later changed its name to the Van Hornesville Hotel and operated for a century until burning in 1958. In Starkville the Walrith family built a second hotel in 1893 with gravity-fed, running water in the kitchen and a spring floor for dancing. Dances were held there until it burned in 1937.

Plans for an Otsquago railroad began in 1828 with discussion of running track from Fort Plain to Cooperstown. About 1890 work was begun on a railroad bed and it was nearly completed from Starkville to Van Hornesville. The bed is still visible in places. Many residents lost money in the venture as no track was ever laid.

The 1830 census, the first that includes the Town of Stark, records the population as 1,781. The population of Stark declined markedly between 1880 and 1910. The population stabilized after World War II. The 1990 census records the population of Stark as 759.

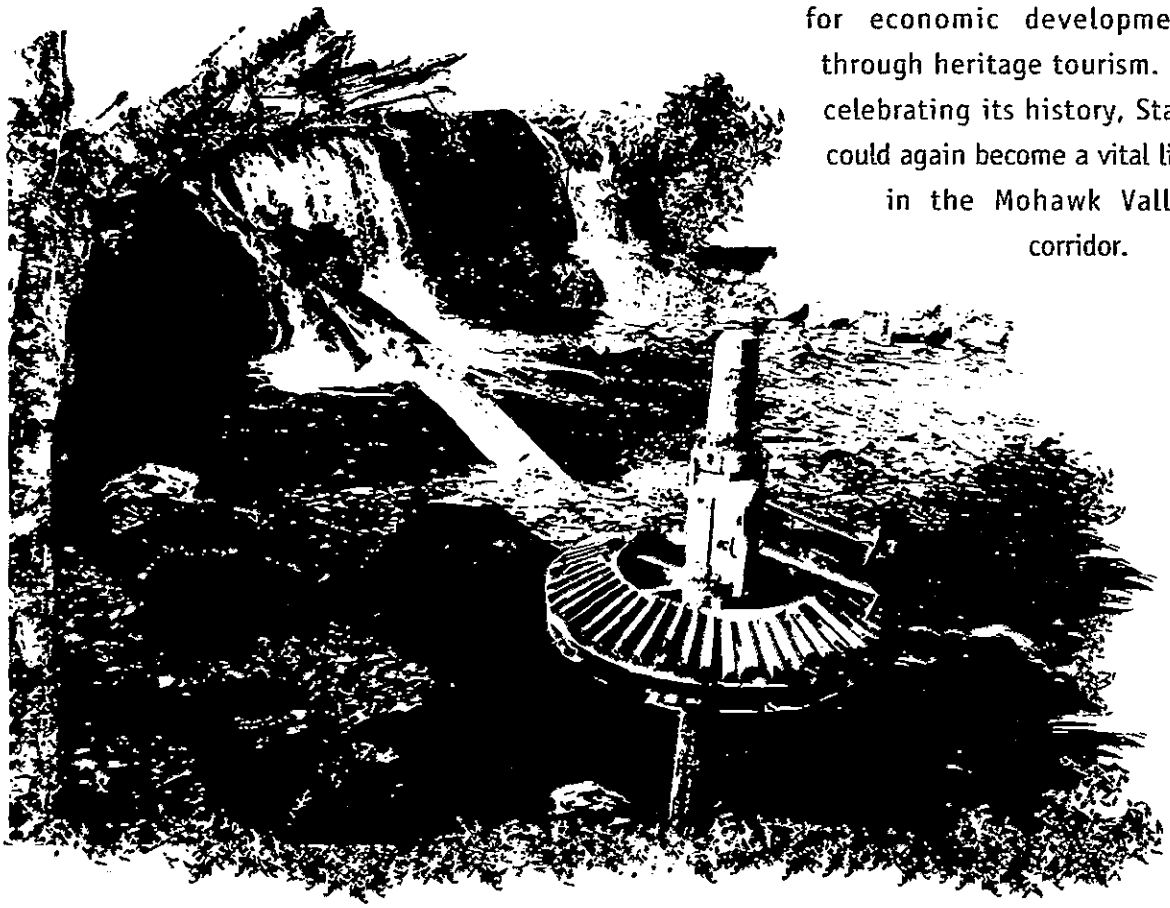
The population decline reflects the economic shifts of the 20th century. Changes in the regional and national economy eventually lead to the closure of all the mills and manufacturing facilities except the feed mill. The flood of 1887 struck an early blow to the mills along the Otsquago Creek. The torrent damaged buildings along the creek, swept the Starkville bridge downstream and caused the Mill Pond dam to burst.

Changes in the agricultural economy have also affected Stark's farmers. Farms that once produced a variety of crops and livestock are now more specialized, producing fewer types of crops and livestock. The retail and restaurant market has also undergone dramatic changes with the emergence of national or regional chains leading to the demise of many small, locally owned establishments. Of Stark's retailers, only the Van Hornesville General Store remains open. In addition to selling grocery items, the store serves breakfast and lunch. The bowling alley is the only other establishment in Town that serves meals.



In 1929 the Van Hornesville Central School opened, and was later renamed for its donor, Owen D. Young. After its two predecessors meet a fiery end, the new building was constructed of stone. In order to build the school buildings, a stone-cutting facility was located next to the principal's house to square the blocks. The district has successfully resisted centralization and is currently renovating the school buildings and grounds.

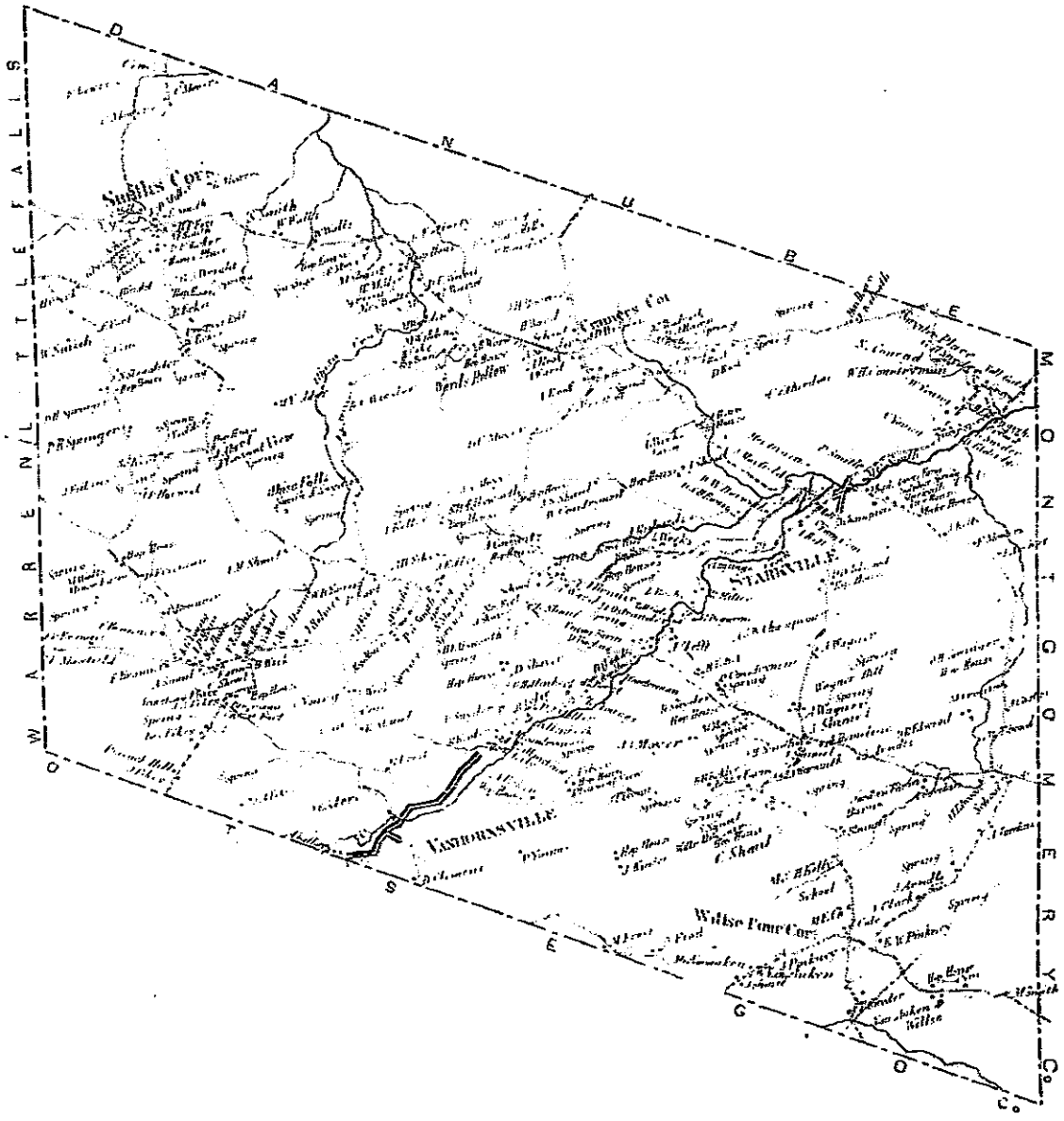
While Stark's heyday as a crossroads and manufacturing center is long past, this rich history and heritage remains a valuable resource for the community today. Many historic buildings remain intact; some are well preserved, while others need upkeep. Besides its economic potential, history can provide residents with a shared past and sense of place. In the past, Stark was vitally connected with the Mohawk Valley region. These historic regional ties are a potential tool for economic development through heritage tourism. By celebrating its history, Stark could again become a vital link in the Mohawk Valley corridor.



Remnants of a mill along the Otsquago Creek

3.1 Town Map of 1868

Town of Stark, New York



Source: 1868 Atlas of Herkimer County

N

Natural Systems

4. Geology

Bedrock and Surficial Geology

The crust of the earth is solid rock, dozens of miles thick, made up of distinct rock bodies that vary in composition, color, texture, size, shape and orientation. Together these rock bodies compose the bedrock that underlies the surface of the earth. Bedrock is commonly concealed below deposits on the surface, such as soils, sand and gravel. Most rock bodies are initially flat and horizontal, but deformation changes their orientation and shape through tilting, folding, crumbling and breaking.

The bedrock underlying the Town of Stark is mostly sedimentary and comprised mainly of shale, limestone and sandstone. The rocks found here date between the Ordovician and Devonian periods, 490 to 345 million years ago, when a shallow inland sea covered this region. Layers of silt, sand, clay and organic matter settled to the muddy seafloor and over time compacted to form bedrock. The Town is primarily underlain by the Frankfort Formation, Cobleskill Limestone, the Port Ewen Formation, and Utica Shale.

Through time, rock bodies move and sometimes collide. A result of these collisions, known as orogenies, is the formation of mountains. During the Appalachian orogeny (225 million years ago), the entire east coast of North America was uplifted, forming the Appalachian mountain chain, draining the inland sea and leaving the rock beds dipping slightly to the south.

Many of the surface geology features seen in upstate New York are a result of Pleistocene glaciations occurring 100,000 to 60,000 years ago. During the Pleistocene era, glaciers over three miles thick covered much of the northern half of North America. Glaciers are made up of large amounts of snow, which is compressed into large, thickened masses of ice over many years.

In the Town on Stark, only the features of the most recent Wisconsin glaciers, which receded 8,000 to 10,000 years ago, are visible. As they advanced, these vast sheets of ice ground across Canada and the Adirondacks scouring the bedrock, picking up loose stone, stripping away soils and carving valleys. As they retreated and melted, they left behind great amounts of loose rock, sediment and debris known as till, a major component of soils in all former glacial areas, creating landforms such as moraines, drumlins and kames (see Figure 6.1). Water flooding off the melting glacier influenced the formation of valleys and current drainage basins.

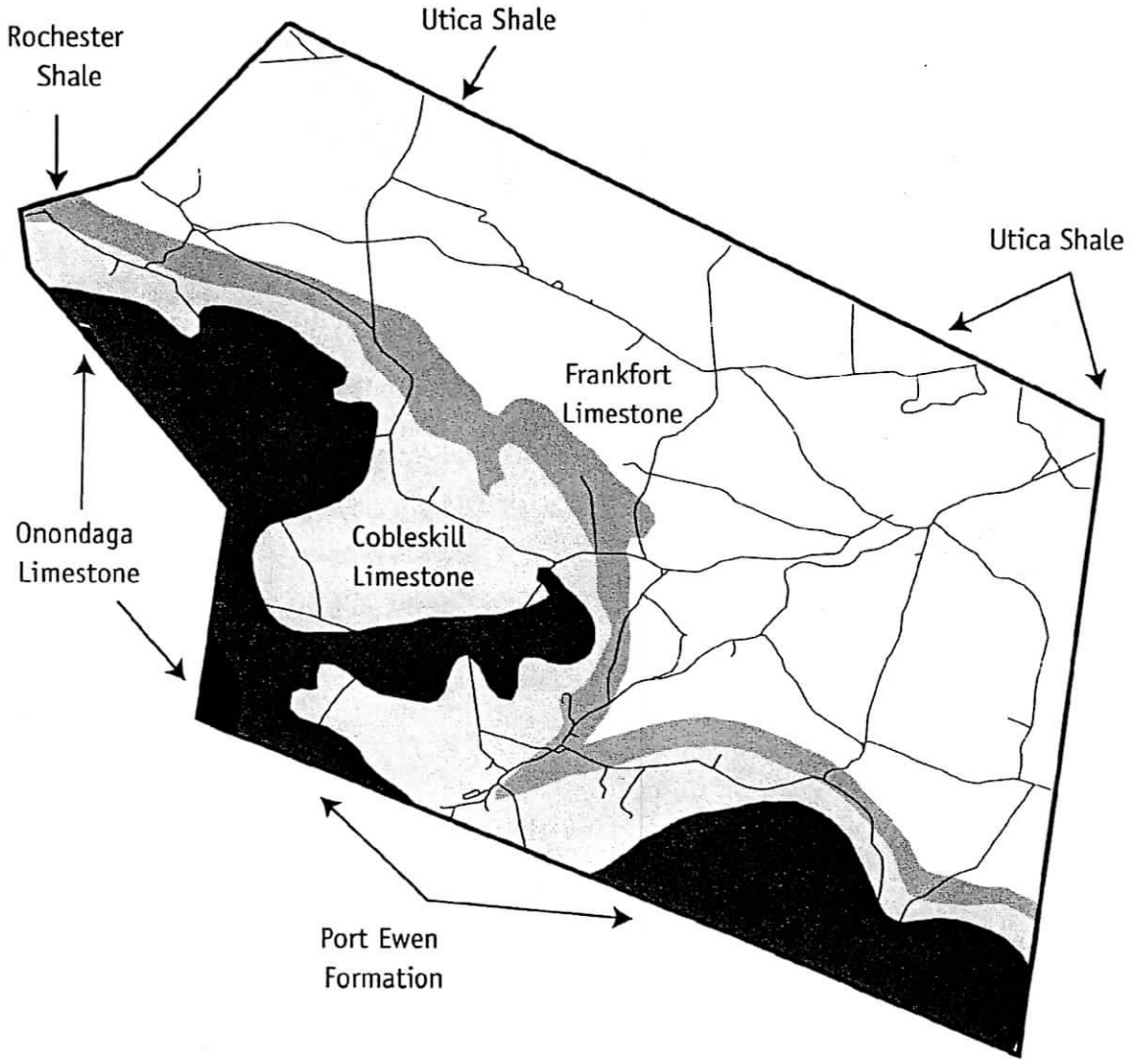
There are some uncommon geologic features found in the southern part of the Town, including caves and sinkholes. Caves are formed when groundwater moves through joints and cracks in limestone or dolostone. Due to water's slight acidity, it can slowly dissolve rock over time. Small joints, faults and bedding planes allow the passage of water and can be enlarged into tunnels, passageways and large chambers. When large amounts of bedrock are dissolved, the overlying rock may collapse, resulting in sinkholes.

Most of the caves in this region of upstate New York are thought to be preglacial in origin. Glaciations have concealed much of the evidence of these underlying features by depositing large amounts of till on the surface. Where the bedrock is not obscured by glacial deposits, sinkholes, marshes and disappearing creeks may be found.

Cave along the Otsquago Creek

Map 4.1 Bedrock Geology

Town of Stark, New York



Roads

Port Ewen Formation

Onondaga Limestone

Frankfort Limestone

Utica Shale

Rochester Shale

Cobleskill Limestone

N

Source: New York State Geologic Survey
Provided by the New York State Museum, 1999

0 1 2 4 Miles

Surficial Geology Classifications

The most common surficial geology feature in the Town of Stark is till, the unsorted sediment deposited beneath the glaciers and left behind as the ice melted. Till has a variable texture, ranging in size from boulders to silt. Its permeability varies due to compaction, and its thickness ranges from three to 150 feet. The Town of Stark has till moraines, which formed as the glacier went through cycles of retreating and advancing as the average temperature changed in the northern latitudes. The moraines also have a variable texture, generally low permeability and a thickness range of 30 to 90 feet.

Kame moraines and kame deposits are spread throughout the Town. Kame moraines have a variable texture ranging from boulders to sand. They are deposited at the margin of a glacier as it retreats and advances and are generally 30 to 90 feet thick. Kame deposits have a coarse to fine texture, from gravel to sand. The deposits appear in several forms, including kames, eskers, kame terraces and kame deltas. Unlike till, these deposits are sorted into layers based upon texture and permeability.

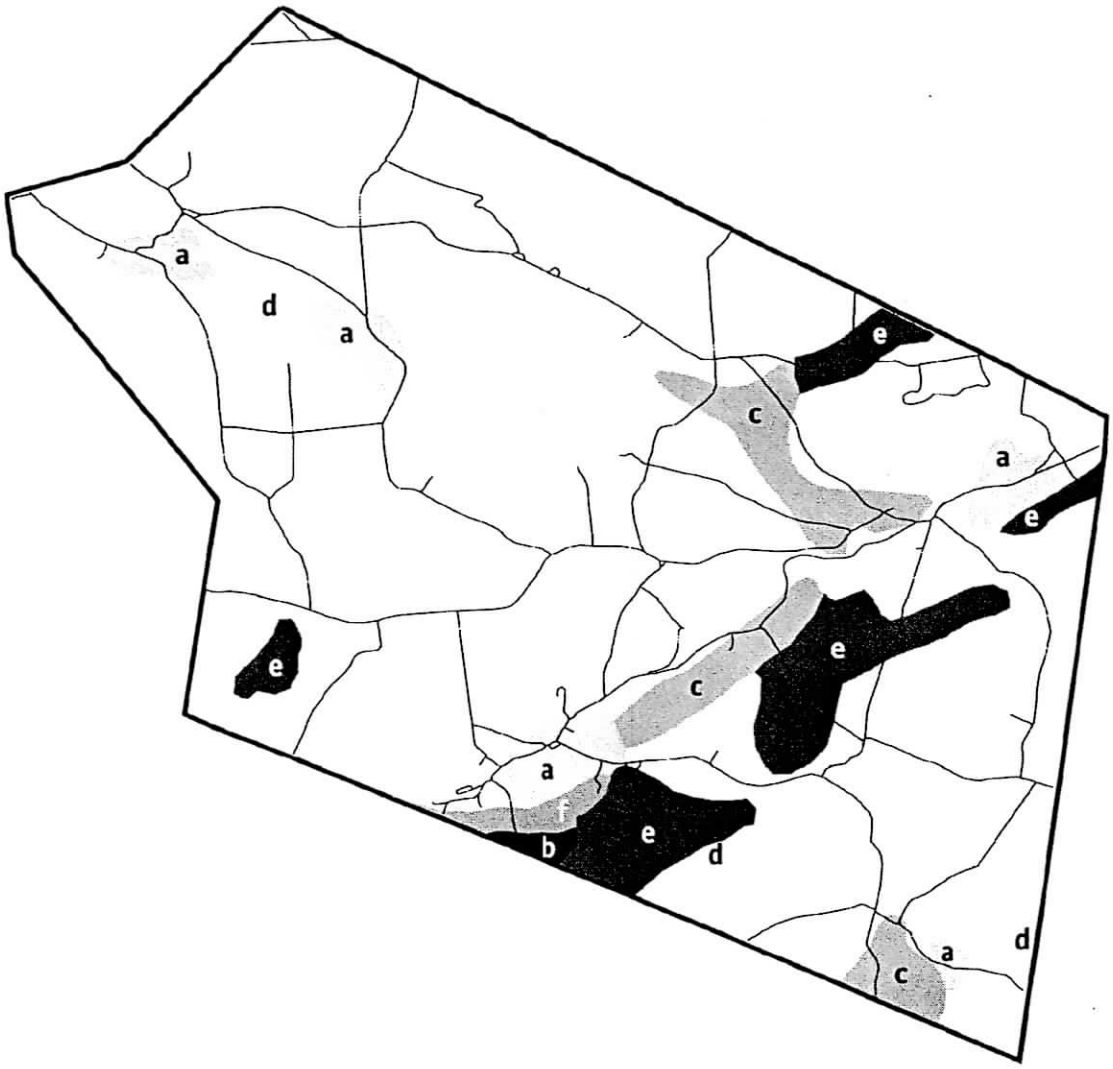
In the northeastern portion of the Town of Stark, the Otsquago Creek has deposited a layer of fine sand and gravel. These deposit areas are permeable, subject to flooding and have a general thickness of 3 to 30 feet.

Outwash sand and gravel deposited by melt-water streams can be found in a few areas of the Town. Outwash deposits have a coarse to fine texture, are well rounded, stratified and have a thickness varying between six and 60 feet. They are associated the streams that poured off of melting glaciers. Lacustrine sands can be found in the southern part of the Town of Stark. They are composed of well-sorted and stratified quartz sands, which were usually deposited in lakes that formed as the glaciers melted. Thickness can range from six to 60 feet and these deposits are permeable.

Lastly, areas of bedrock, which are exposed or within three feet of the surface, can be found in a few locations in the Town.

Map 4.2 Surficial Geology

Town of Stark, New York



a Kame Deposits
Kame Moraine
b Lacustrine Sand
Roads
c Outwash Sand & Gravel
d Bedrock
e Till
Till Moraine

N

Source: New York State Geologic Survey
Provided by the New York State Museum, 1999

0 1 2 4 Miles

5. Topography

Topography, the three-dimensional relief of the land surface, has important implications for developing land-use guidelines. Variations in topography direct the flow of water, impact the types of soils formed and influence the plant species that can survive in a region. The fairly dramatic topography of Town of Stark needs to be considered when deciding on suitable land uses.

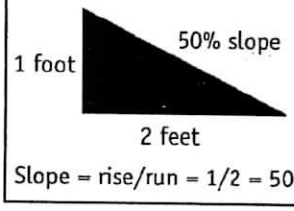
Topography

Situated on the uplands south of the Mohawk River Valley, the Town of Stark's terrain rises up from the valley as one travels north to south. From an elevation of approximately 620 feet above sea level, Stark's hillsides rise 1,000 feet to heights of over 1,600 feet above sea level (see maps 5.1 and 5.3). This topography creates dramatic viewsheds, especially to the north and overlooking the Mohawk Valley.

Slope

In determining appropriate land uses, slope is a primary concern. Slope is calculated by dividing vertical change in elevation by horizontal distance. As slopes become steeper, there is an increased chance of erosion and building becomes more difficult.

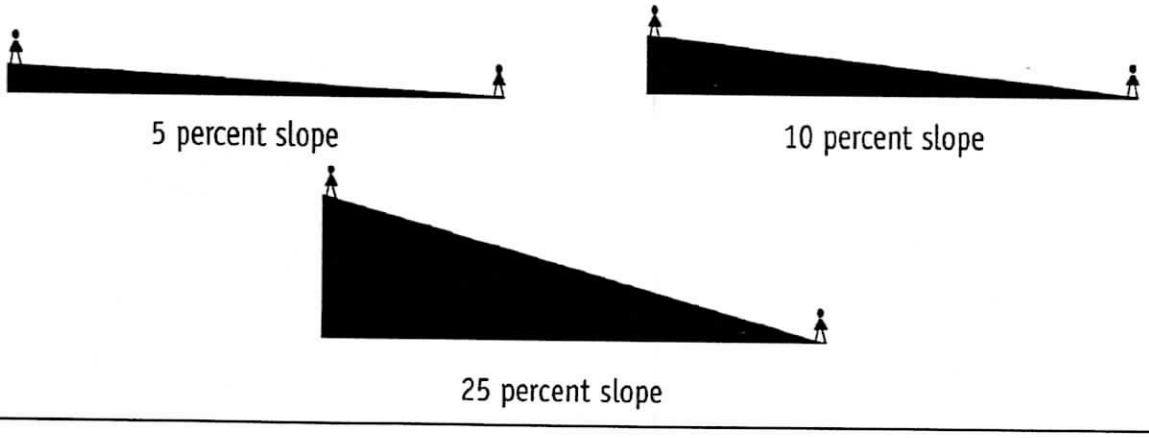
Figure 5.1
Slope Calculation



Slope = rise/run = 1/2 = 50%

Slopes between zero and five percent are considered flat, posing few problems for development. Five to 10 percent slopes have a noticeable but slight angle, whereas 10 to 25 percent slopes are moderately steep and begin to pose difficulties. Slopes over 25 percent are difficult to build on and susceptible

Figure 5.2 Slope Steepness



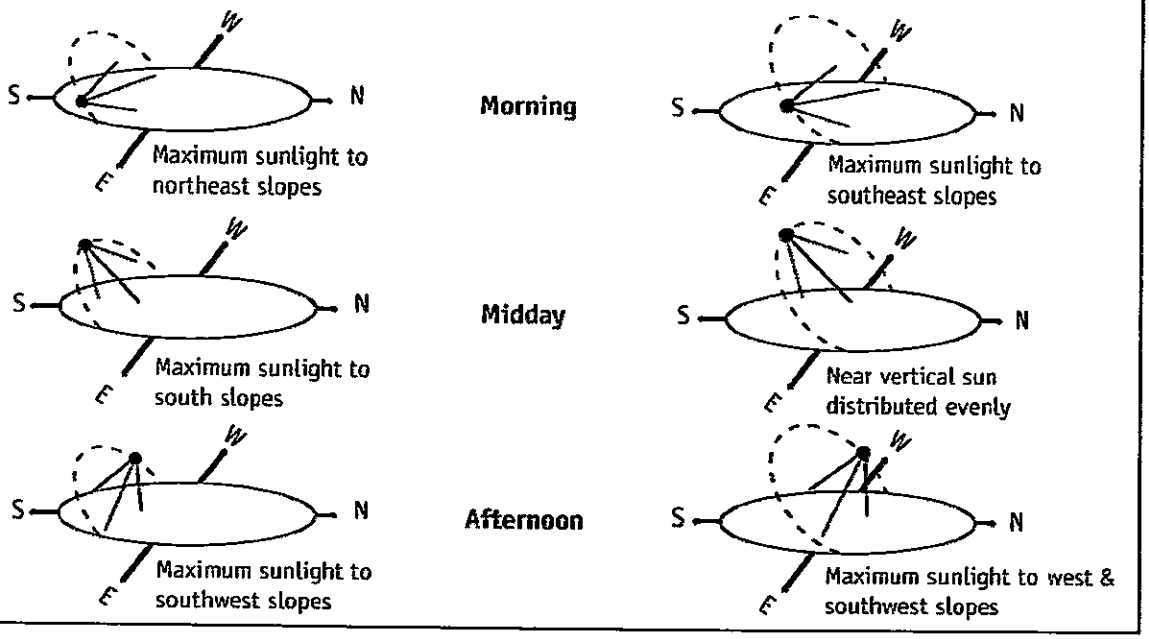
to erosion. Map 5.2 shows these slope categories in the Town of Stark. The steepest slopes are along the Ohisa and Otsquago creeks where there are vertical cliffs that rise as high as 200 feet. Additionally, there are relatively flat regions on the uplands in the southeastern and southwestern region of the Town.

Aspect

Aspect combines slope and compass direction, indicating the direction a hillside faces. Slopes that face to the south and east receive more sunlight and are, therefore, warmer than slopes that face to the north and west. Also, south and west slopes are more protected from prevailing northeasterly winter winds making them feel warmer. Microclimates created by this interaction between topography, sunlight and wind influence snowmelt and vegetation patterns. Aspect is important to consider when siting houses and deciding where to locate certain plant species.

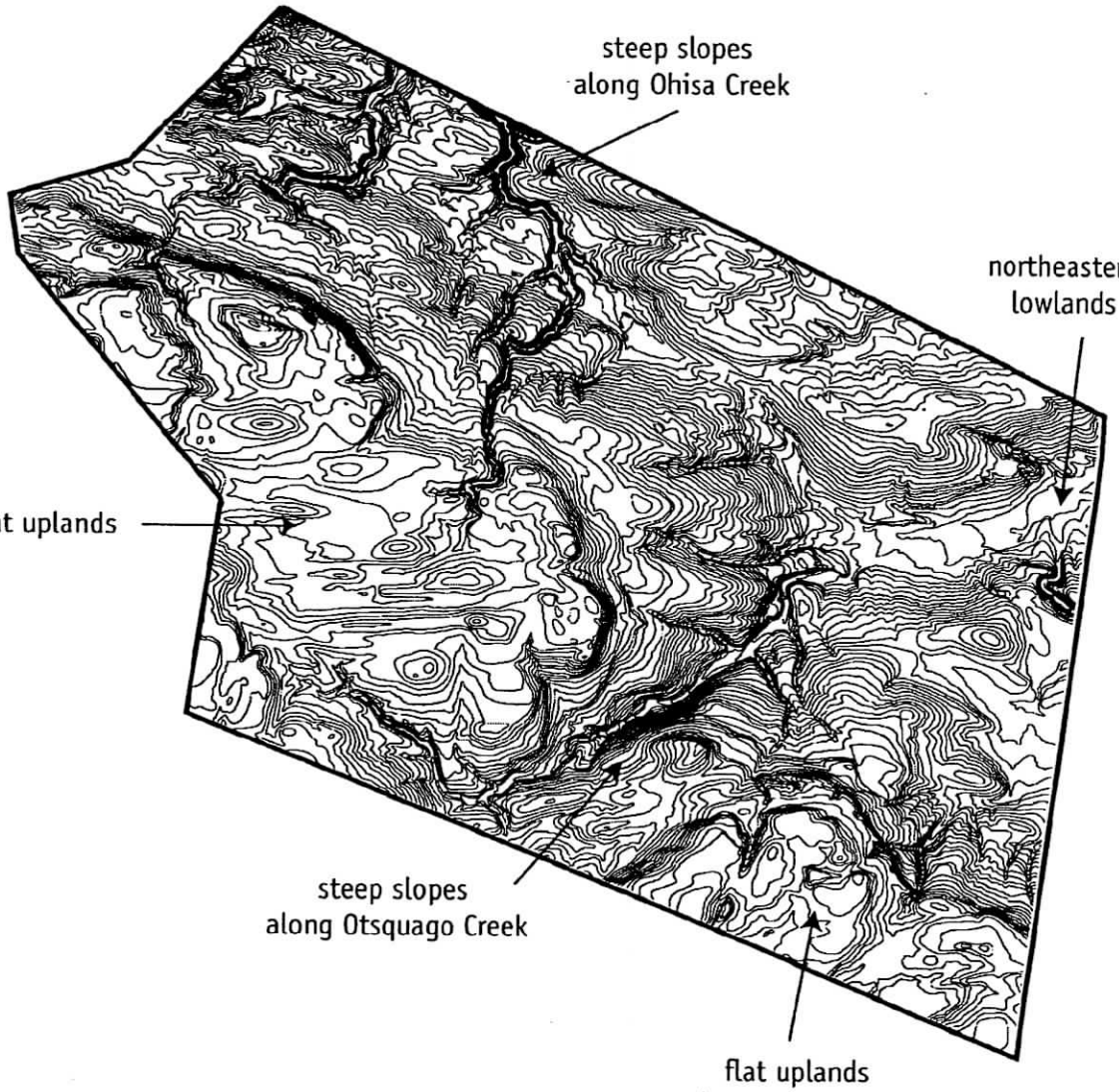
On the aspect map, 5.4, the warmest slopes facing due south are shown in the lightest yellow, and those that face southeast and southwest are a brighter yellow. Slopes that face east or west are indicated with light green, whereas northeastern slopes are light violet. The dark violet shows the north and northwestern slopes, which receive the least light and are the coolest.

Figure 5.3 Sun Position and Seasonal Changes



Map 5.1 Topography

Town of Stark, New York



20 ft Contours

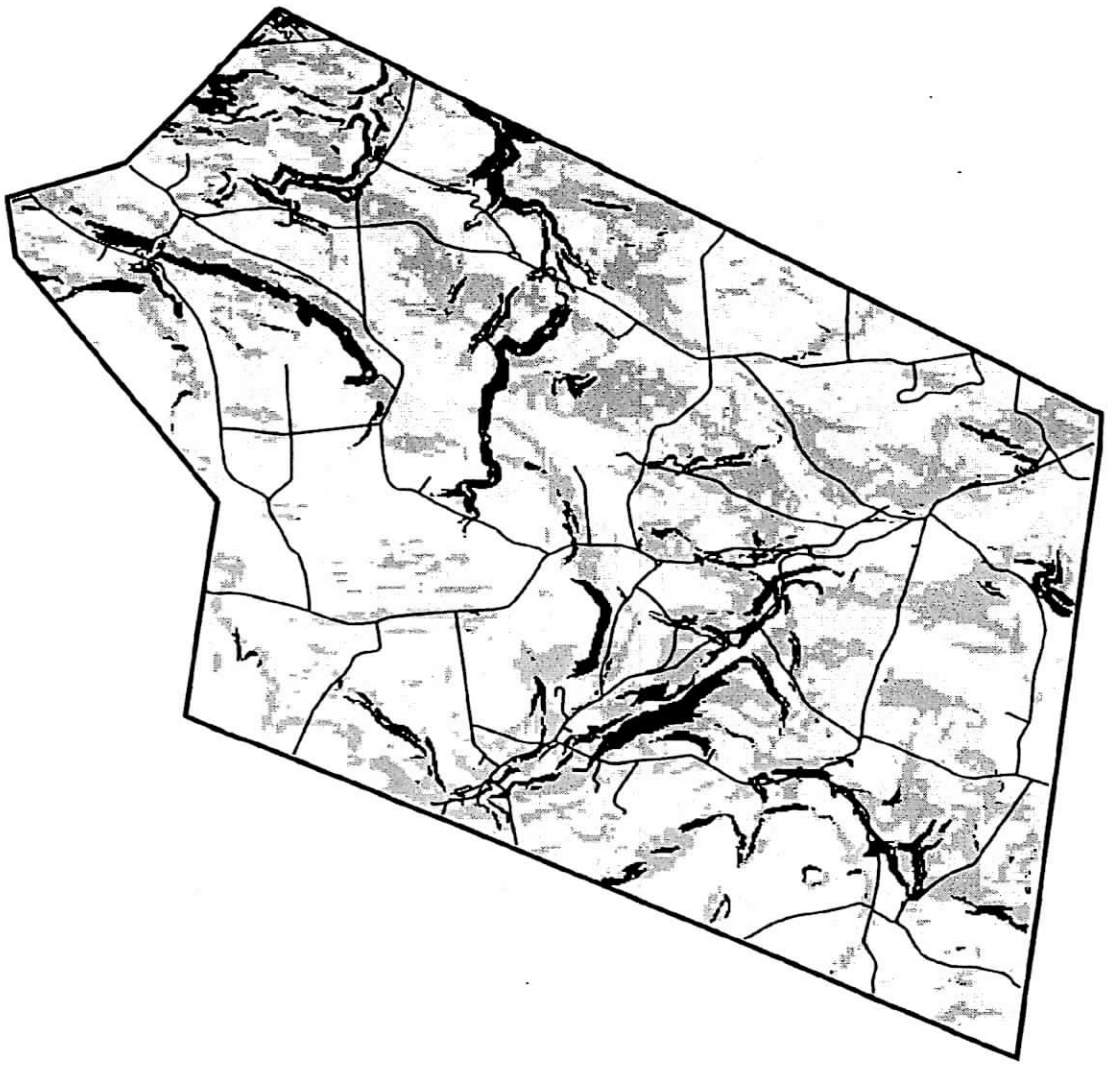
N

Source: Derived from USGS DEM data
Cornell University, 1999

0 1 2 4 Miles

Map 5.2 Slope Categories

Town of Stark, New York



0 to 5 percent
5 to 10 percent
10 to 25 percent
over 25 percent
Roads

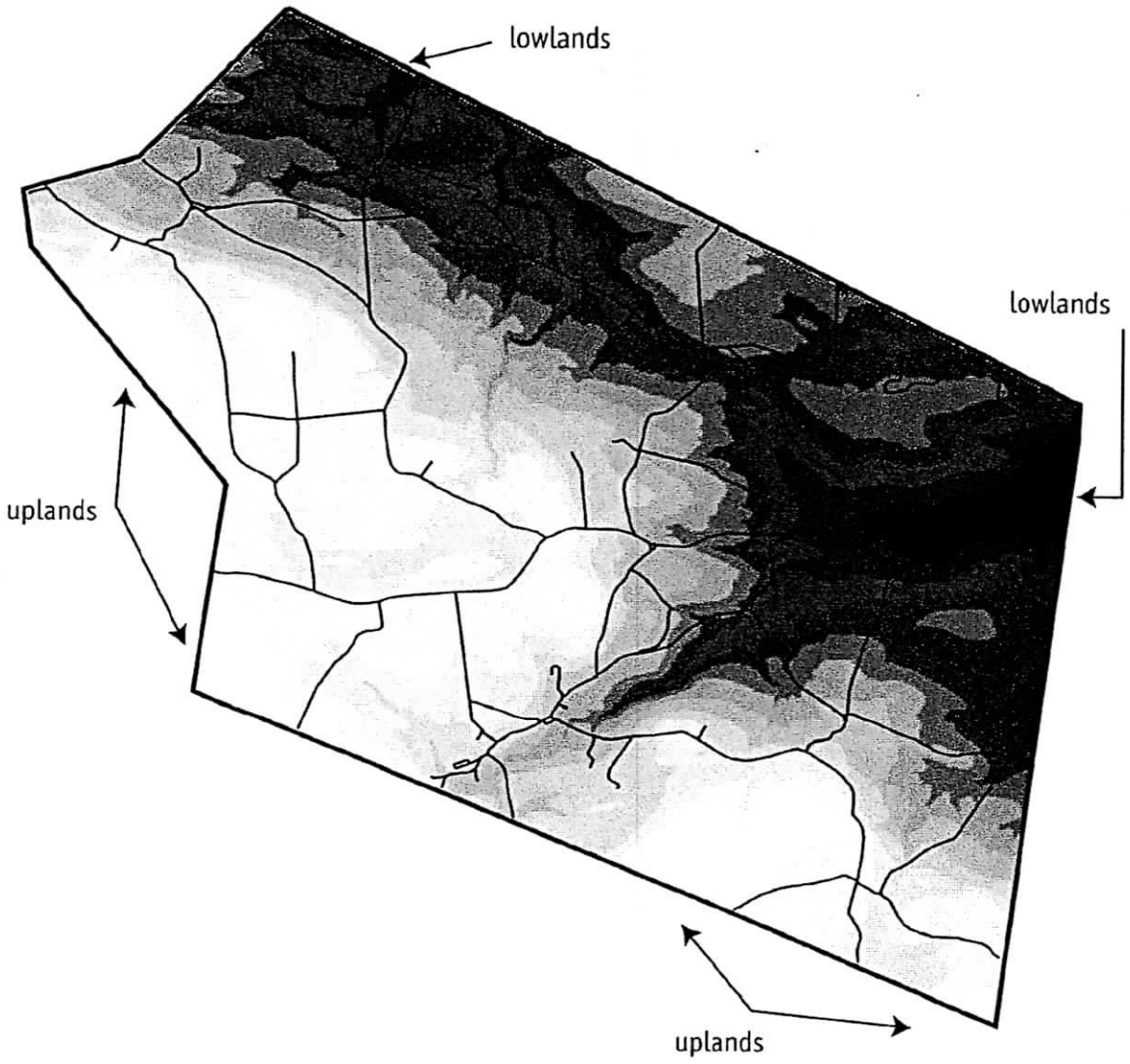
N

Source: Derived for USGS DEM data
Cornell University, 1999

0 1 2 4 Miles

Map 5.3 Elevation

Town of Stark, New York



—— Roads

Change in elevation from 1800 to 600 feet above sea level.

N

esf

Source: Derived for USGS DEM data
Cornell University, 1999

0 1 2 4 Miles

6. Soils

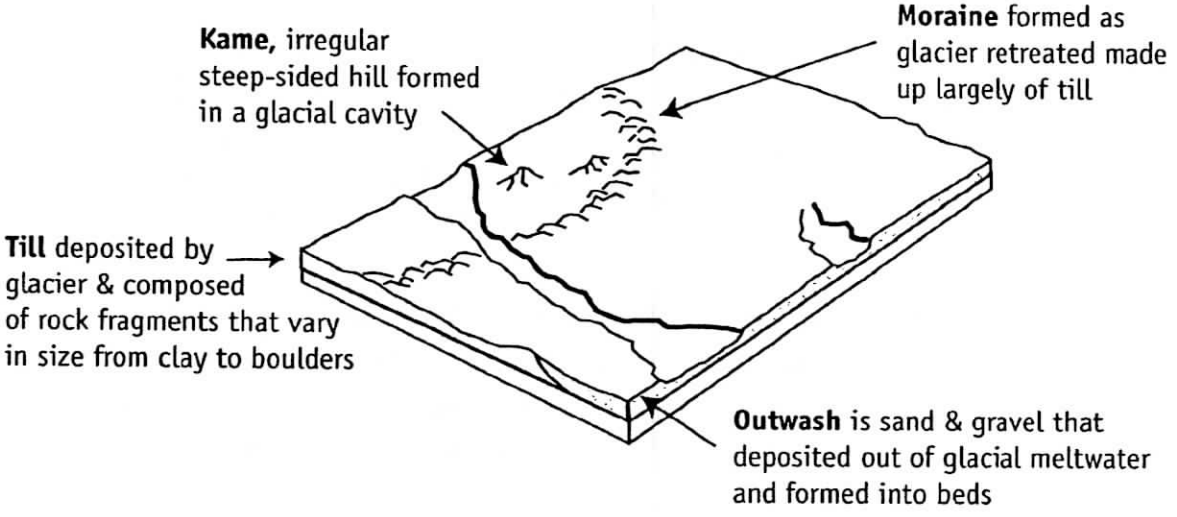
Soil Associations

Soils are a mixture of weathered minerals, decaying organic matter, water and air. They form primarily through the interaction of parent materials, climate, topography, plant and animal life, and long expanses of time. Soils are an evolving environmental resource with qualities that are a result of their geologic origins and a local history of impacts and influences.

Numerous types of soil exist in the Town of Stark, each influencing the suitable uses for a given area. Soil suitability refers to the ability of a soil to support specified activities or physical facilities with respect to successful performance and long-term stability. Common analyses include soil suitability for roads, septic systems, buildings or agricultural uses. By understanding the types of soils present and their limitations, the best land use can be selected, thus preventing the damage often caused by unsuitable practices.

The dominant soils in the Town of Stark are fairly deep and of glacial origin with mineral components comprised of varying amounts of limestone, shale and siltstone. In general, bedrock is located between 20 and 60 inches below the surface. However, this depth does vary considerably throughout the Town and there is exposed bedrock in some locations.

Figure 6.1
Effects of Glaciation

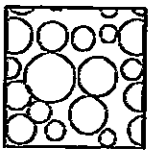


Soils can determine many factors including drainage, water absorption, water quality, vegetation cover, land use and settlement patterns. Knowledge of soils is very helpful and often necessary for making wise land use decisions. Soils can be a major limiting factor in planning. Utilizing the soil association information provided by the Soil Survey can help the Town plan for proper development.

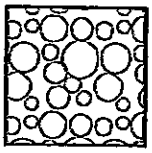
Soil qualities directly affect the potential land use of sites throughout the Town. Qualities such as water bearing capacity and drainage are important for selecting appropriate land usage. By understanding the types of soils present and their physical limitations, the best use for land can be selected and unsuitable practices can be avoided.

The Soil Survey of the southern part of Herkimer County completed in 1969 by the USDA Soil Conservation Service (now the USDA Natural Resource Conservation Service) provides a means to assemble all this information about soils. While generally accurate, the SCS Soil Surveys do not provide site-specific detail. The Survey identifies what types of soils are present in a region, approximately where they are located, their underlying materials and their suitability for different uses.

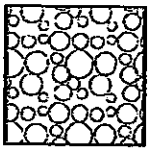
Figure 6.2
Soil Types & Particle Size



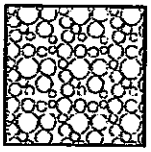
Gravel
particles over 2mm in diameter



Sand
particles from .05 to 2mm in diameter



Silt
particles from .002 to .05mm in diameter



Clay
particles under .002mm in diameter

The Soil Survey groups the soils of a region into associations. Each association consists of one or more major soils as well as several minor soils. Soil associations provide a general idea of soil types in a survey area and can help determine the location of soil types suited to a particular land use. There are seven soil associations present in the Town of Stark. The information below was derived from the 1969 Soil Survey of Southern Herkimer County.

1. Uplands Characterized by Deep Soils Formed in Calcareous Glacial Till

These soil associations formed in deep deposits of medium-textured, calcareous glacial till. They are located in dissected glacial till plains in areas north and south of the Mohawk River. These soils cover slopes that are nearly flat to moderately steep. Most of these soils are used for dairy farming, except in areas of steeper slopes where woodlands are common.

1.1. Hilton-Appleton-Ontario Association

Deep soils, poor to well-drained, medium-textured, formed in glacial till from limestone and sandstone. Most of this association's acreage is in dairy farming where the slopes are gentle, and in pasture or woodland on steeper slopes. Drainage of wet areas would be needed for them to be used.

Depth	Deep
Drainage	Poor to well
Slope	Steep to gentle
Texture	Medium
Parent Material	Limestone & Sandstone

1.2. Manheim-Conesus-Lansing Association

Deep, medium-textured and poorly drained soils formed in glacial till from alkaline shale. Moderately and well-drained soils formed from the till of shale, siltstone, and limestone. This is the second largest association in Herkimer County, covering about 18.5 percent of the survey area. It is located mainly in the north and eastern portions of the Town of Stark. Farms or forests cover most of these soils.

Depth	Deep	—
Drainage	Poor	Moderate to well
Slope	—	—
Texture	Medium	—
Parent Material	Alkaline Shale	Shale, Siltstone & Limestone

2. Uplands Characterized by Deep to Shallow Soils Formed in Calcareous and Non-Calcareous Glacial Till

These associations are located in glacially modified till plains, where the underlying bedrock affects the topography. The soils formed in deep to shallow glacial till, of medium to fine texture that was calcareous or non-calcareous. The soils cover land that is nearly level to steep. Gently sloping areas are mainly in dairy farming, whereas steeper areas are wooded or idle.

2.1. Honeoye-Wassaic-Farmington Association

These soils are deep to shallow, medium textured, well-drained and formed in limestone and siltstone till. This is the most extensive association in Herkimer County covering about 25 percent. These soils are mainly located on the Town of Stark's southern uplands. These are among the best soils in the county for dairy farming.

Depth	Deep to shallow
Drainage	Well
Slope	—
Texture	Medium
Parent Material	Limestone & Siltstone

2.2. Lansing-Homell-Manlius Association

Some of these soils are deep, well-drained, medium-textured and formed from the till of shale, siltstone and limestone. Others are medium depth, poor to excessively drained, medium-textured soils formed in glacial till from acid shale. This association is located on upland areas throughout much of the Town of Stark and the southern part of Herkimer County. The gentle slopes related to this association are mostly in farms, with steeper areas occupied by woods or pastures. These soils require more intensive management for farming, including drainage and use of fertilizer.

Depth	Deep	Medium
Drainage	Well	Excessive to poor
Slope	Steep to gentle	Steep to gentle
Texture	Medium	Medium
Parent Material	Shale, Siltstone & Limestone	Acid Shale

2.3. Mohawk-Manlius-Hornell Association

These are deep, well to moderately well-drained, medium-textured soils that formed in alkaline shale till. Also found are medium depth, excessively to poorly drained, medium-textured soils formed in the till of acid shale. These soils cover slopes that range from nearly level to moderately steep. They are located on ridge tops and along deeply dissected drainage ways on bedrock controlled, glacially modified till plains.

Depth	Deep	Medium
Drainage	Well to moderate	Excessive to poor
Slope	Moderately steep to level	Moderately steep to level
Texture	Medium	Medium
Parent Material	Alkaline Shale	Acid Shale

2.4. Rough Broken Land-Shaly Rock Land Association

This association is deep to very shallow, occurring on steep and very steep land, usually found where streams have deeply dissected channels on uplands. Soils in this association are too steep for farming. This association is located along many of the creeks in the Town of Stark, such as the Otsquago and Ohisa.

Depth	Deep to very shallow
Drainage	—
Slope	Very steep to steep
Texture	—
Parent Material	—

3. Upland-Lake Plain Fringe Areas Characterized by Deep Soils Formed in Calcareous Glacial Till and in Glaciolacustrine Sediment over Loamy Till or Outwash

These associations are located adjacent to major valleys, occupying fringe areas of dissected glacial till plains and former lake plains. They formed in glacial till rich in dark-colored shale and lacustrine silt and clay deposits. Dairy farming is the principal activity in these soil associations.

3.1. Mohawk-Manheim-Rhinebeck Association

This association is deep, well to somewhat poorly drained, medium textured, and formed in alkaline shale till. It also contains somewhat poorly drained, medium textured soils formed in lacustrine sediment. These soils are located on upland landscapes where lake plain sediments irregularly overlap dissected till plain areas. The better-drained soils of this association are in farming.

Depth	Deep	—
Drainage	Well to poor	Somewhat poor
Slope	—	—
Texture	Medium	Medium
Parent Material	Alkaline Shale	—

Soil Suitability for Agriculture

Most towns, villages and cities developed in fertile stream and river valleys that provided areas of good farmland. However, as these settlements expanded, the best farmland became built upon. This land was lost forever to food production. In response, farmers moved out from population centers to areas where the soils were often not as productive as the land they had previously cultivated.

Prime farmland is land most efficiently used for the production of crops. Map 6.2 shows the prime farmland in the Town of Stark. There is a total of 3,626 acres of prime farmland in the Town, according to the 1969 Soil Survey. This land, due to its inherent natural characteristics – level topography, good drainage, adequate moisture supply, favorable soil depth and favorable soil texture – consistently produces at the highest levels with the least amount of fertilizer, labor and energy requirements.

There are an additional 608 acres, approximately one square mile, of soil identified as prime drainage by the Soil Survey. This is soil that if it were drained would qualify as prime agricultural land. However, in its current state it is too wet to be considered prime.

Prime soils are usually erosion resistant, allowing for intensive cultivation with minimal adverse environmental impacts. The conversion of prime farmland to non-agricultural uses increases the pressure to farm less productive lands. When cultivated, these soils tend to degrade rapidly, erode easily, and contribute to water quality problems.

Erosion and drainage are major problems on agricultural lands. Erodibility is a result of a soil's texture and its degree of slope. Soils with a silty or sandy texture lack binding and are highly erosive. Clays act as adhesives and make soils more erosion resistant. The greater the slope of a soil, the more erosion susceptible it will be. Erosion can cause the loss of agricultural land, as well as the deterioration of water quality downstream.

Drainage poses another problem for agricultural lands. Soils that are slow to permeate retain water, making them difficult to farm. This problem can be rectified if appropriate drainage techniques are applied, otherwise the land is often used as pasture.

Stark has a number of fine agricultural soils with few limitations. However, good conservation techniques should be applied. The value of prime agricultural lands should be considered in making land use planning decisions, especially since agriculture is an important industry in the Town of Stark.

Map 6.2 Prime Agricultural Land

Town of Stark, New York

Prime Agricultural Land

Prime Drainage

Roads

N

Source: United States Department of Agriculture
Soil Conservation Service
Soil Survey of Southern Herkimer County, New York, 1969

0 1 2 4 Miles

Soil Suitability for Septic Tank Absorption Fields

An important consideration in community development is the suitability of soil for septic tank absorption fields. The rate at which water enters and percolates through the soil determines its suitability for leach fields. Areas with wet soils should be avoided since they already hold too much water, which could cause wastewater to rise to the surface. Areas with very permeable soils should be avoided as well since they allow wastewater to pass through too quickly without being purified.

Before a septic tank can be installed, the law requires a percolation test. The time of year this test is performed is of critical importance. The results of a test performed in the spring can be very different from a test performed in the fall. Soils are usually saturated with water in the spring due to snowmelt, whereas in the fall soils are usually drier. The results of a test conducted in the fall could prompt the construction of a septic tank in an unsuitable area, which may lead to groundwater contamination. The most accurate tests are performed in the spring when soils are inundated with snowmelt water.

The Town of Stark contains soils with slow permeation rates and soils that permeate rapidly. Slow permeation leads to stagnation of waste material thus resulting in exposed effluent, soil contamination and malfunctioning piping systems. On the other hand, extremely rapid permeability reduces the soil's ability to safely filter wastewater before it reaches the water table, possibly resulting in contamination of groundwater supplies. Both slow and rapid permeability rates can present health hazards, so soils must be carefully analyzed.

The Natural Resource Conservation Service defines the three suitability categories as follows:

> Slight Limitations - Indicates few or no limitations, or that limitations can be easily overcome;
> Moderate Limitations - Indicates that limitations need to be recognized, but can be overcome under good management and careful design; and
> Severe Limitations - Indicates that limitations are serious enough to make use questionable.

The limitations assigned by the NRCS are made on the assumption that the soil is poorly managed. If proper care is taken, the soil limitations can be reduced and more uses made possible.

Generalized patterns of soil suitability for septic systems are shown in Map 6.3. Large areas of the Town of Stark have severe limitations for the use of septic systems. Most of Stark's soil is in the severe category, over 23 square miles or 15,033 acres. Only 221 acres of the Town have slight limitations and another 174 acres are listed as moderate.

The Soil Conservation Service descriptions of the soils characterized as having severe limitations for septic systems have been examined to determine which soils are the least suitable of all and these were then placed into a fourth category. More than 4,319 acres of soils in the town of Stark are described as very poorly drained, subject to frequent flooding, characterized by slow permeability, or as having bedrock with forty inches of the surface. There are nearly seven square miles of such soils that are considered least suitable for septic systems. Even with the best management practices, these soils would likely remain unsuitable for septic tank absorption fields.

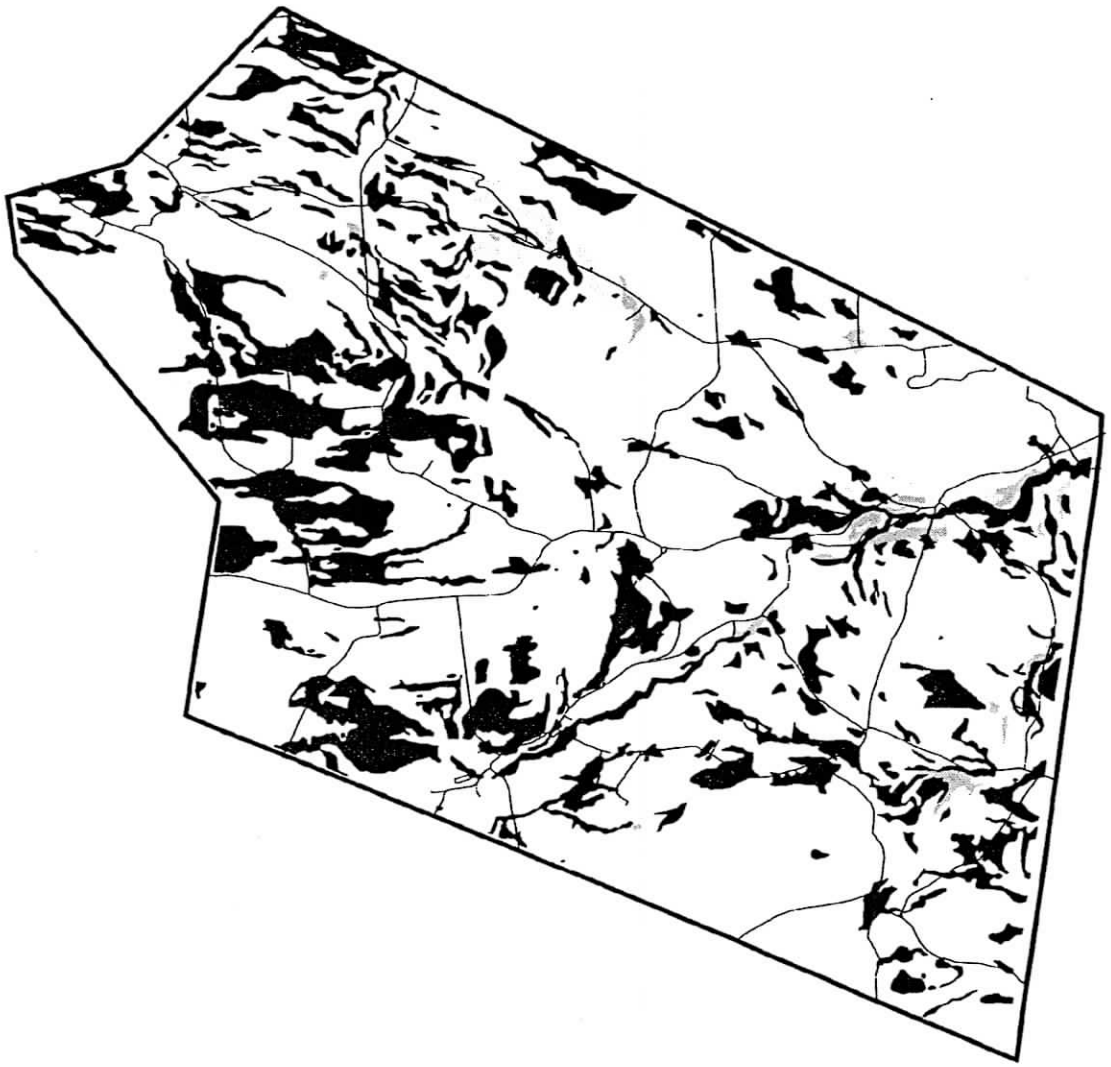
Figure 6.3 Acreages in the Soil Suitability Categories

slight limitations	221 acres or ~1%
moderate limitations	174 acres or ~1%
severe limitations	15,033 acres or 76%
least suitable	4,319 acres or 22%

Since these are generalized interpretations for planning purposes, an on-site inspection, which may show greater differences in soil suitability for a particular site, should be performed when considering construction. Some parcels classified as inadequate may contain some areas that are suitable for septic systems. The larger the parcel, the greater the chance that a location will be found with a favorable septic suitability. Other options could be considered, including the use of shared septic systems, in some locations.

Map 6.3 Soil Suitability for Septic Fields

Town of Stark, New York



Note: This generalized map should be used only as a beginning reference. Inspection of sites is essential before final determination of suitability can be made.

Source: United States Department of Agriculture Soil Conservation Service Soil Survey of Southern Herkimer County New York, 1969

Slight Limitations
Moderate Limitations
Severe Limitations
Least Suitable
Roads

N

0 1 2 4 Miles

7. Hydrology

Surface Waters

Surface water systems include all linked rivers, streams, lakes and ponds within the Town of Stark. Surface waters are valuable as a source of water, food, recreation, transportation and in some cases energy generation. They also perform the important function of replenishing groundwater supplies. Throughout much of history, people have believed that they could dispose of waste in water systems, because it would wash away, be dispersed and diluted. When populations are small, this method of waste disposal can be effective without causing adverse health effects. However, when population density increases, water can become polluted beyond the system's ability to dilute and disperse. Water quality declines and public health problems due to contaminated water increase.

Because surface waters have long been the receptacle for sewage and other waste products, the New York State Health Department has classified them according to their "highest and best use" to help prevent further degradation. The New York State Department of Environmental Conservation (NYS DEC) now administers this classification program. The stream classification system sets forth water quality standards for all surface waters. Discharge into surface water is permitted, but it must be treated and it can not degrade the water quality of the receiving waters below established standards.

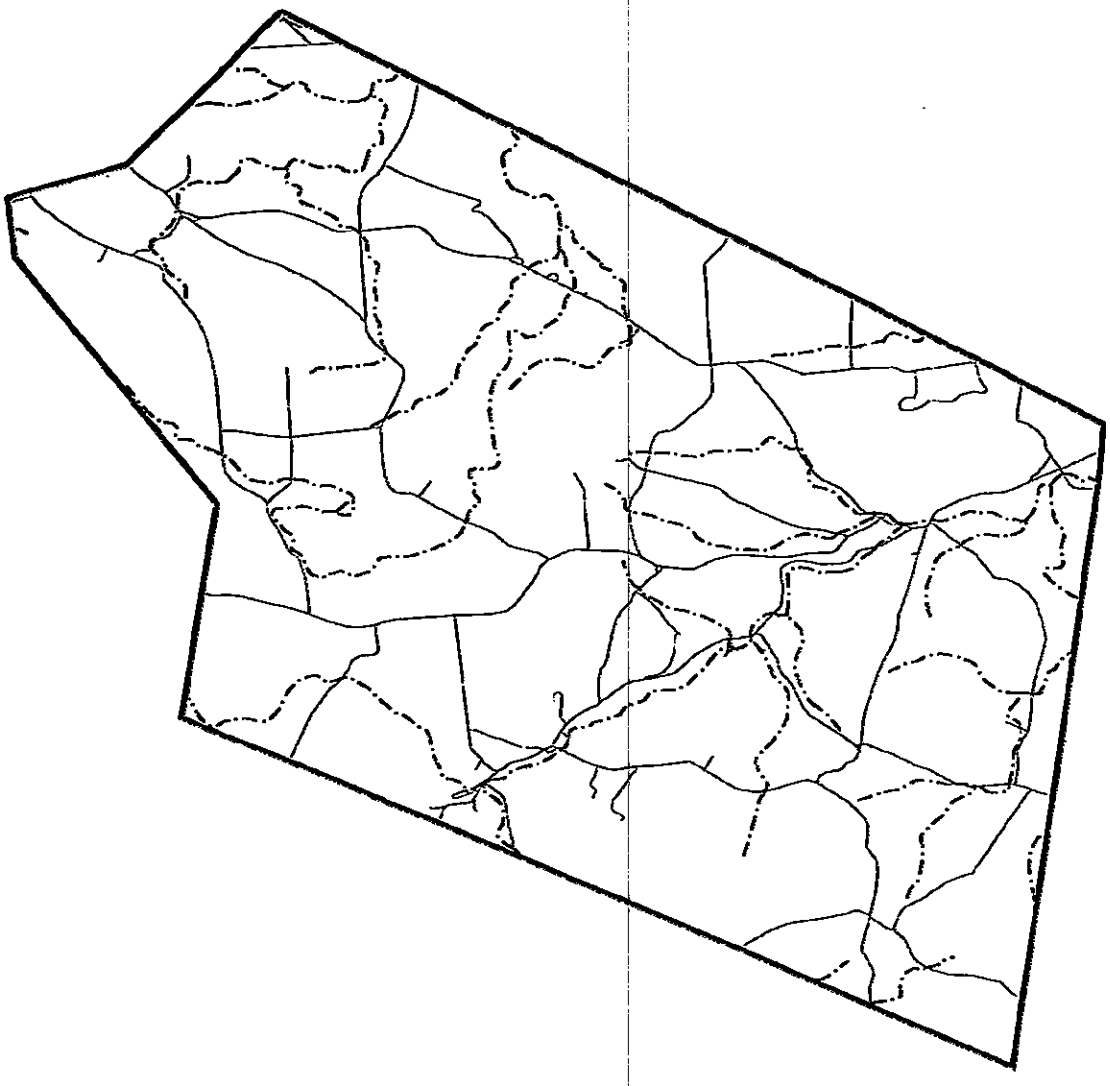
The Otsquago Creek, Starkville

The Ohisa and Otsquago Creeks, and their tributaries, dominate the hydrology of the Town of Stark. The Ohisa Creek originates in the higher elevations of the southern uplands of Stark, where smaller tributaries converge. These tributaries are fed by a pond located near the Travis and Jordanville Road intersection, as well as a pond and wetland areas located between Aney Hill Road and Travis Road. The Ohisa flows north through the central part of the Town and is joined by numerous tributaries along its way. The creek bed is relatively narrow and steep sided, and it falls over 800 feet as it progresses toward the Town of Danube. In the Town of Danube, the Ohisa joins the Nowadaga Creek and eventually reaches the Mohawk River.

The Otsquago creek originates near Van Hornesville in the southern part of the Town of Stark, close to the border with Otsego County. The Otsquago's three major tributaries originate high in the hills at elevations between 1600 and 1400 feet and flow down into the Otsquago valley. They converge just to the southwest of Van Hornesville at an elevation of 1200 feet. The creek flows northeast from Van Hornesville through a narrow, steep-sided gorge. Numerous waterfalls can be found along this section of the creek, as its elevation gradually falls over 500 feet. Just to the south of Starkville, the creek valley flattens out and widens. From Starkville, the Otsquago meanders to the northeast and into the Town of Minden where it eventually flows into the Mohawk River.

Map 7.1 Hydrology

Town of Stark, New York



Roads

Streams

N

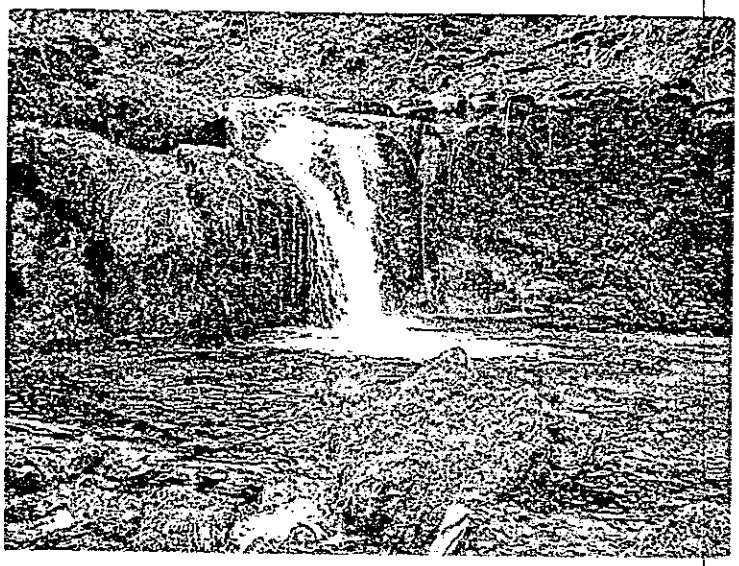
Source: New York State Department of Environmental Conservation
United States Department of Commerce
Provided by Cornell University, 1999

0 1 2 4 Miles

Floodplains

Streams in flat, low-lying areas can easily spill over their banks during storms or periods of high runoff. They overflow their normal channels and flood the adjacent low-lying areas called floodplains. Periodic flooding is a normal, naturally occurring phenomenon. Studies have shown that most streams overflow their banks at least once every one-and-a-half to two years.

Because floodplains are level and easily developed, they have been widely used throughout history. Floodwaters deposit large amounts of sediment into the floodplain, creating "fertile bottomlands." The rich, fertile soil, an abundant water source and easy disposal of wastes have attracted people to these flood-prone areas.



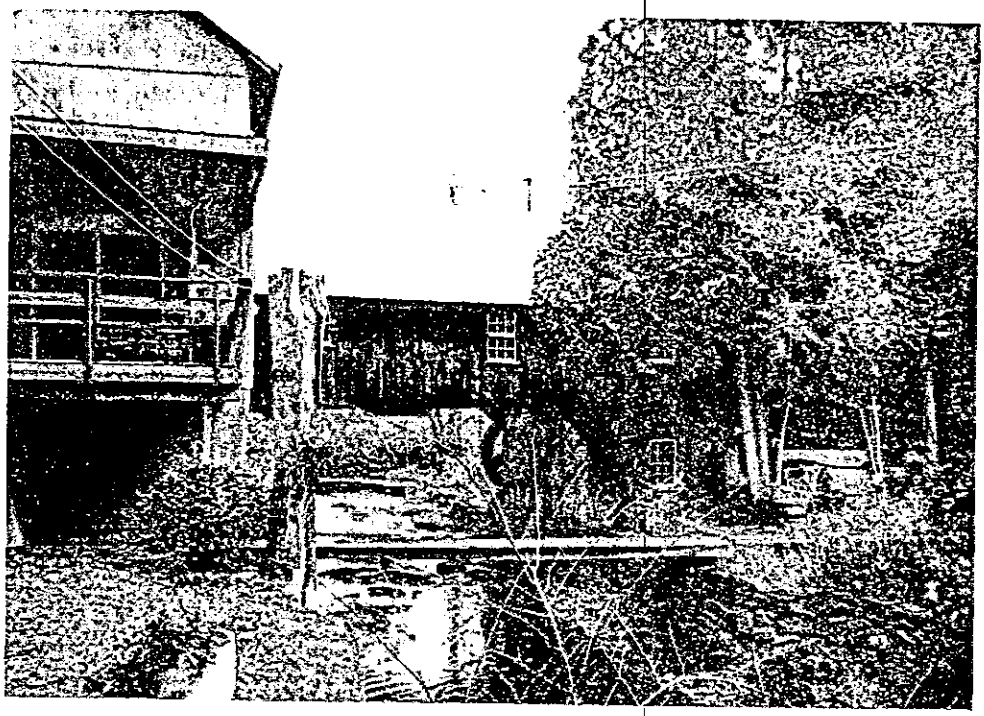
Waterfall along the Otsquago Creek

Development of floodplains creates a multitude of problems by disrupting the natural flow patterns of the stream and its floodwaters. Land clearing, streambed channelization or diversion, filling wetlands and increasing the area of impervious surfaces (rooftops, driveways and parking lots) alter the flow of water. These activities also interfere with the soil's ability to store water long enough for it to infiltrate into the groundwater table below. These factors when combined can increase flood hazards to the community by increasing flood volume and intensity.

Many communities adopt floodplain management plans, which may include a floodway district. This district would direct the usage of land that falls in the 100-year floodplain. Areas along the Otsquago and Ohisa creeks would be good candidates for this type of management. Agricultural and recreational uses, as well as preservation of sensitive natural areas would be encouraged, while the building of structures in the floodplain would be discouraged. Regulation of floodplain activities through planning will help the Town of Stark avoid the problems commonly associated with floodplain development.

The best approach to reducing flood damage is to regulate further development in flood-prone areas. The goal is to determine the best use of the floodplain while minimizing the economic costs and loss of life associated with flooding. In 1968 the National Flood Insurance Act was passed instituting the National Flood Insurance Program (NFIP) to reduce flood damages and promote wiser use of floodplains. This program enabled communities to provide low-cost, federally subsidized insurance to those in flood-prone areas.

In 1973, the Flood Disaster Protection Act required communities to properly regulate development of floodplains if they wanted to continue to receive subsidized insurance rates. The Federal Emergency Management Agency (FEMA), created in 1979, mapped flood-prone areas across the country to enable them to determine insurance rates for these areas. FEMA's flood hazard maps identifies the floodplain and floodway for storms of different intensities, including the 10-year, 100-year and 500-year storms. There is a one-in-ten chance of having a 10-year storm and a one-in-hundred chance of having the 100-year storm. The floodplain indicates the lands that would be inundated by water or otherwise affected by major flood events. A 100-year floodplain is the region that would be flooded in a 100-year storm.

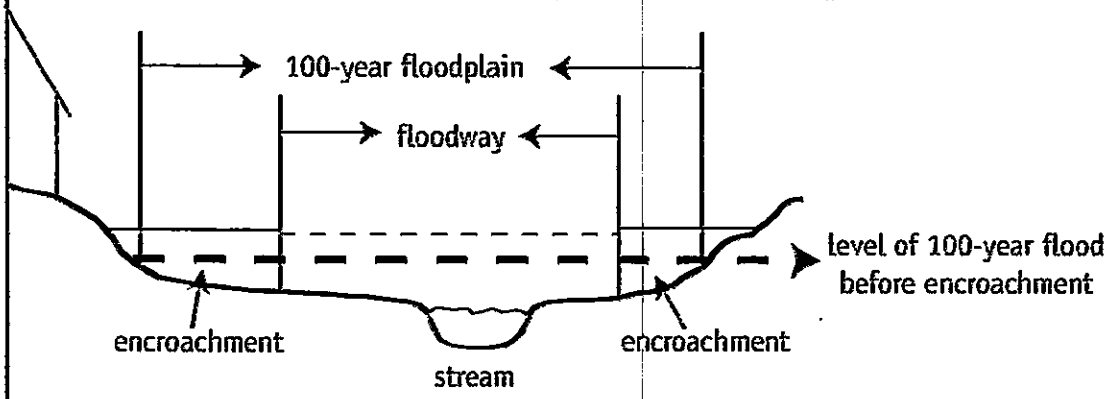


Walkway over the Otsquago Creek in Van Hornesville

The Town must regulate floodplain development in order to be eligible for federal flood insurance and mortgage funds. Regulation usually involves the prohibition of new residential development, unless the dwellings are elevated above a base flood level, and requires that commercial structures be flood proofed below the flood level. Development within the flood hazard area may be subject to review under the State Environmental Quality Review Act (SEQRA) if there are any local regulations that require permits for such development.

Many streams and creeks in the Town of Stark may be prone to flooding in response to heavy rains and spring snowmelt. Flood hazard areas in the Town, as determined by FEMA, can be found along the Otsquago and Ohisa Creeks, as shown in Map 7.2. Serious floods are not unheard of in Stark. Perhaps the worst flood in Stark occurred in 1887 when the Mill Pond dam burst and a torrent of water damaged structures along the creek and destroyed the bridge in Starkville.

Figure 7.1 Floodplain and Floodway

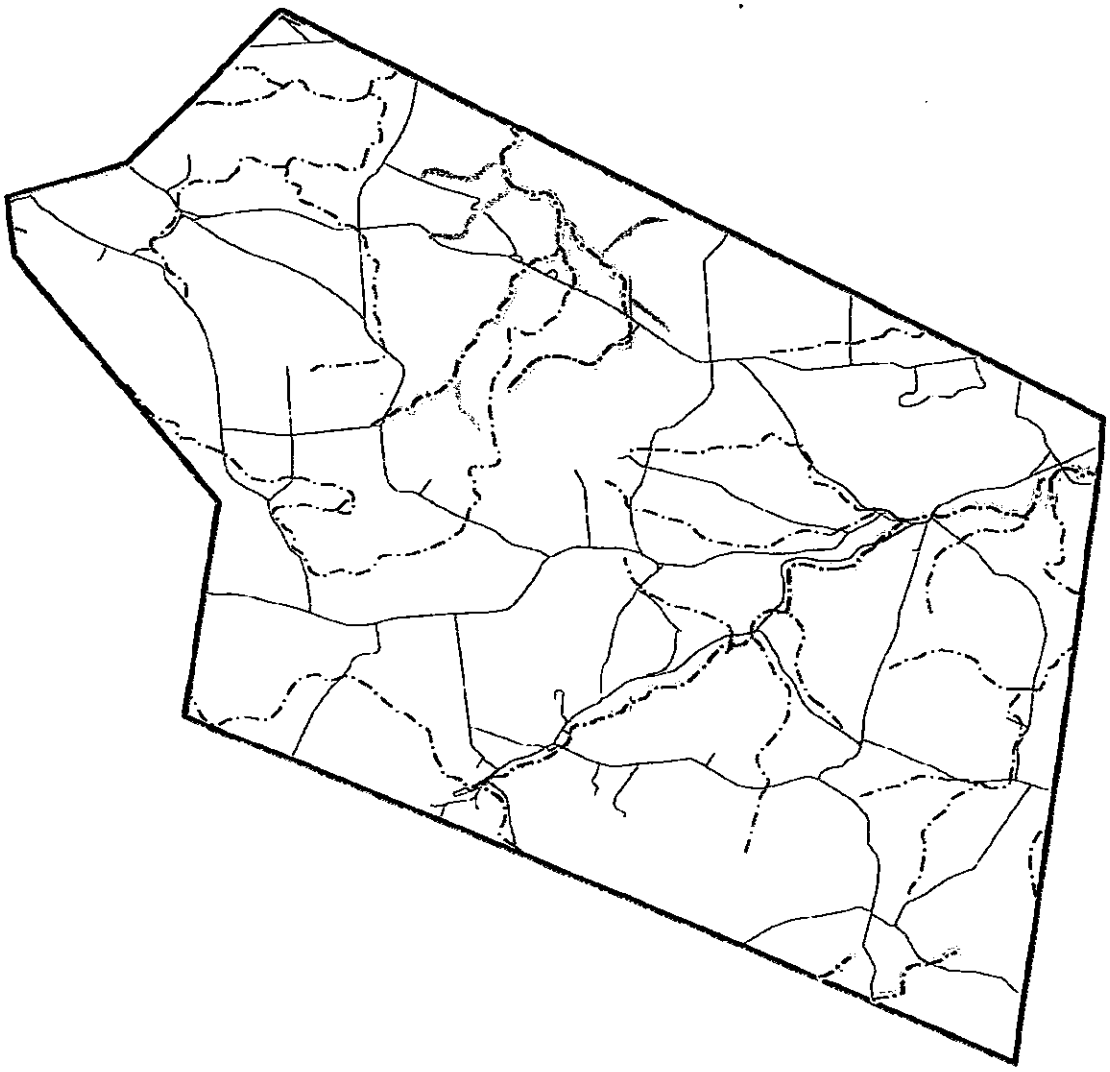


The 100-year floodplain is established based on current conditions and estimated using rainfall & waterflow calculations.

The floodway is established by assuming encroachment in the floodplain. This approximates the effects of development in the floodplain and illustrates how much the flood level will rise as a result.

Map 7.2 Flood Hazard Areas

Town of Stark, New York



Note: This FEMA floodplain map is a general representation of actual FEMA floodplains and should not be used to classify properties or for construction purposes.

Roads

Streams

100-year Floodplain

N

Source: Federal Emergency Management Agency
Data provided by Herkimer-Oneida Counties Comprehensive Planning Program, 1999

0 1 2 4 Miles

Wetlands

Fresh water wetlands are a major component of the surface water system and are often the link between surface and groundwater networks. Wetlands include bogs, marshes, swamps, ponds, wet meadows and wooded swamps and forests.

Due to conflicting opinions over how to identify wetlands, the U.S. Fish and Wildlife Service developed a wetland definition and classification system to inventory the nation's wetlands. In its search for a national definition for management purposes, the U.S. Fish and Wildlife Service decided upon this multi-disciplinary definition:

> *"Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of definition, wetlands must have one or more of the following three attributes: 1) at least periodically, the land supports predominately hydrophytes; 2) the substrate is predominately undrained hydric soil; and 3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year." (APA, 1988)*

This means that an area must have one or more of the following three factors to be defined as a wetland. The region must provide habitat for moisture-loving plants or hydrophytes at some point during the year. The area has hydric soil, which is characterized by its grayish color and ability to retain moisture. The water table is near the surface or the area is underwater for a certain period of time at some time during the year.

Historically wetlands have been viewed as undesirable, mosquito-infested wastelands that are useful only when filled or drained. Agriculture and development on the nation's wetlands has had a dramatic impact, by reducing their size and altering their functions. It is estimated that more than 215 million acres of wetlands existed when Europeans first arrived in North America. Now less than half remain intact. A concerted effort is being made to reverse this trend because wetlands serve many purposes. They help control flooding, maintain ground water supplies, aid in nutrient cycling, maintain water quality and provide valuable wildlife habitat.

Wetlands are transitional zones that are very important for protection from flood and storm water damage. They are often found in low-lying places, giving them the capacity to disperse and hold floodwaters throughout their area. This water can be retained in the wetland, and then slowly released into streams or rivers. Temporarily storing floodwaters protects downstream property owners from rapidly flowing torrents that can inflict considerable damage. Disturbing wetlands can greatly reduce their flood control capacity.

Wetlands can have a considerable effect on groundwater systems as well as on surface runoff. Depending on the season, wetlands can either add or receive water from groundwater supplies. During the spring wetlands can replenish groundwater through recharge. In the summer, some wetlands may go dry while others may retain their surface water, serving as important dry season wildlife habitat. They also protect underground water supplies by acting as filters that cleanse water before recharge.

Maintaining water quality is another important wetland function. Wetlands receive large amounts of nutrients and eroded soils from floodwaters and surface runoff. Agricultural runoff containing fertilizers, pesticides and soil sediments collects in wet areas. Natural wetland retention basins reduce the velocity of water currents, allowing these chemicals and nutrients to settle out where wetland vegetation can absorb them. In doing this, wetlands prevent large amounts of nutrients, pollutants and soils from flowing into rivers and lakes downstream where they can cause ecological damage and threaten drinking water supplies. Besides recycling of nutrients, wetlands improve stream and lake clarity, purify water and remove pollutants.

Aquatic plants and animals benefit greatly from these available nutrients. Many wetlands are more productive than agricultural lands in the total amount of plant matter they produce. This high productivity provides ample food to support diverse fish and wildlife populations. Wetlands provide year-round habitat for local birds and are essential to migrating waterfowl. They are also the primary habitats for mammals such as the muskrat and beaver.

Wetlands are economically important for timber, hunting, fishing, trapping and livestock grazing. They are also significant for their recreational value, as well as their educational and scientific uses.

Destruction of wetlands leads to intensified flooding, decreases in water quality, wildlife loss, and the degradation of downstream rivers and lakes. In order to reverse these trends, the protection of wetlands has been an official policy of the federal government since 1978. Congress directed federal agencies to "minimize the destruction, loss, or degradation of wetlands." Section 404 of the Federal Water Pollution Control Act (FWPCA) and the amendments of 1972 and 1977 (better known as the Clean Water Act) became the government's primary tool for protecting wetlands. Section 404 gave authority to the Army Corps of Engineers to establish a permit system to regulate the dredging and filling of materials in U.S. waters. This was later expanded to include wetlands.

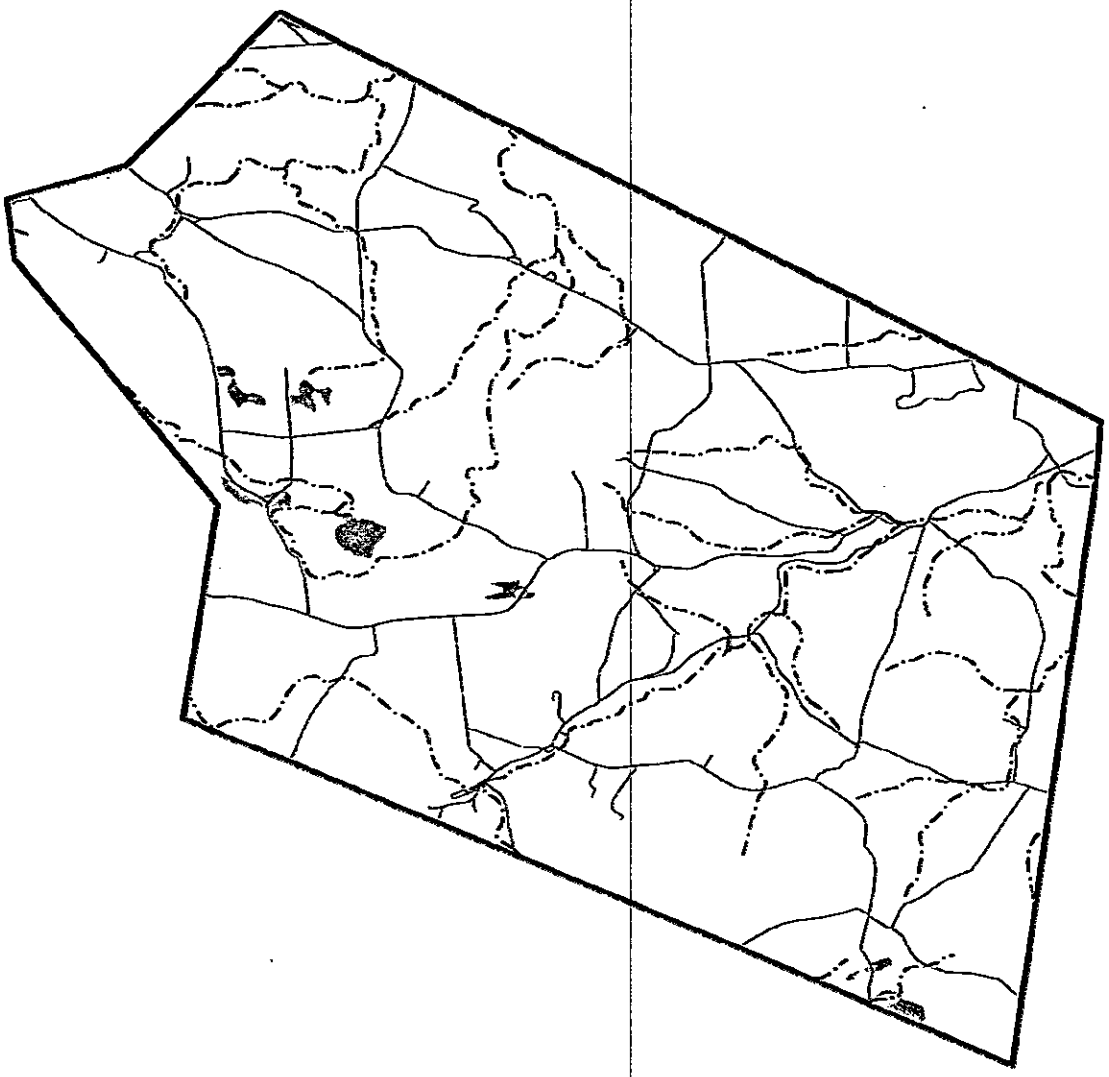
State wetland regulation is becoming more important as the federal government decentralizes much of its authority to state and local governments. Under the New York State Freshwater Wetlands Act of 1975, wetlands of 12.4 acres or larger, and smaller areas of unusual local importance, are regulated by the state. A wetlands permit is required from the New York State Department of Environmental Conservation (DEC) for such activities as draining, dredging, excavating, filling, discharging pollutants and building in a wetland. The DEC sends a copy of all wetland permits to the Army Corps of Engineers to determine whether the project needs a permit under federal regulations. There is no minimum size of wetlands protected under federal legislation.

State regulated wetlands are classified by the DEC into four classes. The classification system ranks wetlands objectively, according to criteria derived from DEC wetland regulations. Importance is based primarily on size, but vegetation and local importance are also taken into account. The Class I wetlands are most valuable, and their regulation is generally reserved for the state. Classes II, III and IV are considered progressively less important according to state criteria. Federal regulations do not distinguish between wetlands based on size or potential wetland value.

Wetlands in the Town of Stark are concentrated on the western uplands between Travis and Aney Hill Roads, and in the southeastern corner of the Town. Due to state wetland regulations, as well as economic, recreational, and hydrologic importance, wetland protection and preservation may be an objective for the Town. The Town can assist state and federal protection efforts with its more intimate knowledge of local wetland resources and its connection with the citizenry. By informing people about the benefits of wetlands and providing maps and inventory information, unwise decisions and actions can be avoided, and the town will reap the rewards.

Map 7.3 State Regulated Wetlands

Town of Stark, New York



Roads

Streams

State Regulated Wetlands

N

Source: New York State Department of Environmental Conservation
United States Department of Commerce
Provided by Cornell University, 1999

0 1 2 4 Miles

8. Scenic Viewsheds

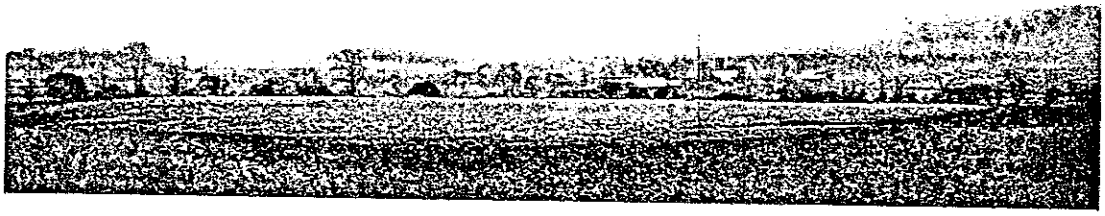
Scenic Views

The Town of Stark, due to the combination of its topography and open agricultural land offers many scenic vistas, especially to the north and east overlooking the Mohawk Valley. In planning for future development, viewsheds are an important consideration. In Stark's landscape, even small changes will be highly visible, and incompatible development may be difficult to screen from view. Additionally, as abandoned agricultural land goes into successional growth, these open vistas will begin to be obscured.

Stark's open viewsheds are also a unique resource, which currently contribute to residents' quality of life and could contribute to future economic development initiatives. Picturesque locations are popular tourist destinations and the scenic qualities could draw new residents to Stark.

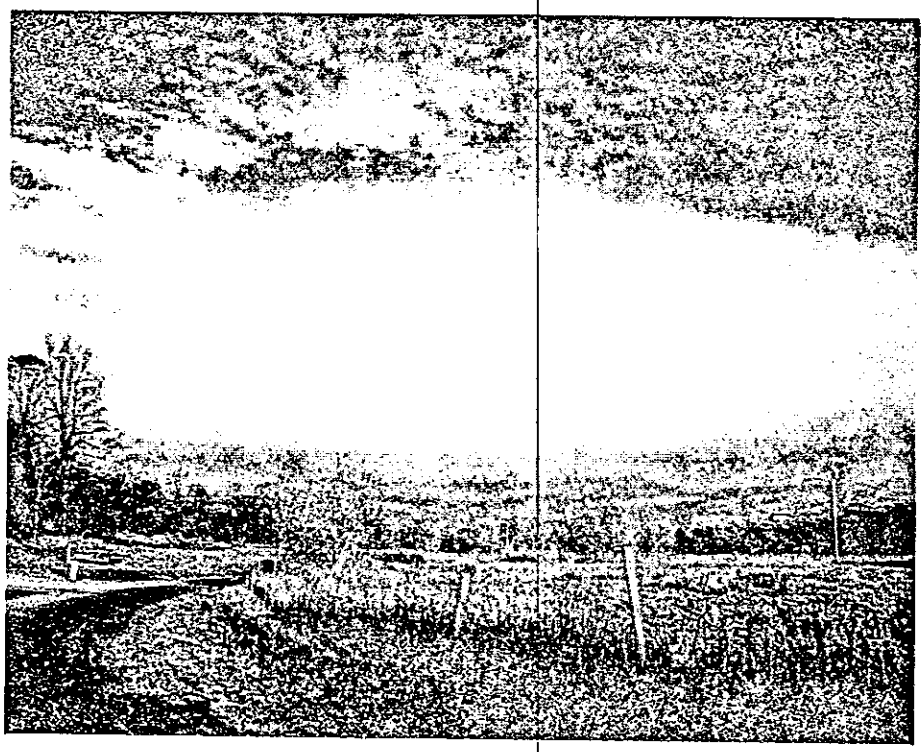
Map 8.1 locates over 10 scenic views that were photographed mainly by local participants in a photo survey. Respondents photographed three scenic views each. Those that appear on the map were the most frequently photographed vistas. The map offers a general location and direction for each photo.

View A looking northeast on Sickler Road.

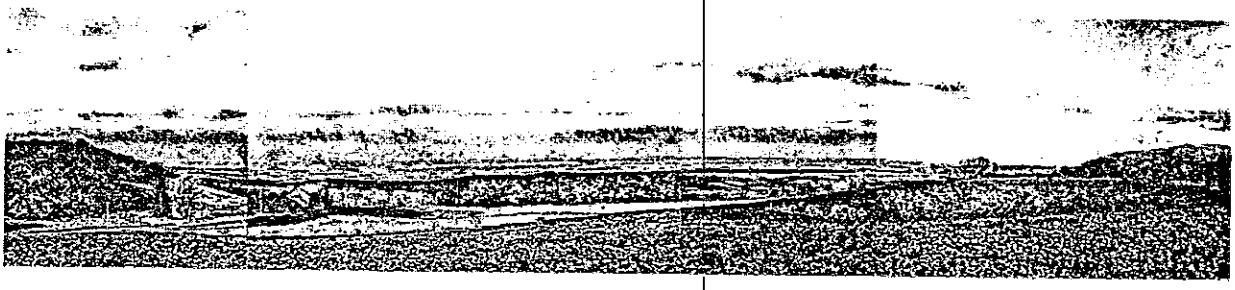


View B looking southeast towards Van Hornesville from Puskarenko Road.

View C looking southeast towards Van Hornesville from Cemetery Road



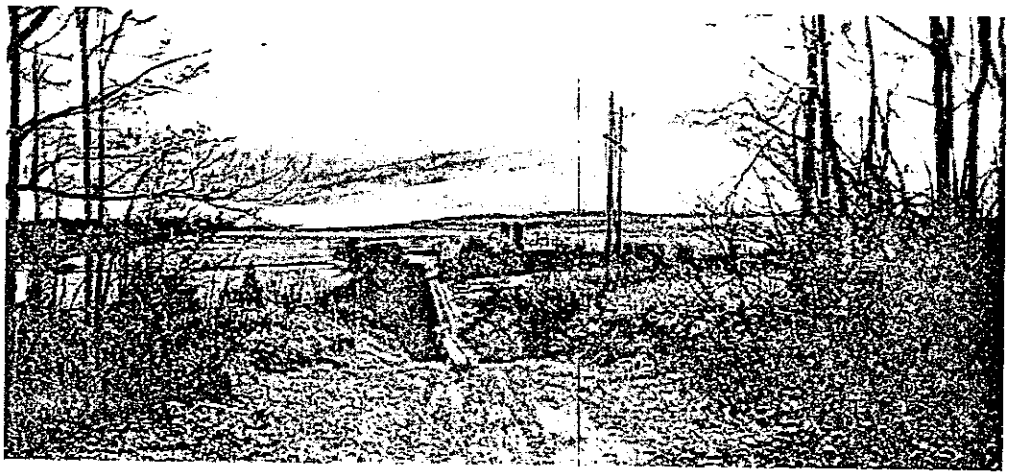
View D looking east over the Mohawk Valley from Mead Road.



View E looking northeast over Mohawk Valley from top of Wiltse Hill Road.

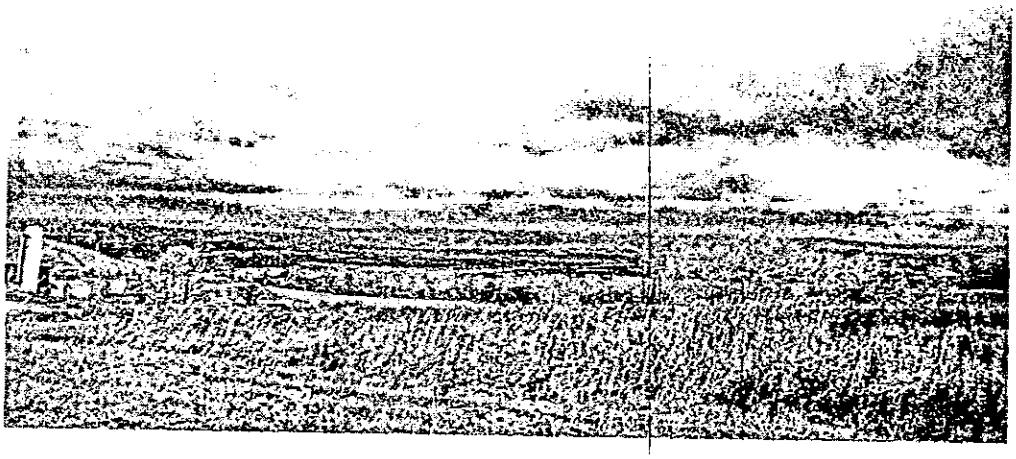
View F looking northwest over Mohawk Valley from Gros Road.

View G looking north over Starkville from top of Wagner Hill Road

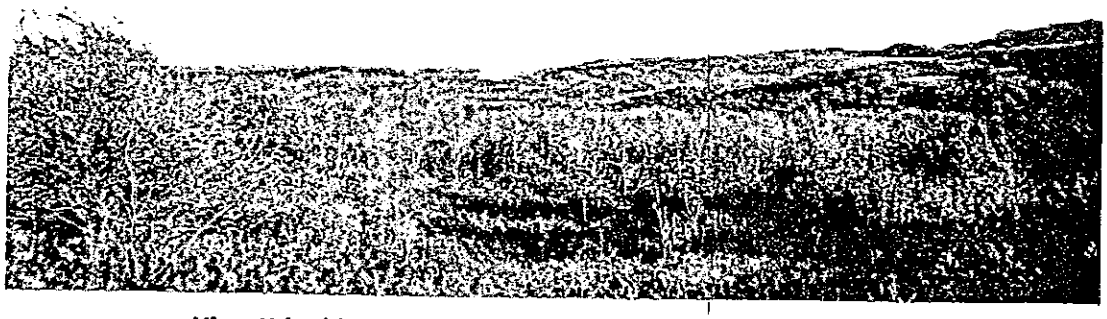


View H looking southwest down Mussmaker Road

View I looking north from Cramers Corners Road



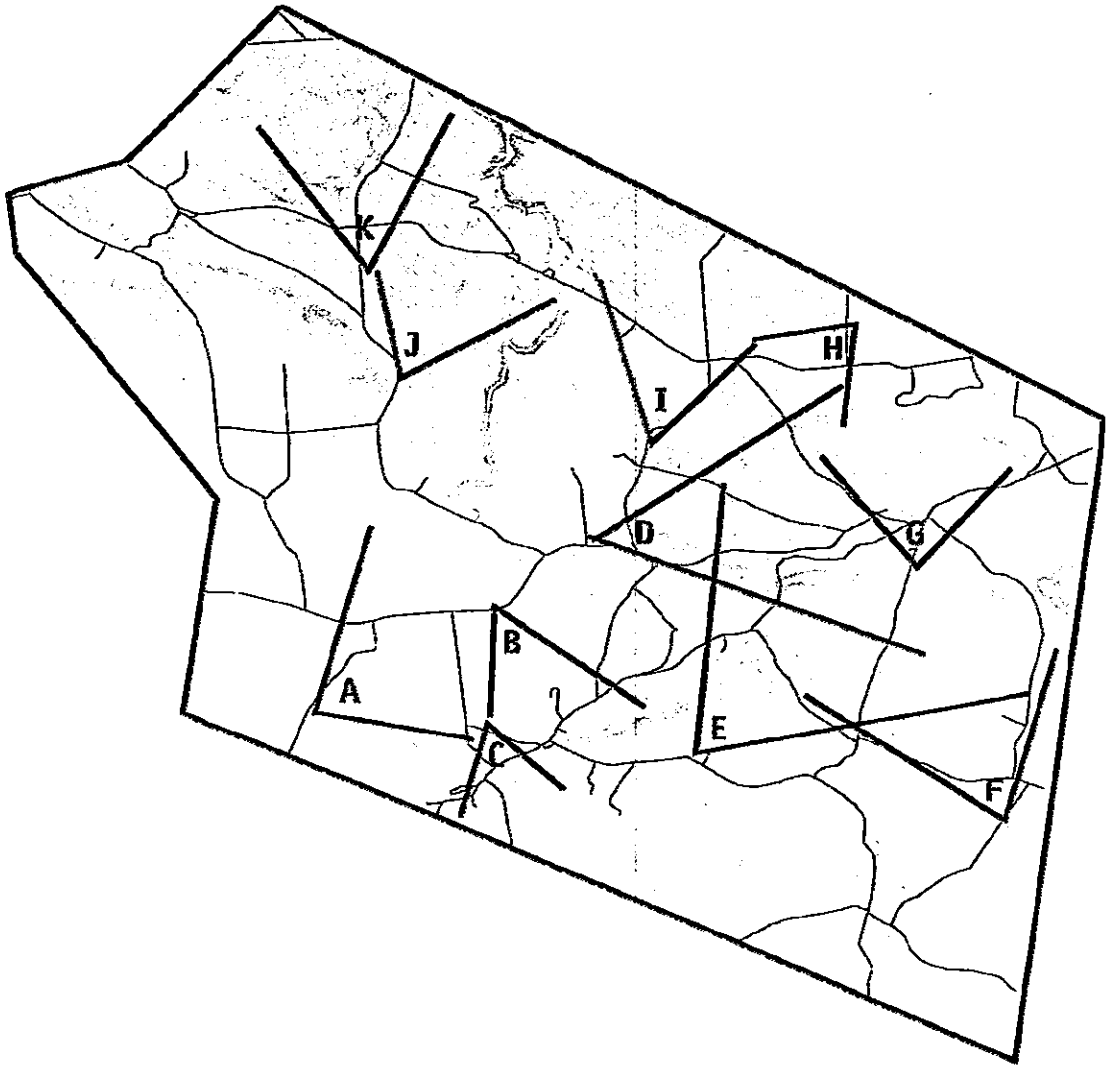
View J looking north from Travis Road over the Mohawk Valley



View K looking north over Mohawk Valley from Travis Road

Map 8.1 Scenic Viewsheds

Town of Stark, New York

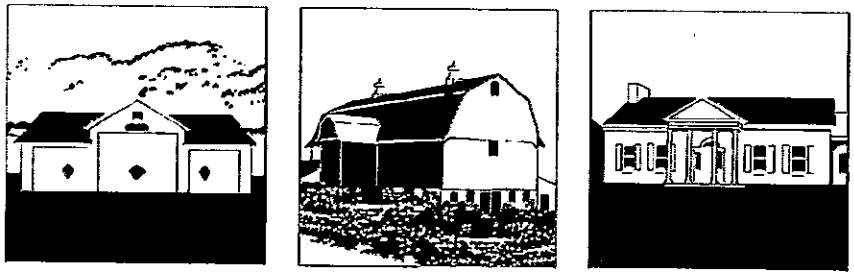


N

Roads

Source: Stark Photo Survey Responses

0 1 2 4 Miles



Socio-Economic Resources

9. Population, Economy & Housing

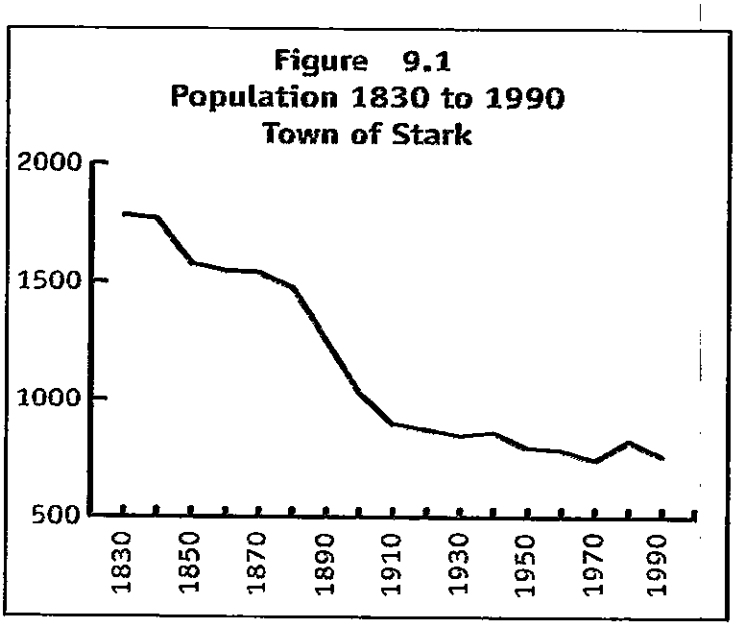


Figure 9.2 Population Table

Year	Population	Population Change	Percent Change
1830	1781	—	—
1840	1766	-15	-1%
1850	1576	-190	-12%
1860	1543	-33	-2%
1870	1541	-2	0%
1880	1476	-65	-4%
1890	1248	-228	-18%
1900	1030	-218	-21%
1910	897	-133	-15%
1920	870	-27	-3%
1930	844	-26	-3%
1940	858	14	2%
1950	793	-65	-8%
1960	783	-10	-1%
1970	739	-44	-6%
1980	824	85	10%
1990	759	-65	-9%

Shaded areas indicate periods of population stability

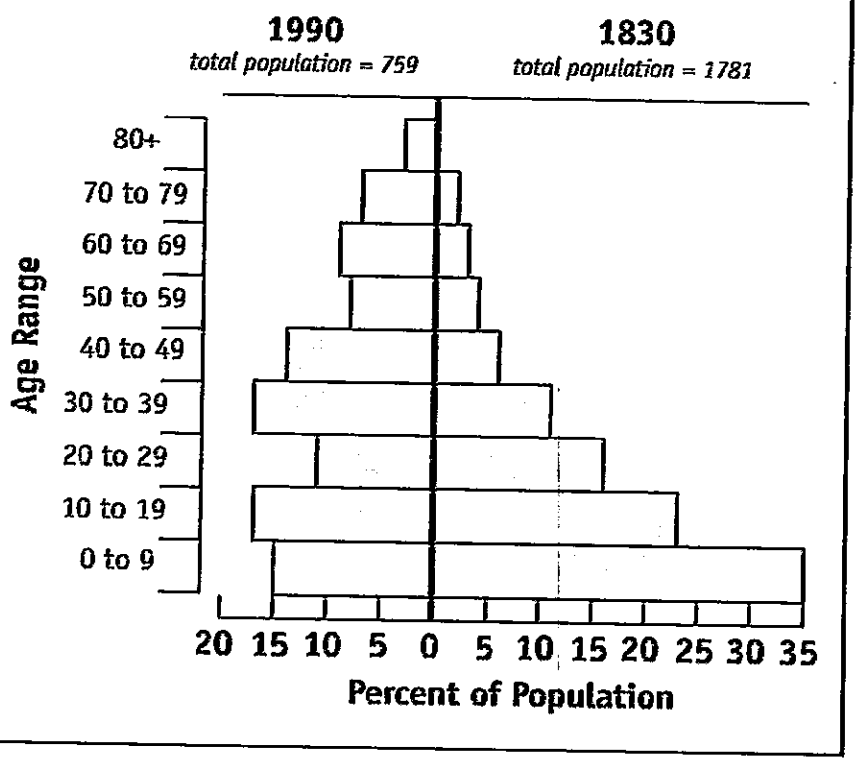
Population

Analyzing demographics, the statistical characteristics of human populations, enhances the Town of Stark's capability to prepare for future needs. Historic population trends, population projections and population characteristics offer clues about what the future will hold for Stark. The federal government has collected demographic information since 1790 when it initiated a complete census every ten years. Since 1790 the type and quantity of information collected has changed, but the purpose remains to count every American.

Overall, population has been decreasing since Stark first appeared in the census in 1830. The decline has not been steady, however.

As Figures 9.1 and 9.2 indicate, Stark's population has experienced periods of stability as well as sharp declines and some increases. A dramatic shift occurred between 1880 and 1910. This trend is not unique to Stark. During this time, two forces were shaping the population trends in the United States.

Figure 9.3
Age Distribution in 1990 Compared to 1830



First, medical science began to defeat common diseases that had led to high childhood mortality rates. This eventually lead to a decrease in family size as people began having fewer children. In 1875 the average family size in Stark was 4.03 people. By 1990 that average was 3.26 people per family.

The second trend is the migration of people from rural areas into the metropolitan centers to work in factories in the mid-19th century. This is the same period during which Stark's once prosperous mills began to decline. As the economy shifted away from small-scale, local manufacturing to the mechanized assembly lines of the Industrial Revolution, workers followed the jobs.

In addition to an overall population shift, the age distribution of the population has changed from 1830 to 1990 as seen in Figure 9.3. In 1830, the majority of the population was under 20 years old. In 1990, the percent under 20 is nearly equal to the percent between 30 and 50 years of age.

Figure 9.4
Place of Residence in 1985
compared to 1990

Same House	69%
Same County	17%
Another New York County	6%
Different State	6%
Abroad	2%

In addition, the lengthening life expectancy has lead to an increase of people aged 60 and over. In 1830, those over 60 years old made up only five percent of population, while in 1990 they made up 18 percent. In addition to increased life expectancy, many younger people leave small communities for education and employment opportunities, some returning later in life to retire in their hometowns, thus increasing the percentage of people aged 60 and over.

From 1910 to the present, the population has generally declined slowly, decreasing by a few percentage points every decade. There was a rise between 1930 and 1940, as well as one between 1970 and 1980. The decade of the 1940s saw a steep population decline, as some of Stark's residents did not return from World War II or left to work in factories for the war effort.

Despite the general population decline, there is still some migration into the Town. In the 1990 census, 69 percent of Stark's residents reported that in 1985 they lived in the same house and another 17 percent stated that they had lived elsewhere in Herkimer County at that time. Six percent had lived in New York State but outside Herkimer County and another six percent had been in another state. Only two percent had lived outside the United States in 1985.
interrelationship of regulations, infrastructure and market conditions. For example, the introduction of public water and sewer facilities within a rural community can increase the population projection significantly.

Stark may grow slightly during the next 25 years but does not have the population base, skilled workforce, infrastructure or interstate access to attract medium- to large-scale industry. The town could accent its natural idyllic beauty and develop destinations attractive to the region's tourists. Strengthening and protecting Stark's agricultural base could improve the local economy while also maintaining the town's scenic rural character. Small businesses should be encouraged as well. Stark's chief attraction and opportunity lies in its unspoiled scenery, productive agricultural lands and small-town atmosphere.

Economy

The United States Census also records information about the economic characteristics of households such as income and employment data. The Census Bureau defines households as the number of occupied housing units. According to the 1990 Census, there are 257 households in Stark, 211 of which are defined further as families, people related by blood, adoption or marriage living together in a household.

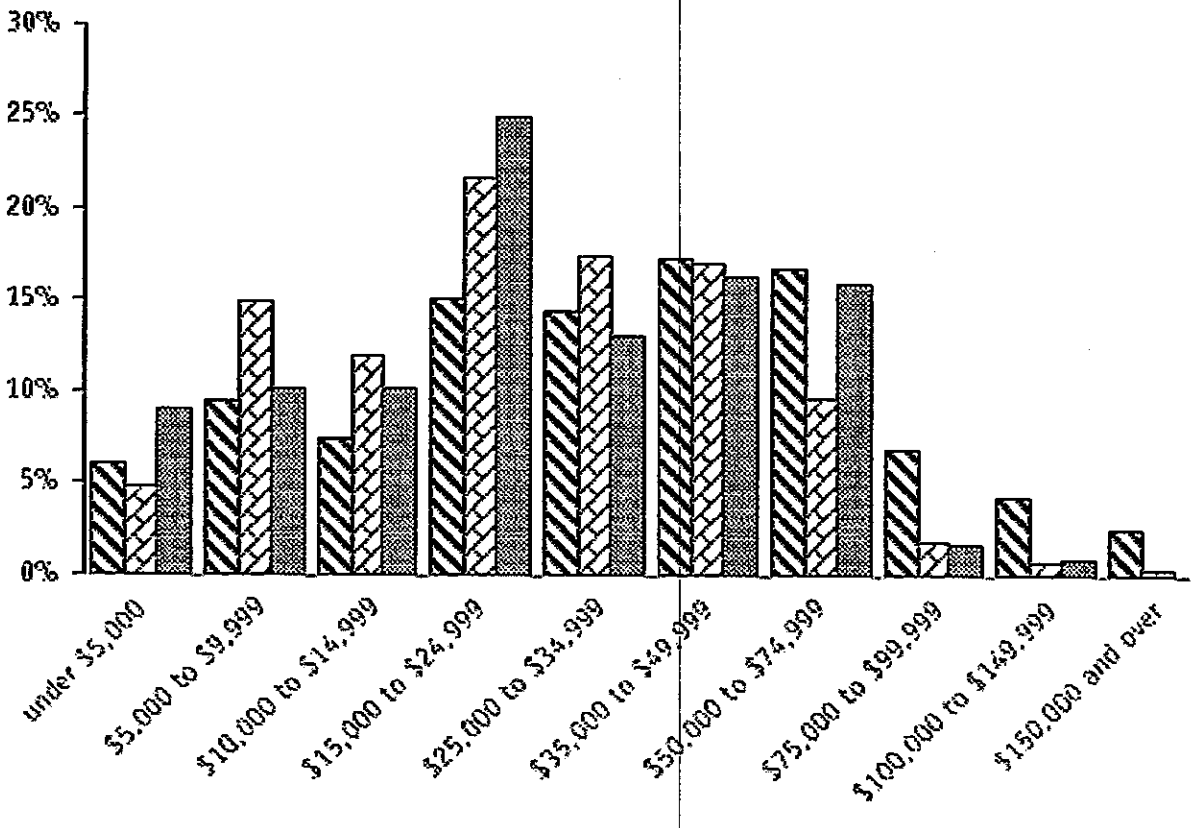
Figure 9.6 indicates the range of income levels in 1989 and the percent of households in each category. The percentages from Stark are compared to those for the county and the state as a whole. In general, Stark has a lower percentage of low-income households than the county and a higher percentage than the New York State average. However, Stark does have a greater percentage of households with incomes less than $5,000 than either the state or county. At the highest income levels, both Stark and Herkimer County have lower percentages than the state as a whole.

The median household income in Stark in 1989 was just over $24,000. For the entire state, the median income was nearly $33,000. The per capita income, income per person, was just over $10,000 in 1989, which was about $6,500 less than the state average.

Two factors influence the lower income levels in Stark in comparison to the state. First, income levels and cost of living are generally lower throughout upstate New York. Second, while the nation has enjoyed economic growth and prosperity in the past decade, upstate New York has struggled. According to a study by the governor's office, in the years 1975 to 1998, upstate matched or slightly exceeded the national economic growth rate in only three years, 1982, 1986 and 1988. In all other years, upstate was in relative decline. Upstate lost 101,000 private sector jobs during the recession of the early 1990's, and lost jobs at triple the national rate.

The contraction of the manufacturing base had acute consequences for the rest of the upstate economy. When manufacturers closed shop, suppliers and retailers lost their biggest customers. The exodus of jobs and people to other states worsened these conditions and decreased the demand for housing. While this may have not directly influenced Stark, it did affect the Town indirectly as the economy of the region suffered.

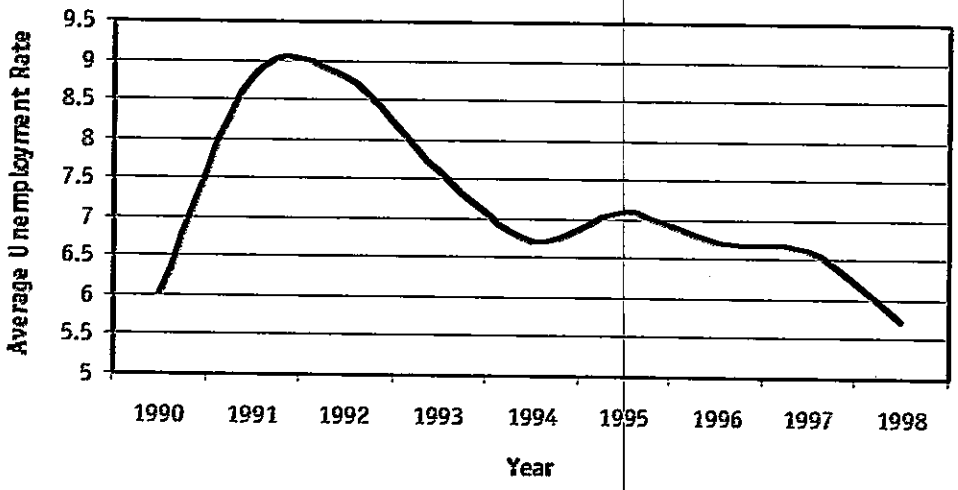
Figure 9.5 Household Income in 1989
Town of Stark compared to New York State & Herkimer County



New York State
Herkimer County
Town of Stark

Source: United States Census Bureau *Note: Income is in 1989 dollars.*

Figure 9.6 Annual Unemployment in Herkimer County
1990 to 1998



The upstate economy has just begun to show signs of a turnaround as the manufacturing base stabilizes and durable goods manufacturers have slowly started to grow employment. In recent years, the job losses and other negative economic factors has been reversed. As illustrated in Figure 9.7, the Bureau of Labor Statistics has recorded a declining unemployment level from the mid-'90s on. Stark's levels of unemployment in 1989, before the recession of the early '90s, were fairly low as indicated in Figure 9.7. The annual unemployment rate in Herkimer County, as of November 1999, is just over five percent.

Figure 9.7 Employment Status in 1990

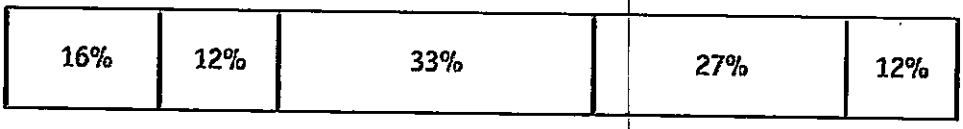
	Employed	Unemployed	Not in Labor Force
Men	70%	3%	27%
Women	44%	4%	53%

Figure 9.8 Employment Categories	
Agriculture, forestry & fisheries	16%
Manufacturing, durable goods	13%
Health services	13%
Retail trade	13%
Construction	11%
Educational services	8%
Manufacturing, nondurable goods	6%
Transportation	3%
Entertainment & recreation services	3%
Personal services	3%
Professional & related services	3%
Business & repair services	2%
Finance, insurance & real estate	2%
Mining	2%
Wholesale trade	1%
Public administration	1%
Communications & other public utilities	1%
Source: 1990 Census *Note:percentages rounded*	

Figure 9.8 indicates that in the Town over 70 percent of men and 44 percent of women over age 18 are employed. Unemployment is fairly low with the remaining people indicating that they are not in the labor force.

Figure 9.9 identifies the industries of the residents of Stark, according to the 1990 Census. Agriculture and forestry, which are directly dependent on natural resources, employ the largest percentage of people in Stark. Manufacturing, health services, retail trade, construction and educational services follow this.

Figure 9.9 Length of Commute
from the 1990 Census



Work at Home	Drive under 15 Minutes	Drive 15 to 30 Minutes	Drive 30 to 45 Minutes	Drive over 45 Minutes

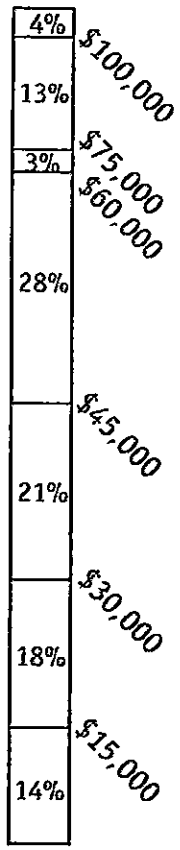
note: percentages rounded

The Census also analyses employment by occupation. In that breakdown, ten percent of citizens reported working for the local government and state government employed another eight percent. Another 11 percent of Stark's working population is self-employed.

Besides those employed on farms, by ODY Central School or with the town itself, there are few employment opportunities within Stark. As Figure 9.10 illustrates, most people are driving 15 to 45 minutes to work, most traveling outside the town.

Figure 9.10 Change in Housing Units 1980 to 1990						
	1980	Percent of Total	1990	Percent of Total	Difference	Percent Change
Single Units	222	78%	237	76%	15	6.8%
Multiple Units	62	22%	74	24%	12	19.4%
Total Units	284	—	311	—	27	9.5%
note: percentages rounded						

Figure 9.11
Housing Values
1990



note: percentages rounded
values in 1990 dollars

Housing

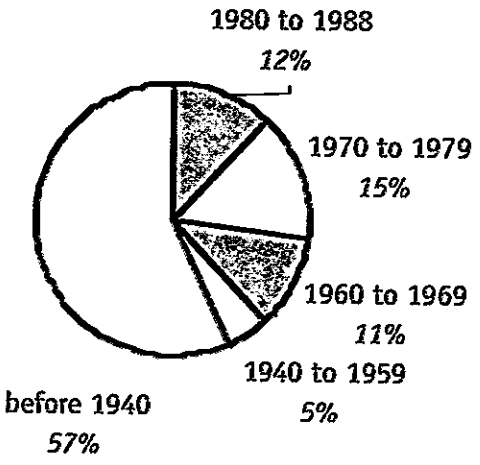
The availability of affordable and safe housing is a necessary element to ensure the future stability of any community or to promote growth. Well-kept buildings attract new residents and help maintain citizens' pride in their community.

For over a century, the number of dwellings in Stark has been fairly stable. Despite the decrease in population, there has been little change overall in the number of housing units. The 1855 New York Census recorded 272 houses in Stark, and the 1990 Census lists 311 housing units, with 257 occupied. However, as Figure 9.11 indicates, there have been changes in the past 20 years. During the 1980's, there were 27 new housing units built in Stark, nearly a 10 percent increase. Interestingly, 12 of these new units were not single-family detached homes, but multi-unit structures. This resulted in a nearly 20 percent increase in the number of multiple-unit structures in the Town.

Presently about 84 percent of the houses in Stark are owner-occupied and 76 percent are single-family detached homes. Another 20 percent of Stark's housing units are mobile homes or trailers. Sixteen percent of the housing units were vacant in 1990.

As shown in Figure 9.12, about half the owner-occupied houses in Stark were valued at between $30,000 and $60,000 in 1990. Fifteen percent

Figure 9.12 Date Built



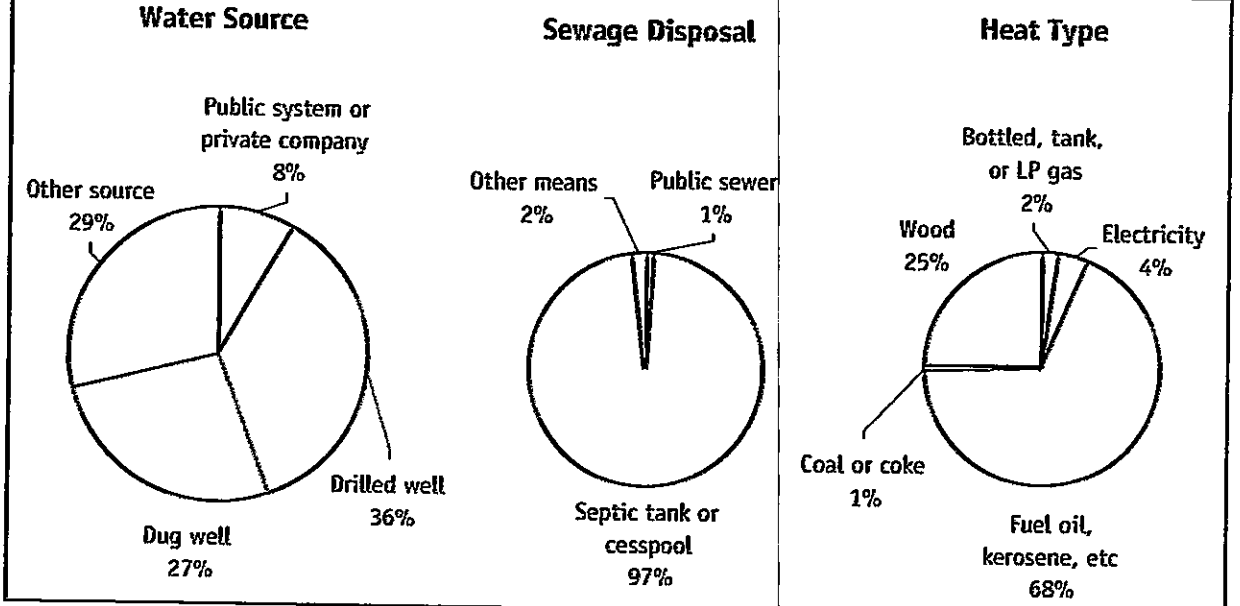
Note: percentages rounded

had a value of less than $15,000 and four percent were worth more than $100,000.

As Figure 9.13 illustrates most of Stark's homes were built before 1940. The assessor's table for the Town records a number of buildings built in the late 1700s that are still standing. Many of the Town's homes were built in the mid to late 19th century.

The 1990 Census indicates that over half of Stark's homes have either a dug or drilled well and only eight percent receive water from a public system or private company. Nearly all homes in Stark have septic systems for sewage disposal. Two-thirds of Stark's homes are heated with fuel oil or kerosene and another quarter heat with wood.

Figure 9.13 Water, Sewer & Heat



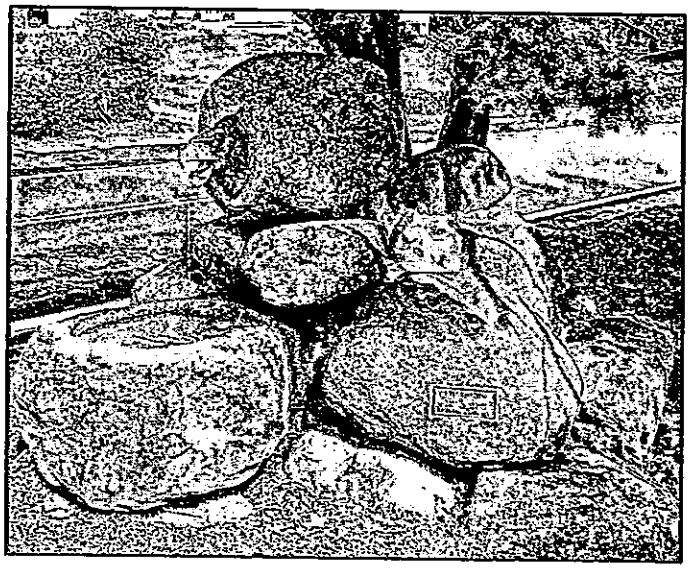
Notes: 1% public sewer response due to census sampling method given that there is no public sewer in the Town all other percentages are rounded

10. Architectural Resources

The Town of Stark is rich in architectural heritage. Many of the town's structures are over 100 years old. Most of these are homes, but there are also barns and related farm structures, commercial and industrial facilities, and educational and religious buildings.

Uncovering and understanding the architectural history of Stark is important for two reasons. First, property owners may be unaware of the value of resources like historic buildings. Informing owners about a historic structure is often the first step in protecting it. Otherwise, the owner may unknowingly alter or destroy the historic structure.

On a larger scale, the historic architectural resources of the town provide an opportunity for economic development. The Town of Stark could become a heritage tourism destination by establishing an interpretive walking tour of the hamlets, Starkville and Van Hornesville. A walking tour could also include the Woodruff Nature Trail with the addition of interpretative signage on the manufacturing history along the creek. A driving tour along Stark's scenic roads could include information about the agricultural landscape patterns and historic farm structures. Historic buildings could be transformed into bed and breakfast establishments as well.



Revolutionary War Monument and Fountain in Van Hornesville

The historic architecture of Stark also helps create the visual character of the town. Design details – like shutters, porch or window decorations and roof style – distinguish Stark from other places. New construction can incorporate some historic detailing to fit well into the surroundings. It is important to recognize the architectural details, especially in the hamlets, when considering whether new development will harmonize with the existing structures.

Early Classical Revival

The Early Classical Revival gained popularity after the American Revolution and continued to be a dominant style until its more Roman detailing gave way to the Greek Revival in the 1830s. The two styles are very similar with an emphasis on the cornice line, use of columns and elaborate doorways. Figure 10.2 illustrates some of the most common classical elements that are used in later styles. The most well-known example of this style of architecture is Thomas Jefferson's home, Monticello, and he played an important role in popularizing this classical style especially for public buildings like schools, banks or government offices.

In Starkville, the Lutheran Church, Figure 10.1, is an example of the Early Classical Revival. Built around 1830, it has two features that distinguish it from Greek Revival buildings. First is the fanlight in the gable. Early Classical buildings often have circular or semicircular windows (also referred to as lunettes) centered in the triangular pediment-like gable. The church also has a Palladian window on the steeple, so named from the architect who introduced that window shape. The Palladian window has three parts, a central arch with a rectangle on either side. Finally, as with most Early Classical buildings, the trim is not as elaborate as that generally found on the later Greek Revival buildings.

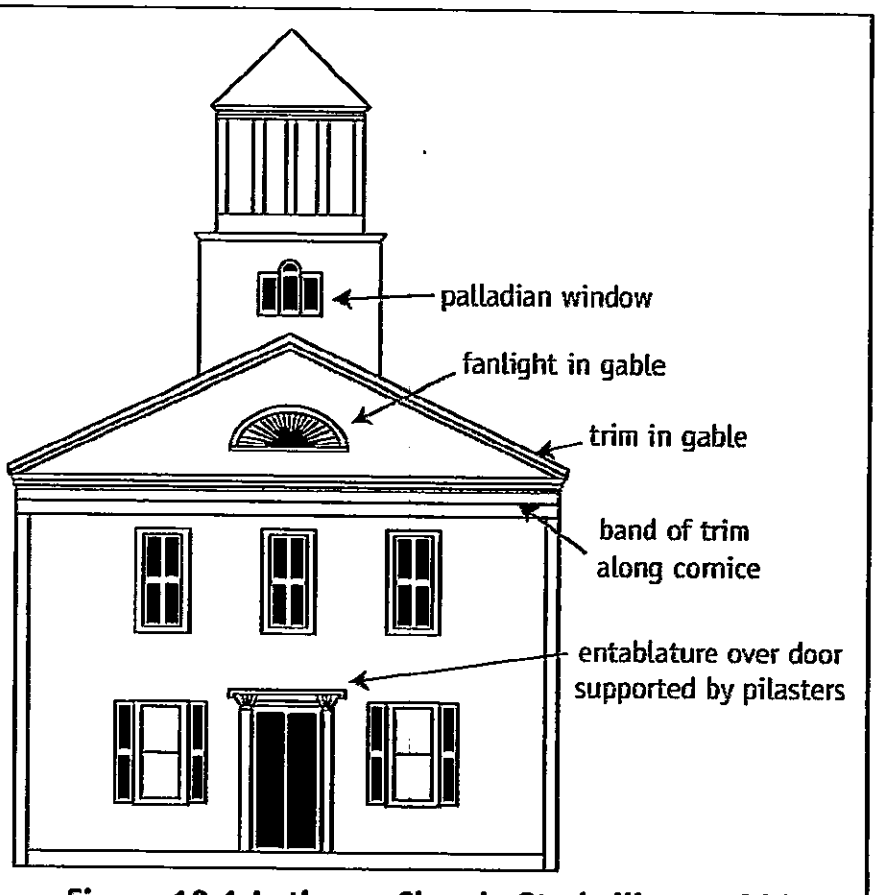


Figure 10.1 Lutheran Church, Starkville, c. 1830

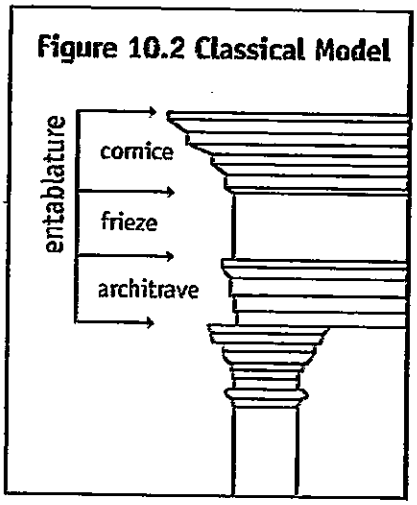


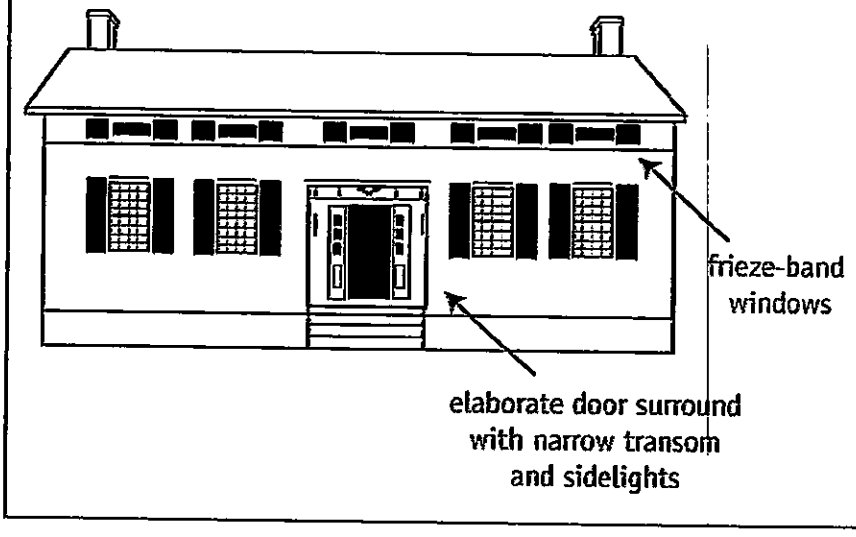
Figure 10.2 Classical Model

Greek Revival

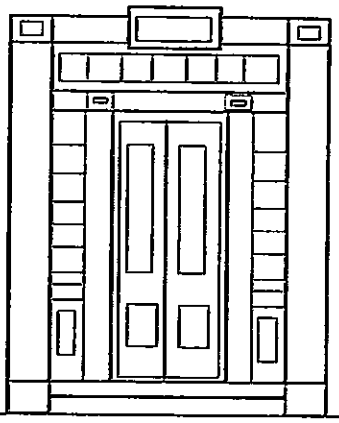
Greek Revival was the dominant style for homes in America from approximately 1830 to 1850. Due to its great popularity, it has been called the National Style. It was based upon Greek precedents and thought to be the most appropriate style for our new democratic nation as it rejected its former ties to England and began to expand westward. Large concentrations of Greek Revival houses are found in New York and other states that were experiencing growth during the early 19th century. The style was first used for public buildings, such as banks and government offices, and then spread into use as a domestic style through carpenter's guides and pattern books.

Greek Revival buildings generally have low-pitched gabled or hipped roofs over decorated cornices. An example from Van Hornesville, shown in Figure 10.3, has small windows just below the roof that emphasize the cornice band instead of wooden trim. As seen in Figures 10.3 and 10.4, other decorative items commonly found include columns or flat pilasters, decorative molding, as well as elaborate doorways with transoms and sidelights. Many Greek Revival homes have an entry porch or a porch the full width of the facade.

Figure 10.3 Aunt Catherine's House
A Greek Revival Example



Typical Door Detail



Like the Lutheran Church, the Mill Pond Church has elements of several architectural styles. It has a fairly low-pitched roof, the gable is outlined in trim like the pediment on a Greek temple and it has flat pilasters on the corners. These are all Greek Revival features. However, the windows are pointed arches, a Gothic feature commonly used in churches. The steeple roof has a slight curve more typical of the Italinate style popular in the mid to late 1800s.

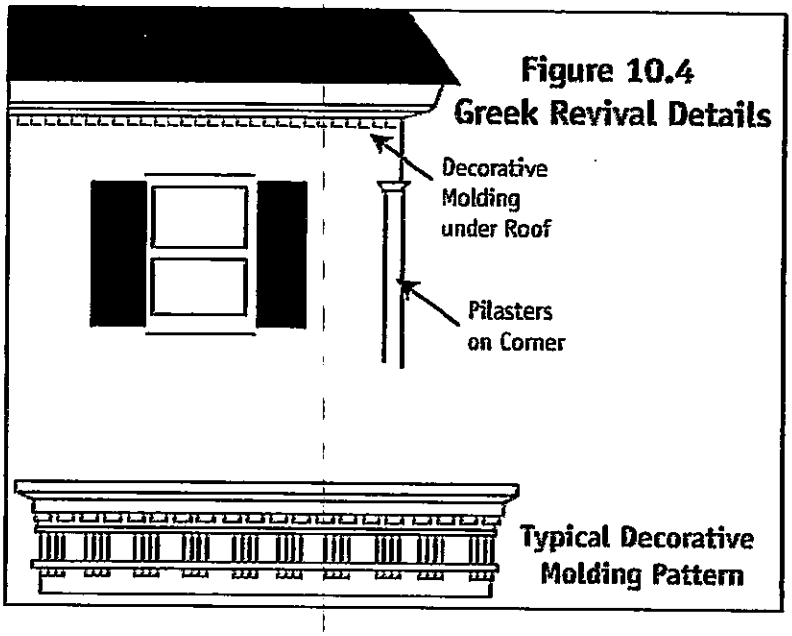
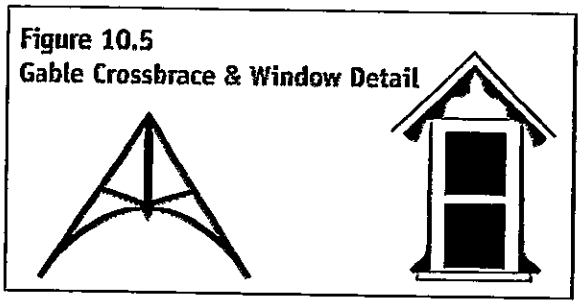


Figure 10.4
Greek Revival Details

This mix of architectural styles occurs as structures are built or altered over time. Often churches were constructed as the congregation could afford it. The basic building was erected and, 10 or 20 years later, a steeple or elaborate stain-glass windows were added. Additionally, as styles changed, buildings were altered to match current trends.

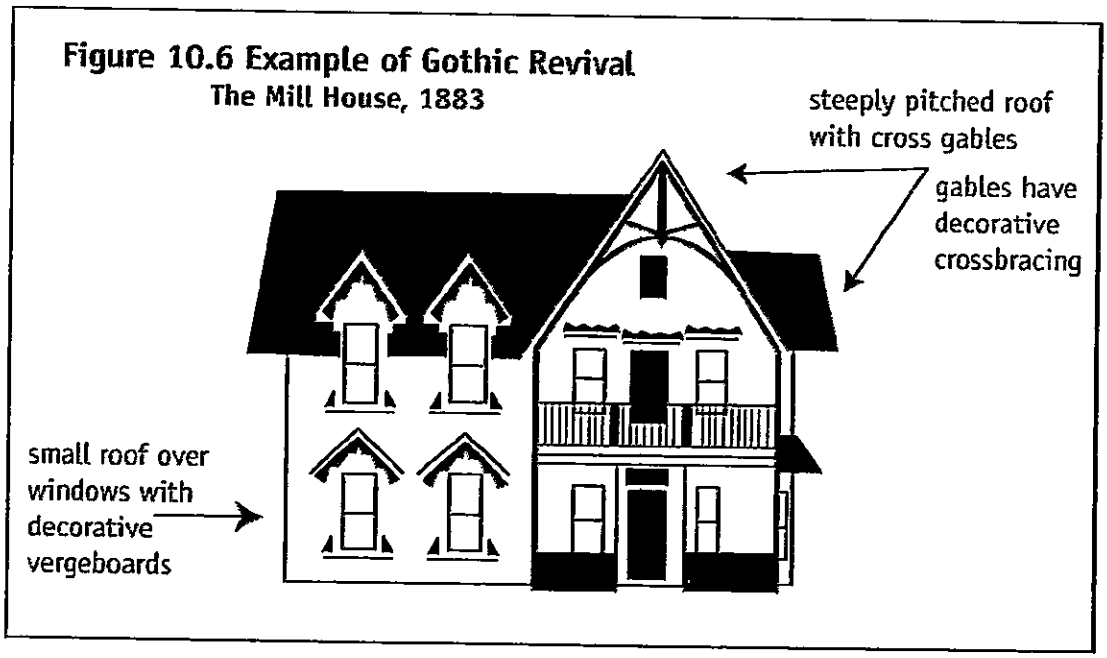
Mill Pond Church, Van Homesville formerly the Union Church built c. 1840



Gothic Revival

Gothic Revival was a popular style from 1840 through 1880. Originating in England, this movement gained momentum in America when designer Andrew Jackson Downing published a popular pattern book, *Cottage Residences*. This book contained illustrations of new house styles that were alternatives to the prevailing Greek classicism. The new designs were based on medieval precedents. The Gothic style was seldom used on urban buildings because Downing promoted it as a rural style that was compatible with natural surroundings. Most Gothic Revival homes are found in the northeast.

Gothic Revival buildings are characterized by steeply pitched roofs and gables. Decorative vergeboards and crossbraces are common on gables and above windows. Builders were able to construct these decorative touches because of the newly perfected scroll saw, leading to the term Carpenter Gothic. The decorations along gables, windows and porches have also been referred to as gingerbread.

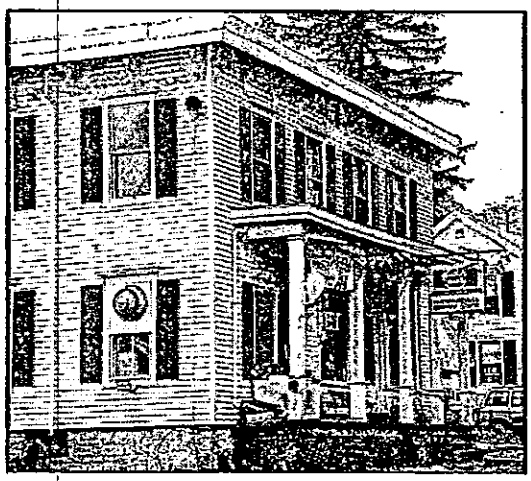


Italianate

Italianate was a popular style from 1840 through 1885. Like the Gothic Revival style, the Italianate originated in England as part of a movement against classical styles of the preceding 200 years. The Italianate was not based on Renaissance Italian or Ancient Roman styles, but rather on informal Italian farmhouses. Downing's pattern books served to popularize the Italianate as well, and the style became especially common for rural homes.

Low-pitched hipped roofs characterize Italianate buildings. Other characteristics include decorative brackets under overhanging eaves. Residences are usually two or three stories with tall, narrow windows. Windows often have fancy crowns above them.

The General Store in Van Hornesville is an example of the Italianate style. It has the overhanging eaves and brackets and a low-pitched roof. Like many Italianate examples, the front has an entry porch and crowns over the windows.



General Store, Van Hornesville

Figure 10.7 Italinate Style

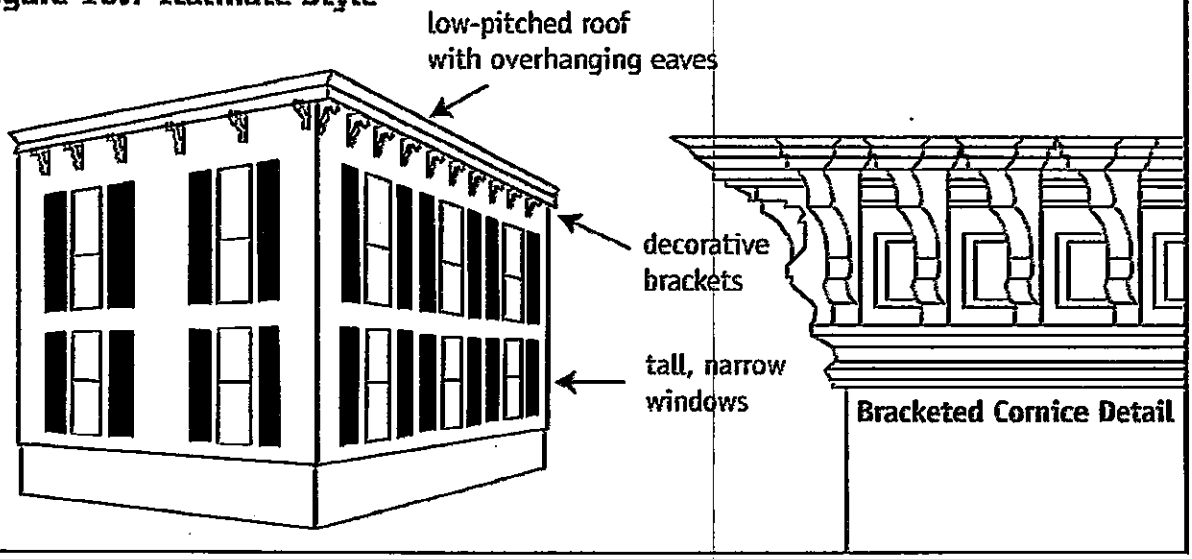
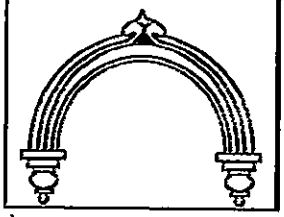
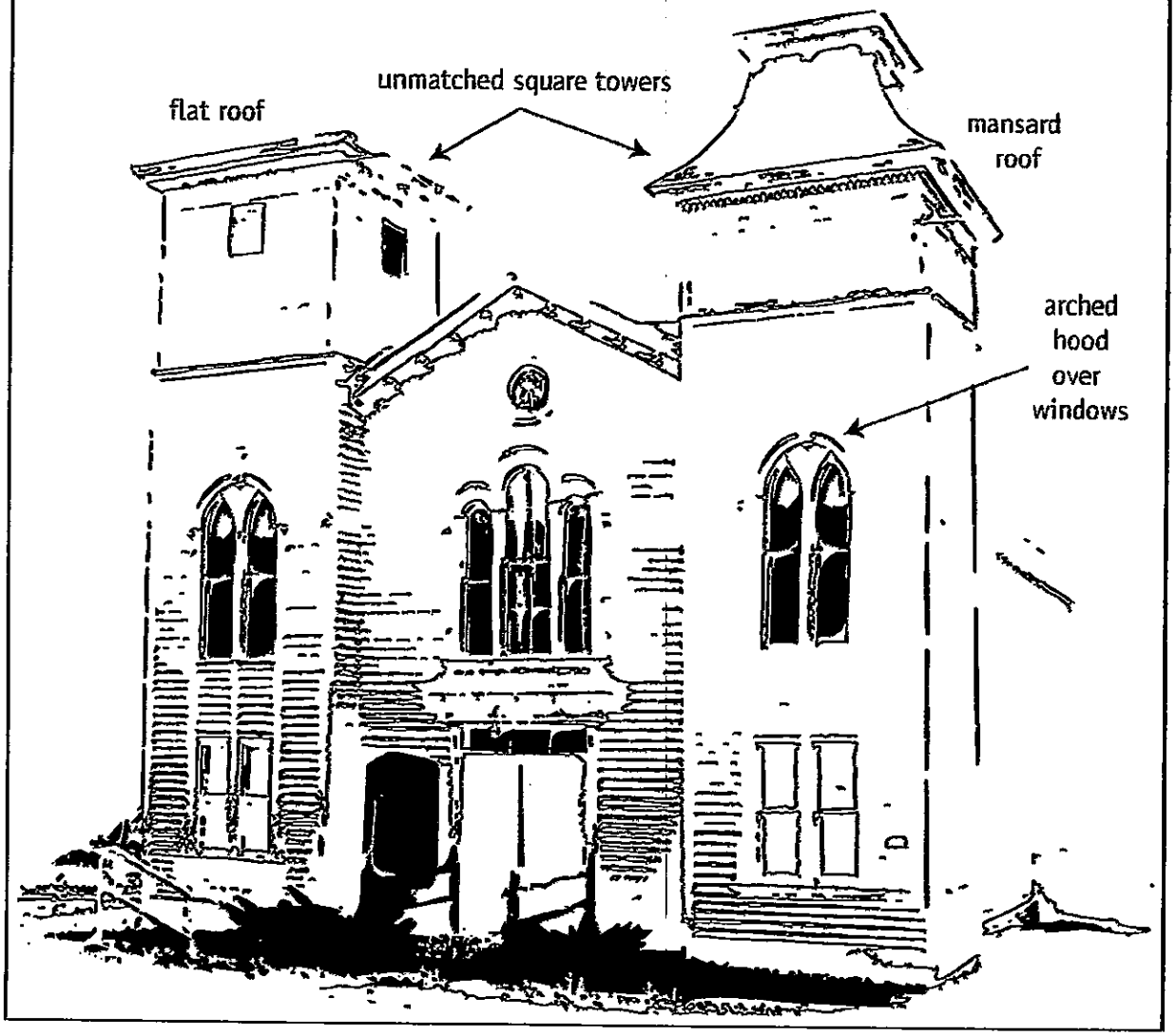


Figure 10.8
Window Hood



The Methodist Church in Starkville is another example of the Italianate style. It has unmatched square towers, one with a flat roof and the other with a curved mansard roof. The windows are embellished with decorative hoods, a common feature of the style. There is also brackets under the roofline of both the building and the towers.

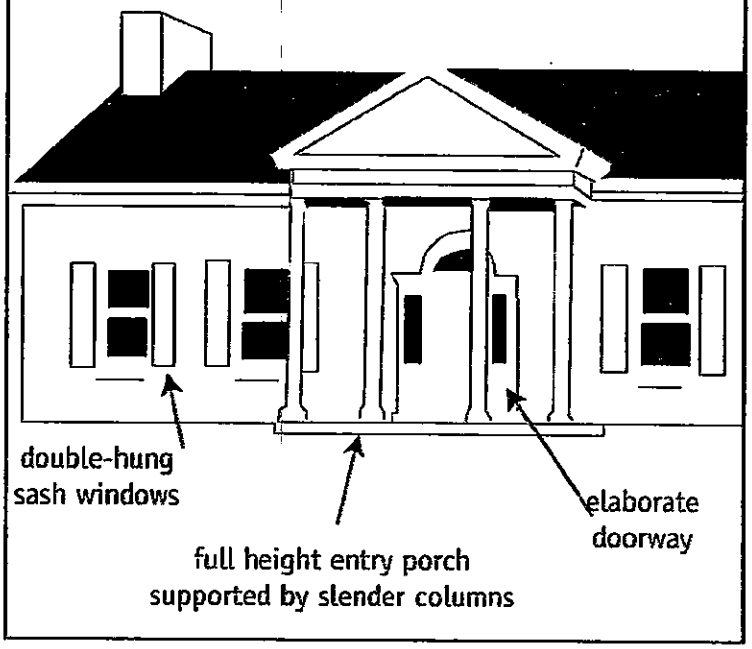
Figure 10.9 Methodist Church, Starkville, c. 1830



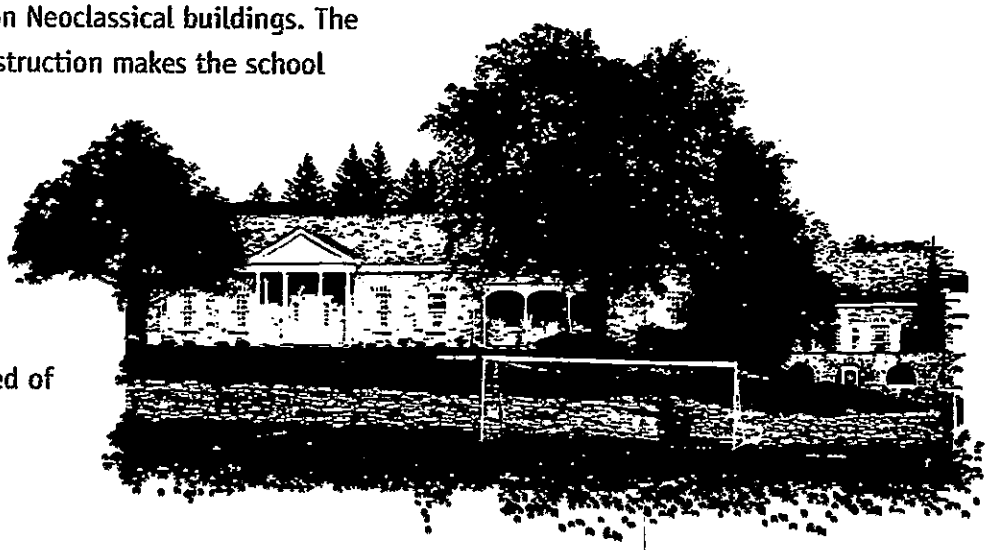
Neoclassical

Neoclassical was a popular style during the first half of the 20th century. This revival of interest in classical architecture began with the buildings from the 1893 Colombian Exposition in Chicago, which were based on classical themes. The Neoclassical differs slightly from the Early Classical and Greek Revival styles. Two commonly found differences are simpler decoration and slimmer columns.

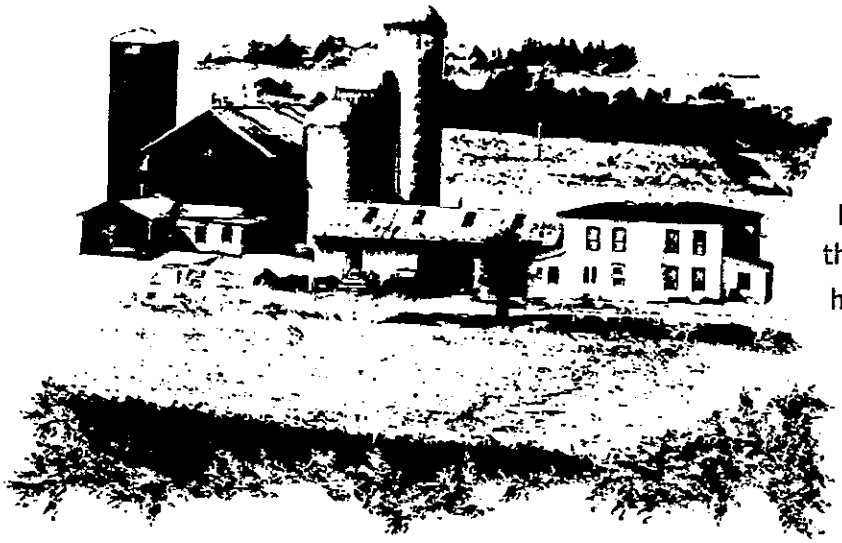
Figure 10.10 Owen D. Young Central School



The Owen D. Young Central School, built around 1927, is an example of this style. It has full-height entry porches supported by slender columns, typical of the style. It also has double-hung sash windows and elaborate doorways that are common on Neoclassical buildings. The stone construction makes the school a unique building as fewer structures of this type were constructed of stone.



Owen D. Young Central School

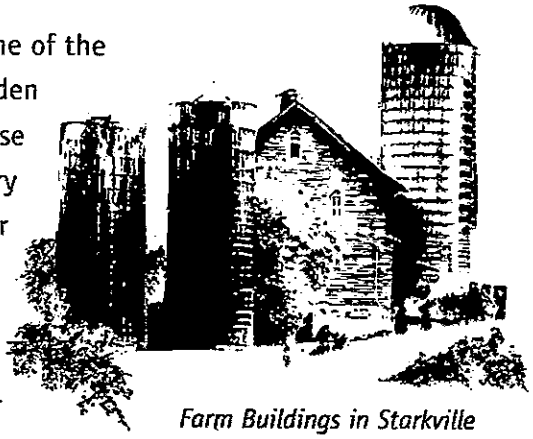


Farmstead outside Van Hornesville

Farm Structures

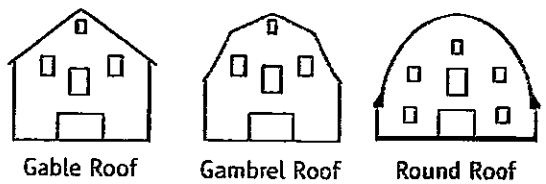
Agriculture has been the economic backbone of Stark's economy for 200 years. The patterns of building and land use that arise from farming practices have created the rural landscape of the town. Farmsteads, fields and hedgerows are familiar and easily recognized elements in the rural landscape, but their historic value is often unappreciated.

Silos are common structures found on farmsteads. Some of the earliest remaining silos are constructed of vertical wooden staves held in place by iron bands and turnbuckles. These silos were built from 1894 onward. At the turn of the century cement staves replaced wooden staves. Around World War I, the masonry silo constructed of concrete or tile blocks was the most commonly used. Also, during the early 20th century, silos were made of separately poured concrete rings that were stacked. Metal silos became standard after World War II.



Farm Buildings in Starkville

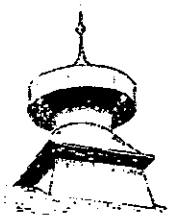
Figure 10.11 Barn Roof Types



Roof types can help identify the age and style of a barn. The gable roof is the oldest and simplest type found in the United States. The gambrel roof became popular after the Civil War as it opened up more storage space in the loft. The round roof was first used in the 1920s, and it offers even more usable space in the loft. Roof type cannot be solely used to date farm buildings, however, since all three roof types are still built on new structures.

Figure 10.12 Ventilators

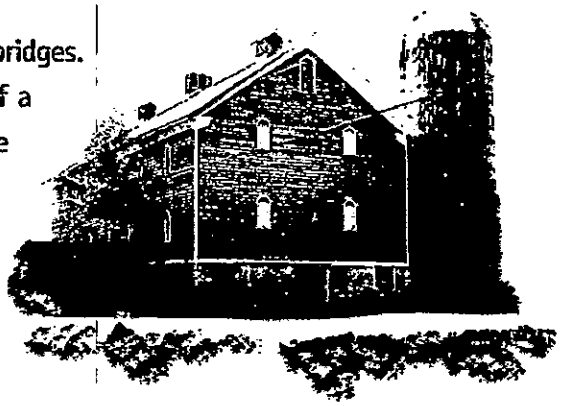
Cupola Ridge Ventilator



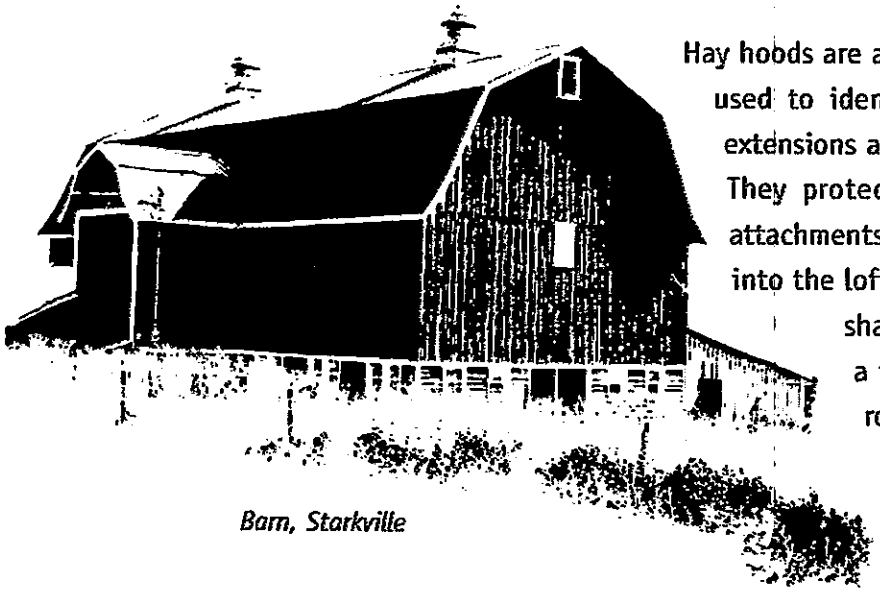
Metal Ridge Ventilator

Hay storage in lofts requires ventilation. Cupola type ventilators are commonly found, often with elaborate details. In the early 20th century, metal ventilators that contained metal fans activated by the rising of hot air. These ventilators were not commonly used after World War II.

Other features that distinguish barn types include barn bridges. These earth ramps allow access to the upper level of a barn. Often barns were built into a hillside so that the different levels could be accessed from either side of the structure. Some barns, like the one pictured below, have entry porches at the upper level.



Barn, Starkville



Barn, Starkville

Hay hoods are another element that can be used to identify barns. Hay hoods are extensions at the ridge of the barn roof. They protect and support the pulley attachments that were used to load hay into the loft. They come in a variety of shapes, with the simplest being a triangular extension of the roof.

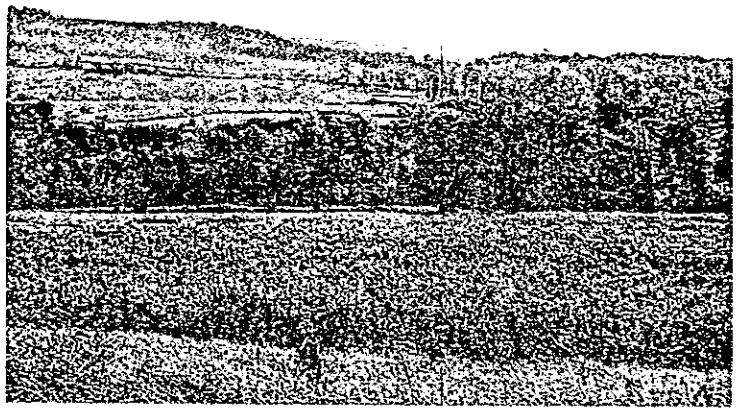
11. Land Use

An analysis of land use in Stark will help to define the physical setting as it exists today and will further establish a sound basis upon which to formulate the Town's Comprehensive Plan. The land use survey will also serve as a basic reference to aid in analysis and interpretation of other background studies.

Land Use Patterns

As seen in Map 11.1, the pattern or distribution of various land uses within the Town of Stark is typical, in many respects, of other rural towns. Single family homes are scattered throughout the Town, many on large parcels and on farms. More concentrated residential development is located in the two hamlets, Starkville and Van Hornesville. A few commercial uses are also located in the two hamlets.

Woodland is the predominant groundcover feature of the Town. Woodlands are centered around the State Park and Forestlands, along streams and in areas with steep slopes throughout the Town. Agricultural and open fields are also prominent throughout the Town. The woodlands in combination with agricultural lands and open fields dominate the view and define the character of Stark.



View of Stark's Countryside

Land Use Categories

Land use information was compiled for individual parcels from New York State real property survey data for the Town of Stark. The data contained a property classification code that was generalized to produce the following classification system for the Town:

Agricultural: Property used for the production of crops or livestock. Can also include tree cover that is not included in other categories.

Residential: Property used for human habitation.

Commercial: Property used for the sale of goods or services.

Community Facilities: Property used for the well being of the community such as schools, churches, dedicated open space, and cemeteries.

State Park and Forests: Property held by the State for intended public recreational use.

Utilities: Property used to provide services to the general public.

Roadways: Right-of-way of all roads in the Town.

Open Land: Property that is not in use or lacks permanent improvement.

Figure 11.1 Existing Land Use

agricultural	10,108 acres or 50%
residential	3657 acres or 18%
commercial	7 acres
community facilities	96 acres or .5%
state park	1,105 acres or 5.5%
utilities	206 acres or 1%
roadways	479 acres or 3%
open land	4572 acres or 22%

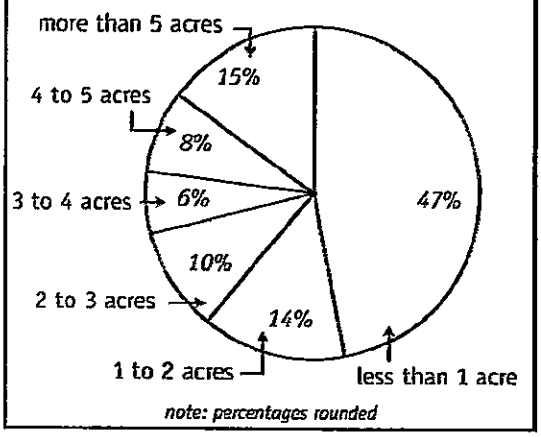
note: percentages rounded

Land Use Characteristics

From Map 11.1 and Figure 11.1, it is observed that Stark's land use is predominantly agricultural and open fields. This category comprises 73 percent of the Town's total land area. With the addition of another five percent in the State Park, 78 percent of the Town's acreage is composed of agricultural, open, or recreational land. Presently, trees cover about 30 percent of Stark's land as seen in Map 11.2.

Residential use is another significant land use type. Residential uses are typically low density in development, except in the Starkville and Van Hornesville hamlets. About 150 single-family residences are located on 377 acres for an average lot size of two and one-half acres. Nearly 40 single-family residences are located on parcels of 10 acres or more. About another 37 single-family residences are located on active farm parcels. About 82 manufactured homes are located on parcels totaling a little over 880 acres, or about 11 acres per manufactured home.

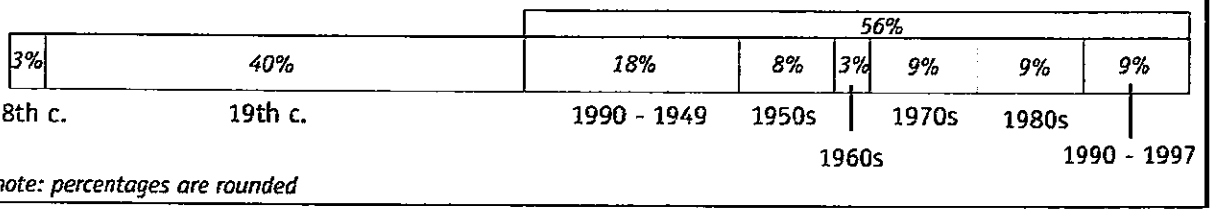
Figure 11.2 Acreages of Residential Lots



Of the 150 residences on residential-sized parcels, 72 or nearly half are located on parcels of less than one acre. Twenty-one are located on 1-1.9 acre parcels, 15 on 2-2.9 acre parcels, nine on 3-3.9 acre parcels, 12 on 4-4.9 acre parcels and 22 on five acre or larger parcels.

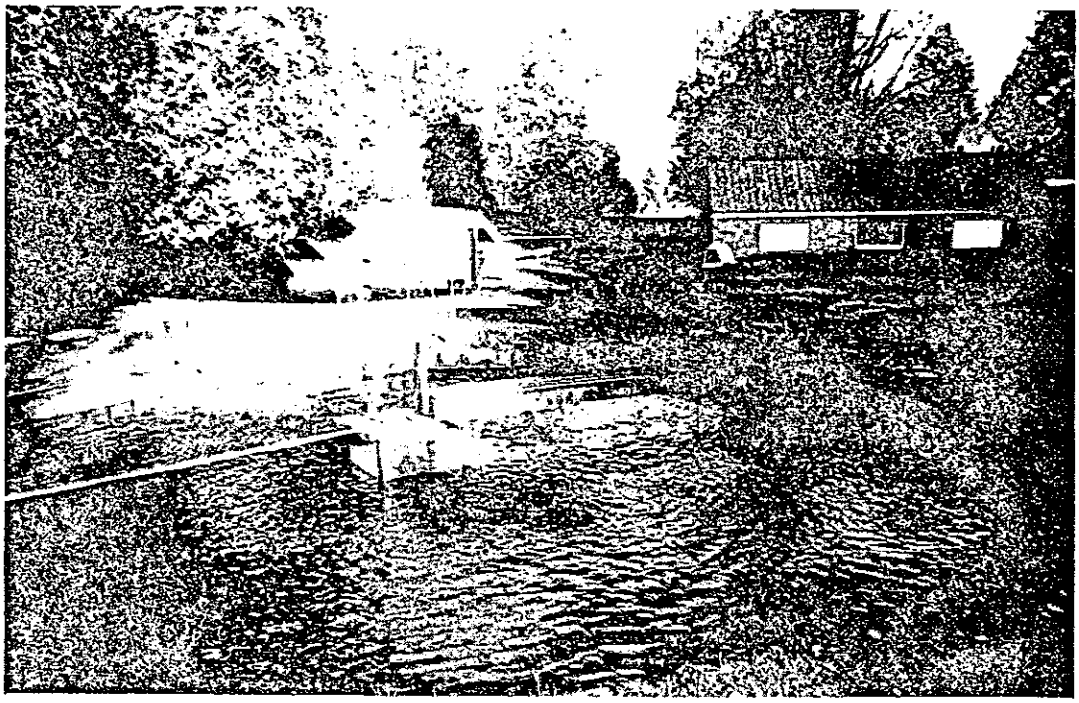
Nearly 90 percent of the residences in the real property database indicate a date of construction. Eight of the residences are identified as 18th century structures, the two earliest are dated 1780. One hundred and ten residences are listed as 19th century structures. Fifty are indicated as built from 1900 to 1949. The 1950s show 21 residences constructed, the '60s had nine, the '70s had 24, and the '80s had 25. Twenty-four residences are indicated as built from 1990 to 1997.

Figure 11.3 Percent of Residences by Date Built



Most of the community facilities are located in the two hamlets, see maps 11.3 and 11.4. Two churches, a fire hall, the Town barn, the old town barn and the Town yard are located in Starkville. The Owen D. Young School, public park, one church, a community center, a fire hall, a cemetery, a post office, the NYS Fish Hatchery, a former saw mill and the conservancy-owned Woodruff Learning Center are located in Van Hornesville. A State Park and state forestlands are also located in the Town.

The Town's few commercial properties are located in Van Hornesville. The feed mill, country store, a bowling alley and offices constitute the commercial uses. Two utility corridors transect the Town.



NYS Fish Hatchery, Van Hornesville

Roads and Highways

The road network ties a community together and links the community to the outside world. The network provides access to goods and services not found in the Town. The proper maintenance of the road and highway infrastructure is important to the future growth and development of the Town and in protecting the economic stability of the Town and its residents.

Two state highways with approximately 12 miles of roadway serve the Town. State Route 168 runs east and west across the northern portion of the Town (see Map 11.5 and Figure 11.4). It provides access to employment and services in Herkimer and adjacent areas. State Route 80 runs north and south through the hamlets of Starkville and Van Hornesville. It provides access to services in Cooperstown to the south and Fort Plain to the northeast.

The two state highways are classified as "arterial" highways. The primary purpose of an arterial highway is to facilitate traffic movement; the secondary purpose is to provide access to adjacent properties. In future land use planning for the Town, careful consideration should be given to the kinds and locations of uses along the arterials. Towns have an important responsibility to help keep the arterial roads from being "clogged" by excessive driveway access and inappropriate traffic patterns.

Figure 11.4 Road Classification & Ownership

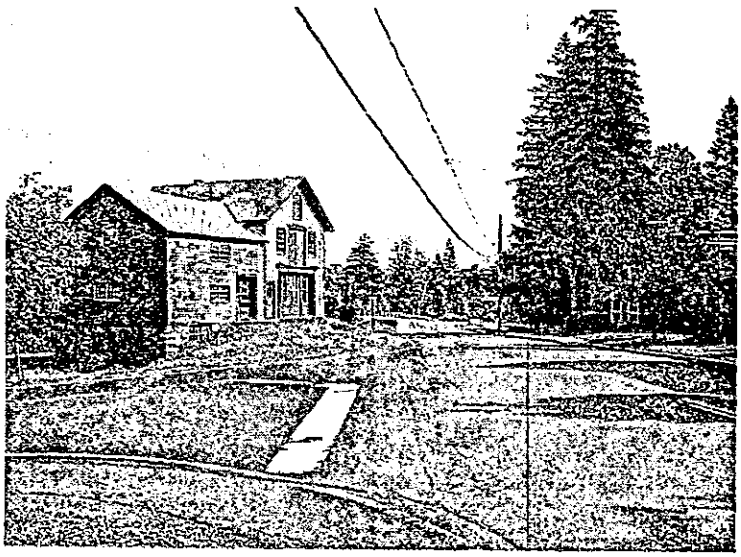
Road Classification	Miles	Percent
Arterial	12.5	20.0
Collector	19.9	31.7
Local	30.3	78.3
	62.7	**100.0**
Ownership		
State	12.5	20.0
County	28.1	44.8
Town	22.1	35.2
	62.7	**100.0**

Collector roads constitute about 20 miles of roadway. The role of these roads is to provide access to adjacent properties and facilitate traffic movement between local and arterial streets. Major collector roads in the Town of Stark include Jordanville, Aney Hill, Travis, Fiery and Wiltse Hill. Jordanville and Aney Hill roads are important routes taken when going to Utica and other destinations east. Travis and Fiery Hill roads provide residents direct access to State Route 168 as well as locations in the Mohawk valley. Wiltse Hill gives residents of the southeastern corner of the Town access to State Route 80.

Local roads constitute a little more than 30 miles of roadway. Local roads provide land access and local traffic movement.

Road conditions in the Town are adequate for existing conditions. Most of the roads have minimum or sub-minimum cartway widths. Many roads are single lane roads with a cartway width of 11 to 13 feet. Not all roads are used year-round – some are closed in the winter. Drainage ditches along some roads are just maintained to minimum standards. The state highways are not designed to support the state speed limits.

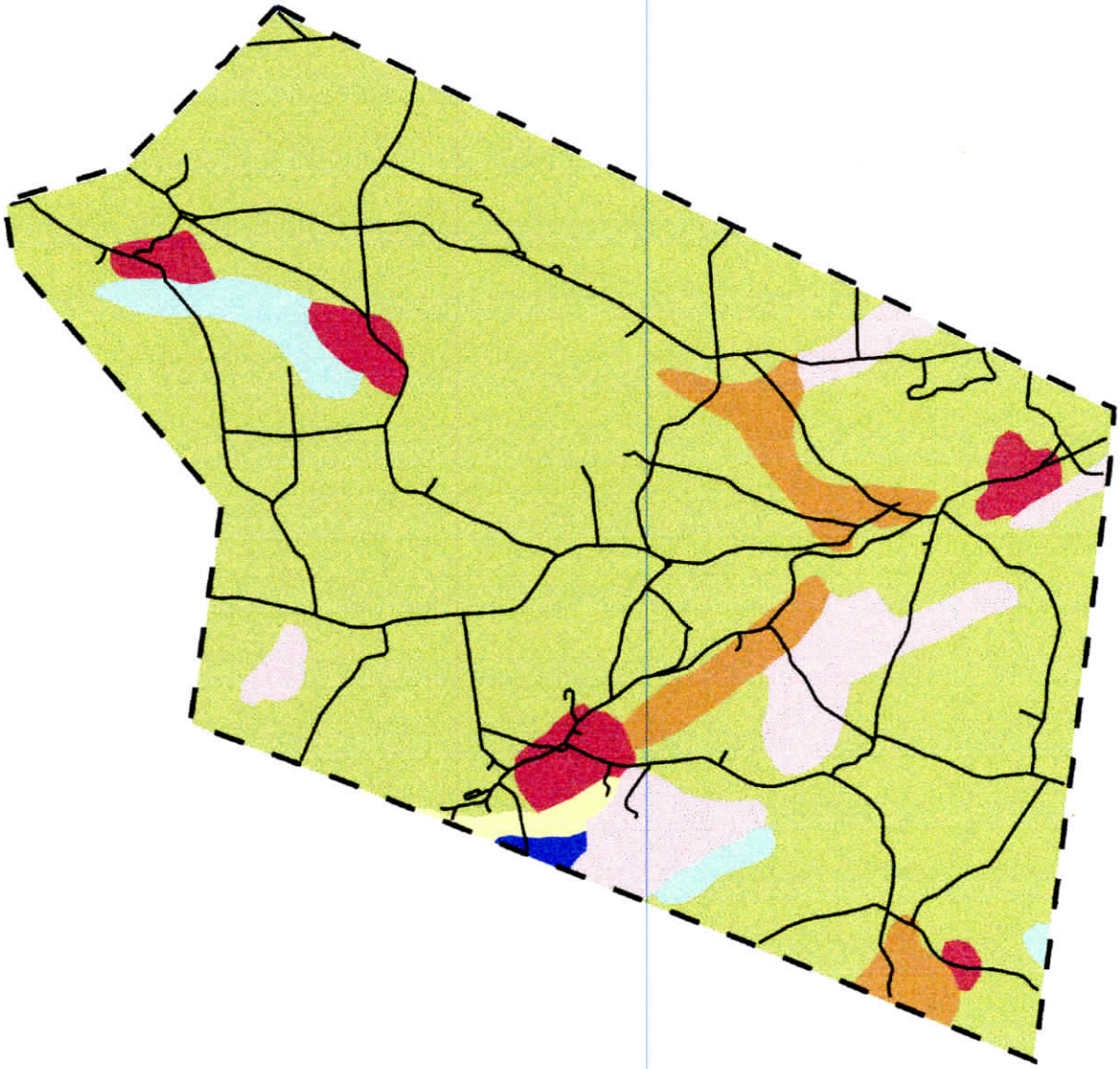
Three agencies are involved in the maintenance of roads within the Town: the Town of Stark Highway Department, the Herkimer County Highway Department, and the New York State Department of Transportation. Nearly half the roads in the Town are owned and maintained by the County. Many of these roads are local roads rather then roads of County significance. It appears the County has difficulty maintaining many of these roads to acceptable standards.



Intersection of Routes 168 and 80 in Starkville

4.1 Surficial Geology

Town of Stark, New York



Recent Alluvium
Kame Deposits
Kame Moraine
Lacustrine Sand
Outwash Sand & Gravel
Bedrock
Till
Till Moraine
Roads

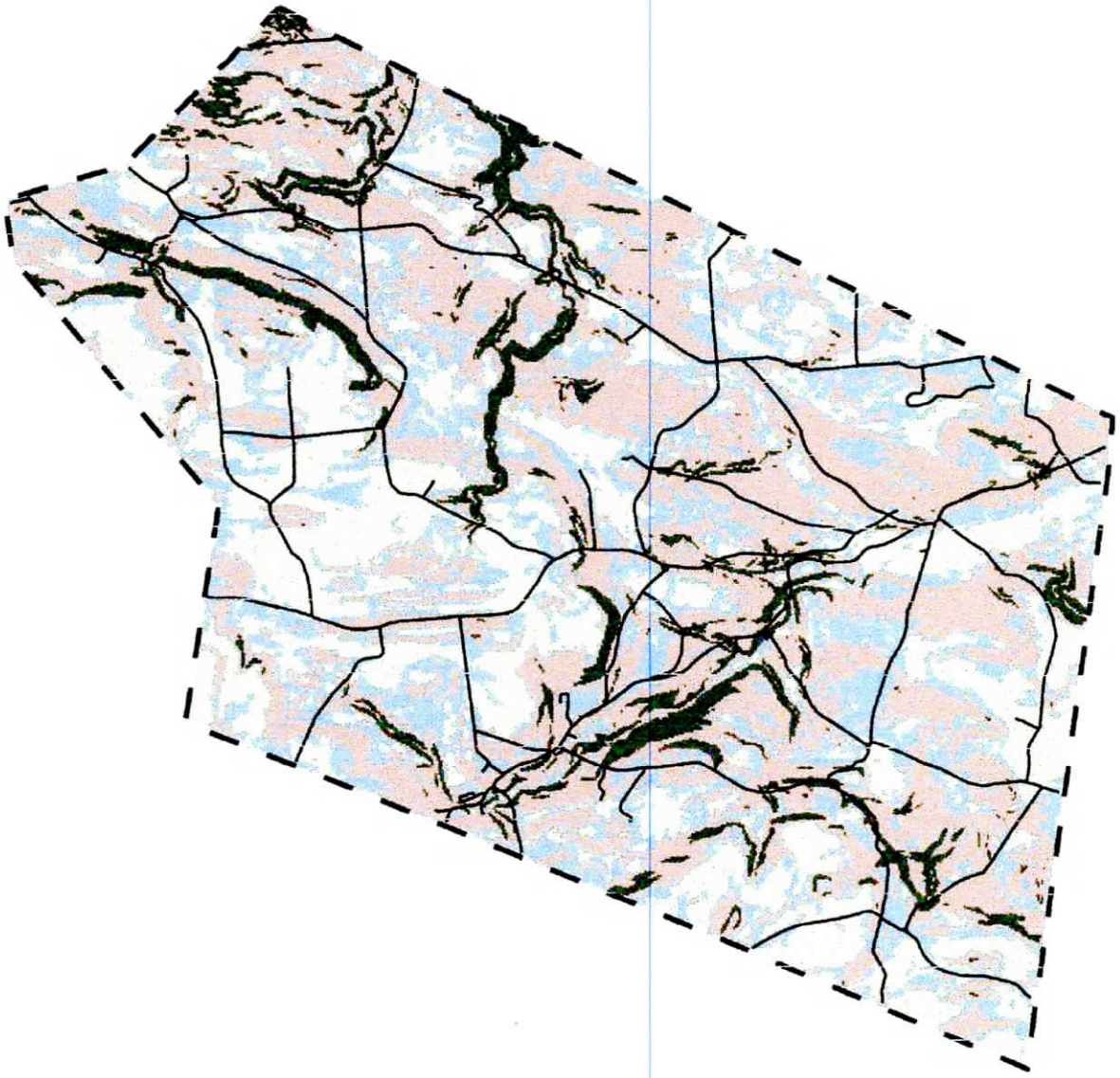
N

Source: New York State Geologic Survey
Provided by the New York State Museum, 1999

0 1 2 4 Miles

5.2 Slope Categories

Town of Stark, New York



0 to 5 percent
5 to 10 percent
10 to 25 percent
over 25 percent
Roads

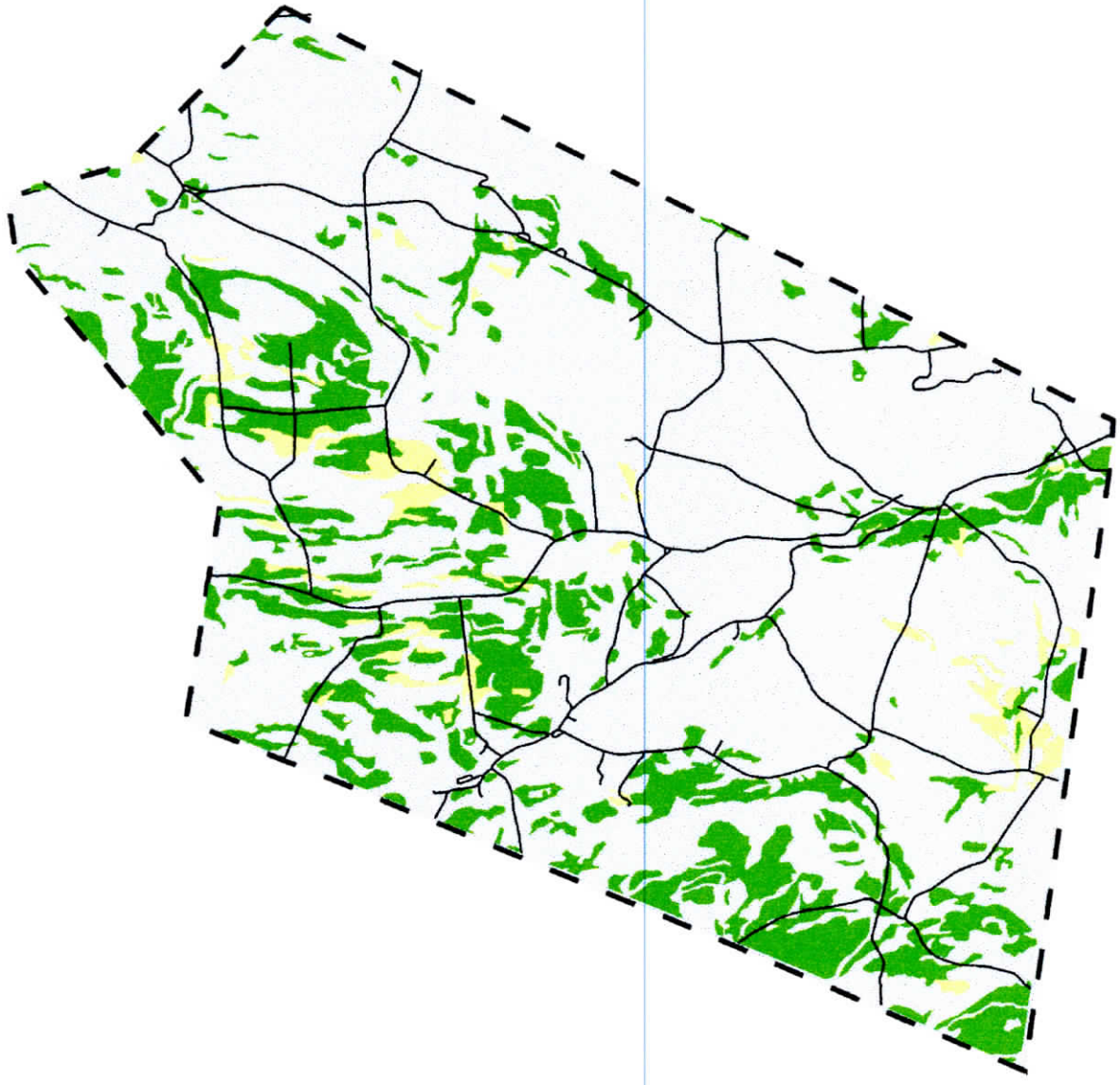
N

Source: Derived for USGS DEM data
Cornell University, 1999

0 1 2 4 Miles

6.2 Prime Agricultural Land

Town of Stark, New York



Prime Agricultural Land

Prime Drainage

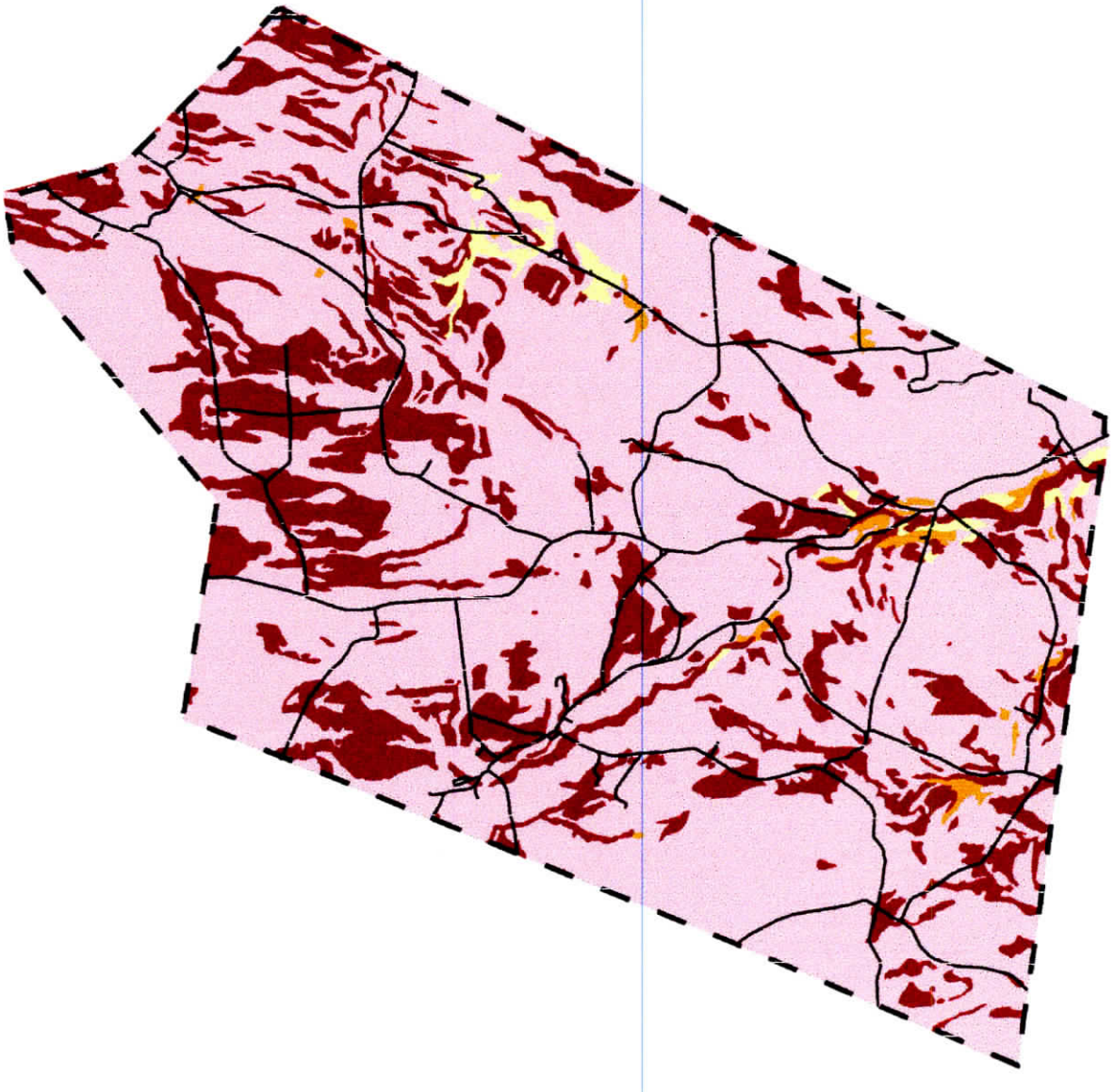
Source: United States Department of Agriculture Soil Conservation Service Soil Survey of Southern Herkimer County, New York, 1969

N

0 1 2 4 Miles

6.3 Soil Suitability for Septic Fields

Town of Stark, New York



Note: This generalized map should be used only as a beginning reference. Inspection of sites is essential before final determination of suitability can be made.

Slight Limitations
Moderate Limitations
Severe Limitations
Least Suitable

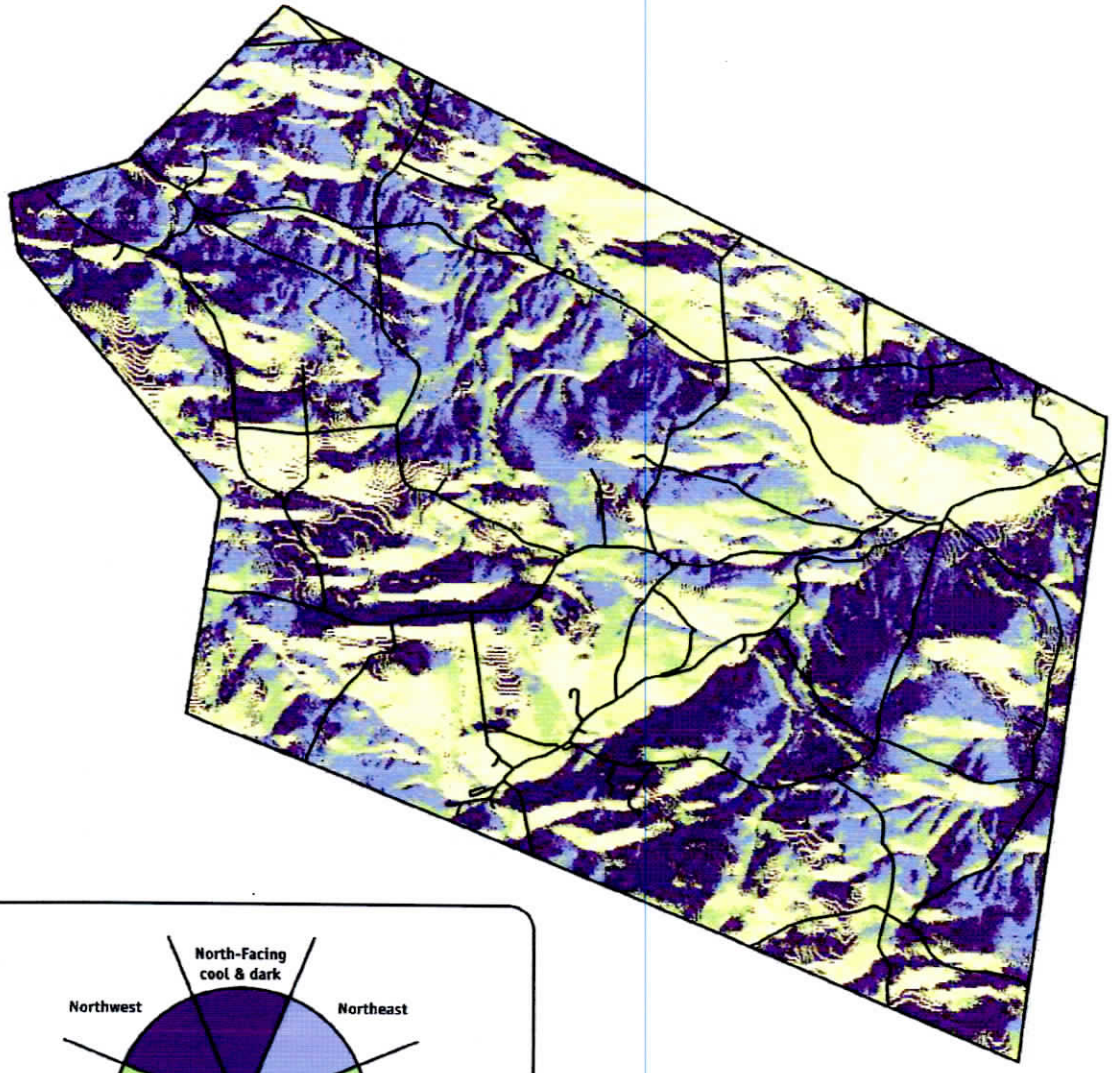
N

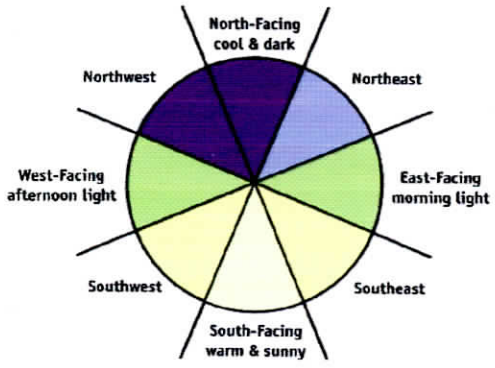
0 1 2 4 Miles

Source: United States Department of Agriculture Soil Conservation Service Soil Survey of Southern Herkimer County New York, 1969

Map 5.4 Aspect

Town of Stark, New York





Roads

N

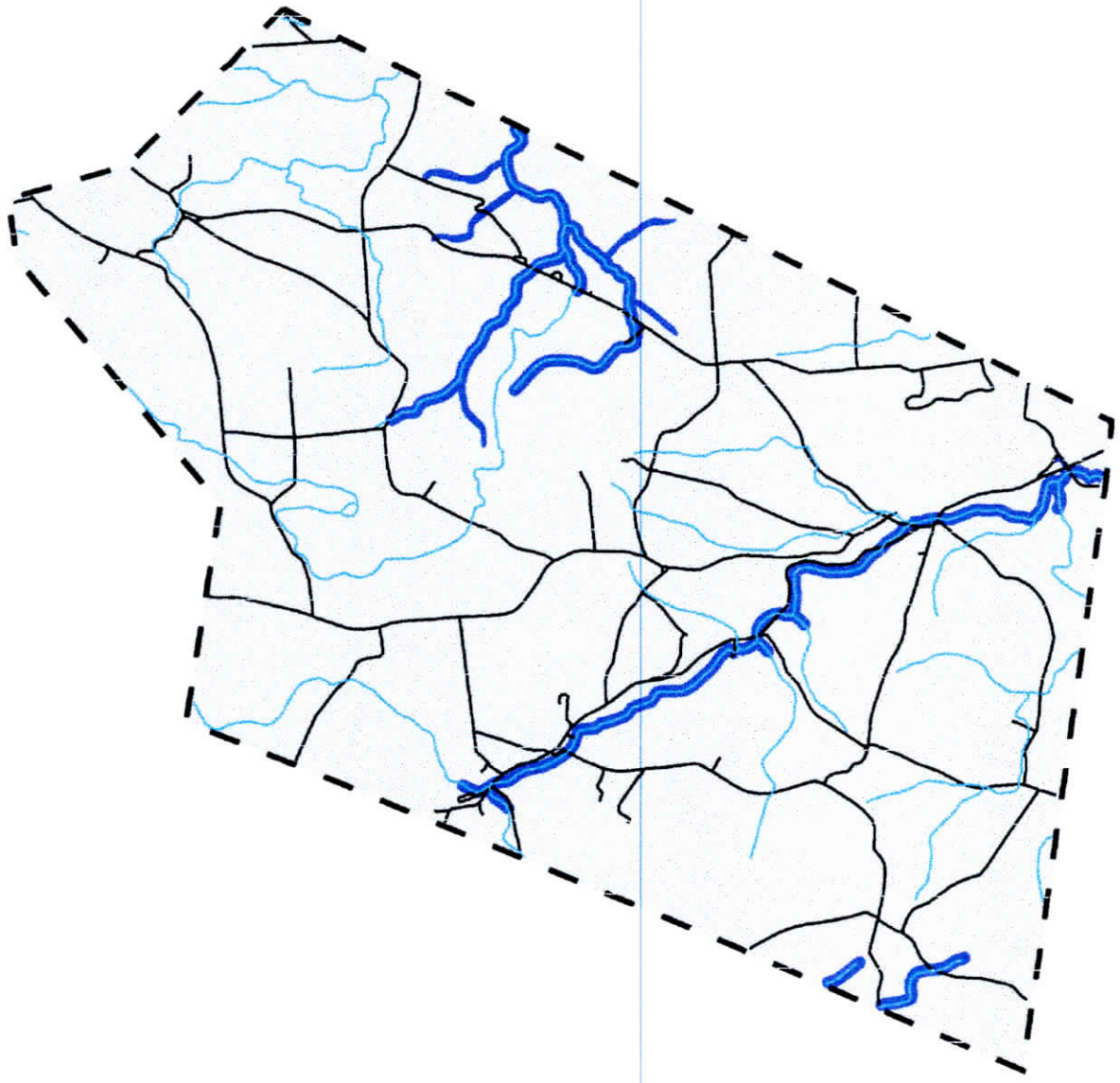
esf

Source: Derived for USGS DEM data
Cornell University, 1999

0 1 2 4 Miles

7.2 Flood Hazard Areas

Town of Stark, New York



Note: This FEMA floodplain map is a general representation of actual FEMA floodplains and should not be used to classify properties or for construction purposes.

Source: Federal Emergency Management Agency
Data provided by Herkimer-Oneida Counties Comprehensive Planning Program, 1999

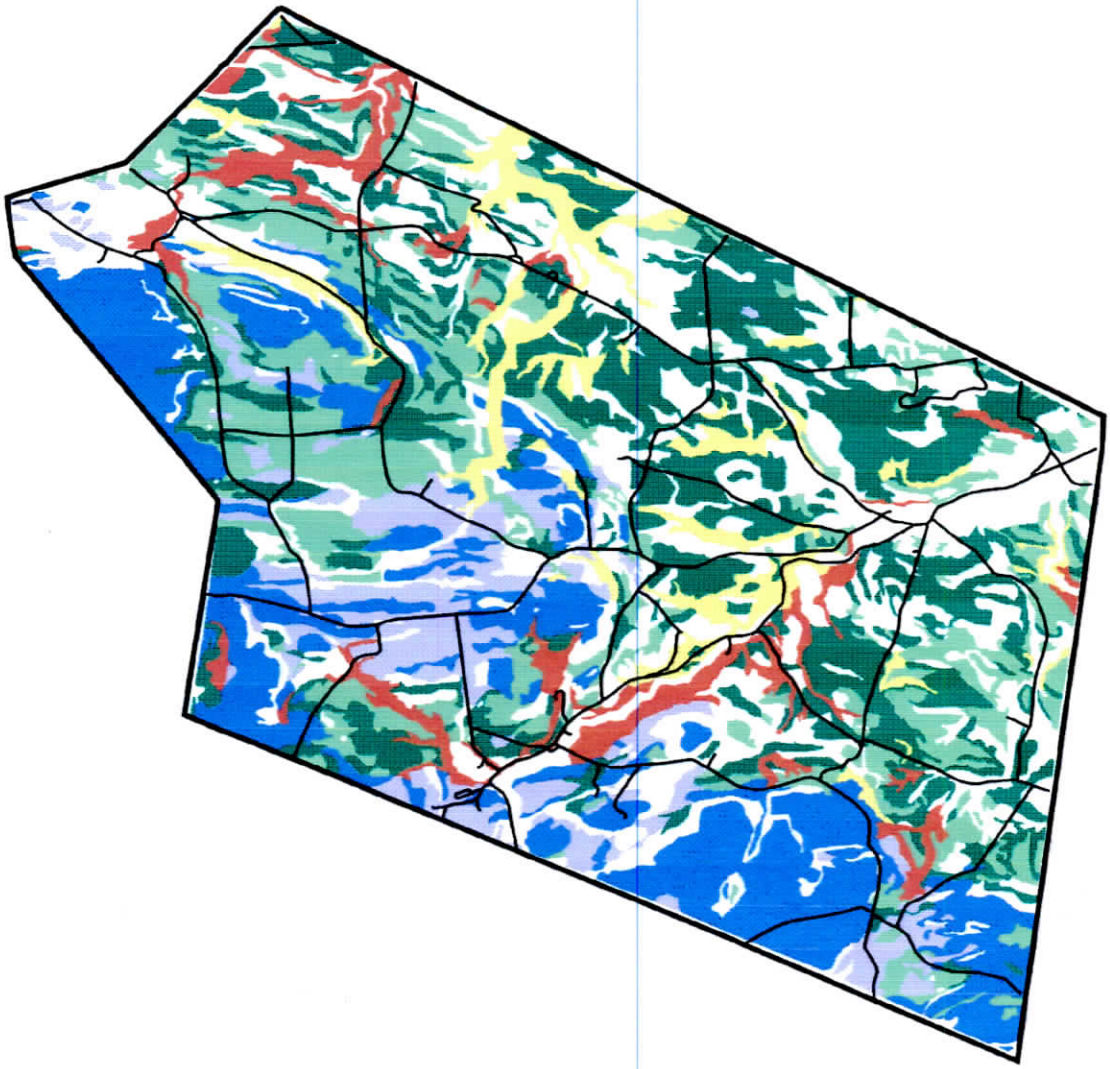
Roads
Streams
100-year Floodplain

N

0 1 2 4 Miles

Map 6.1 Soil Associations

Town of Stark, New York



Honeoye-Wassaic-Farmington Major Types
Honeoye-Wassaic-Farmington Minor Types
Lansing-Hornell-Manlius Major Types
Lansing-Hornell-Manlius Minor Types
Rough Broken Land
Shaly Rock Steep

Roads

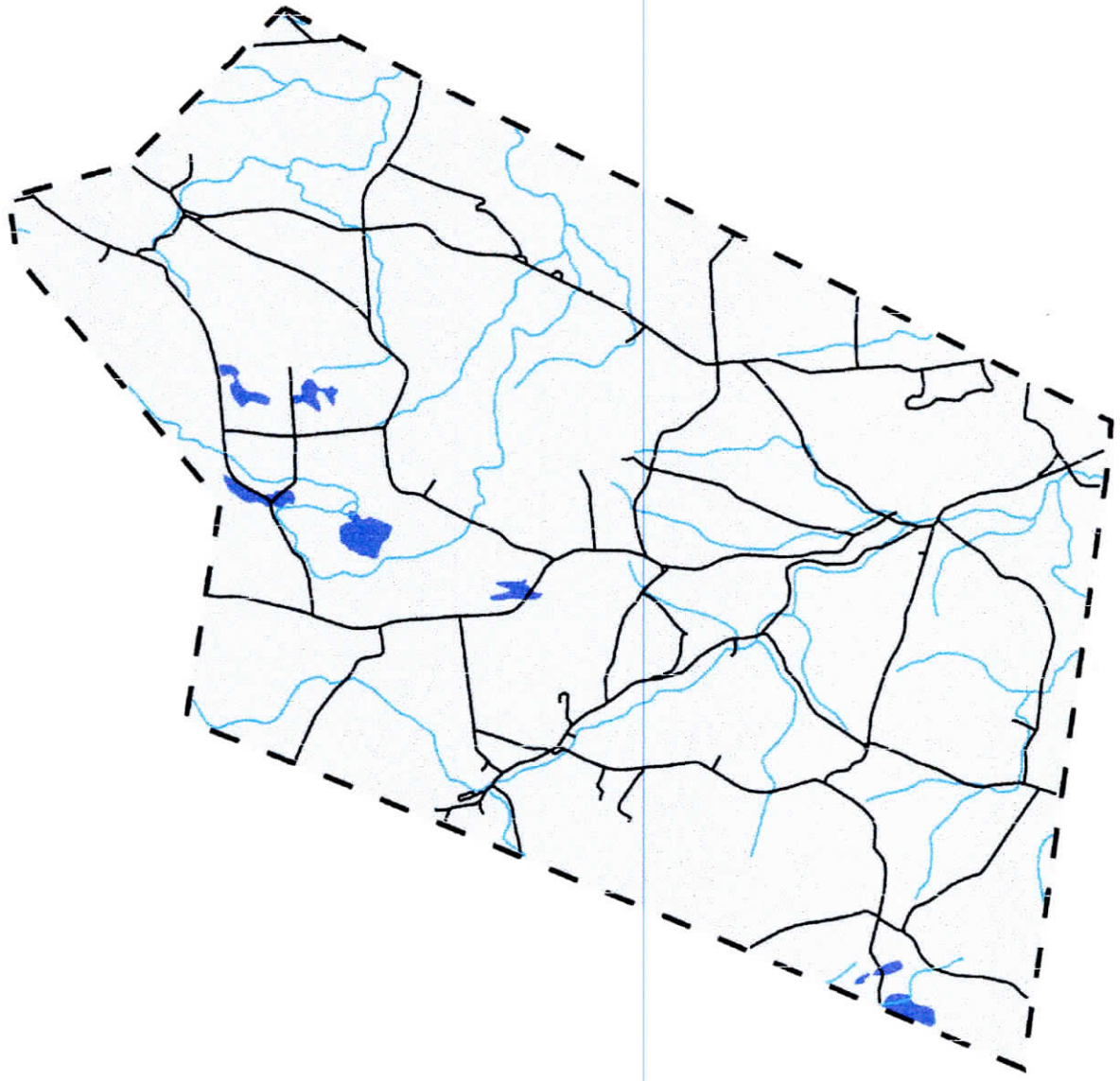
Source: United States Department of Agriculture, Soil Conservation Service Soil Survey of Southern Herkimer County, New York, 1969

N

0 1 2 4 Miles

7.3 State Regulated Wetlands

Town of Stark, New York



Roads

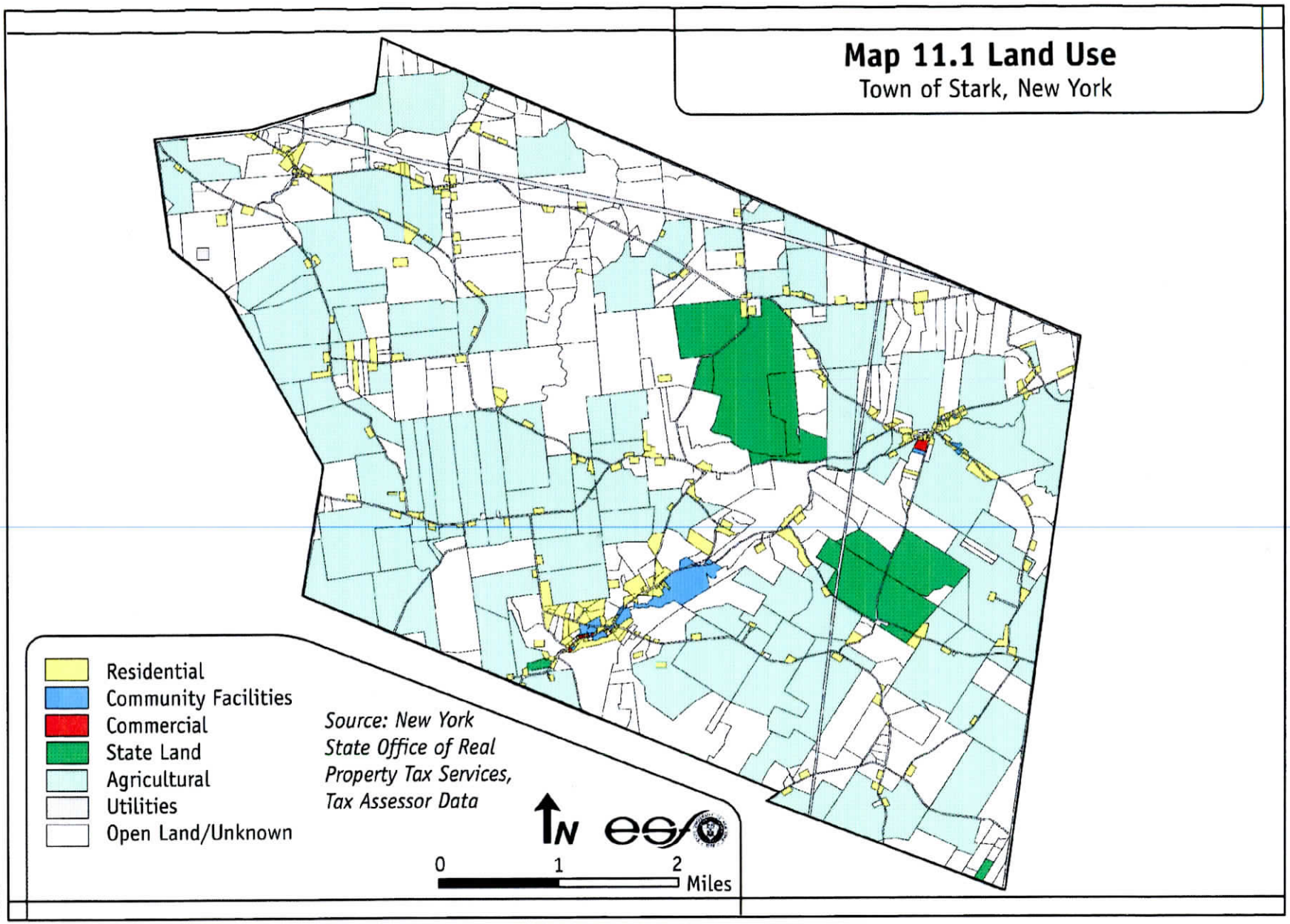
Streams

State Regulated Wetlands

N

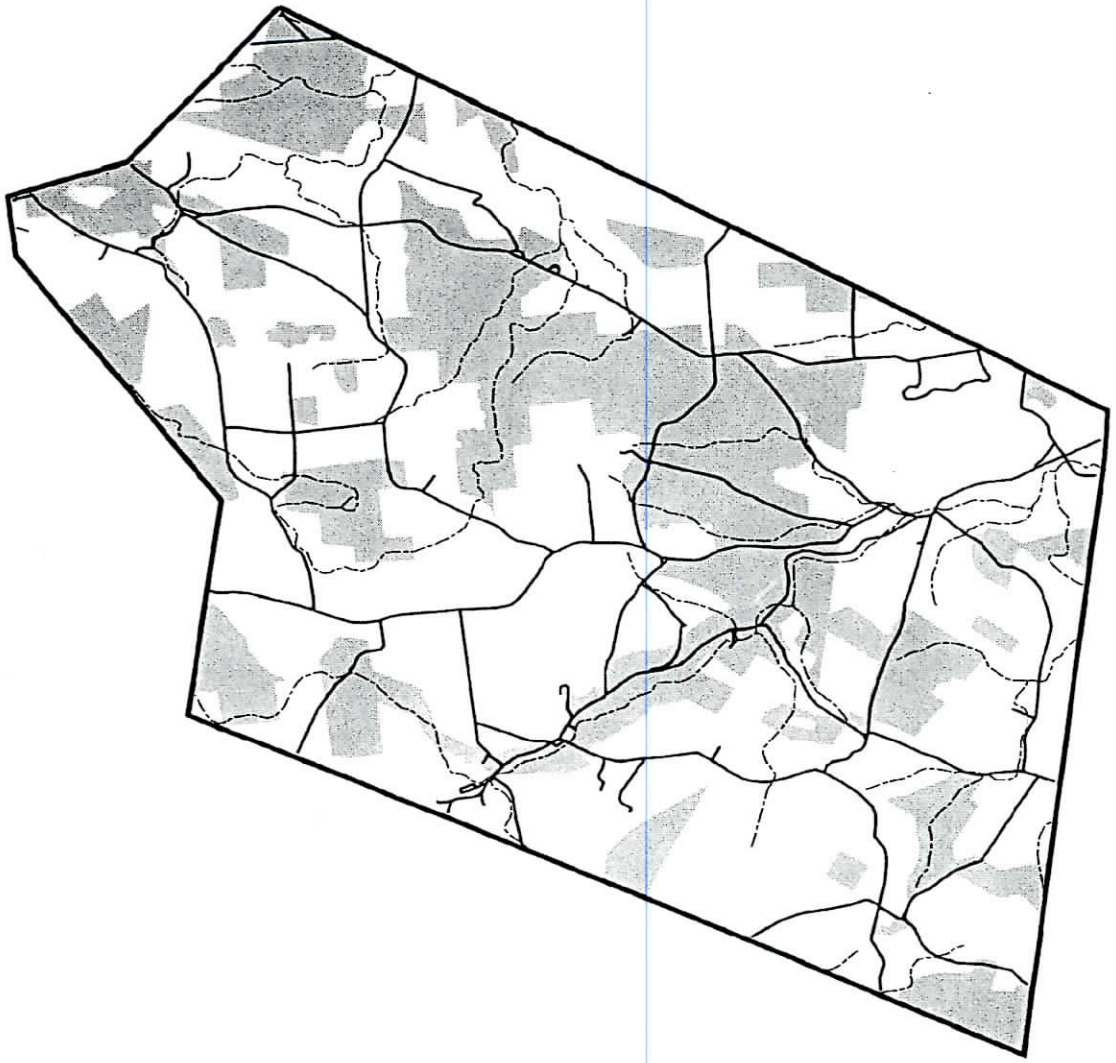
Source: New York State Deaprtment of Environmental Conservation
United States Deaprtment of Commerce
Provided by Cornell University, 1999

0 1 2 4 Miles


Map 11.1 Land Use
Town of Stark, New York
Residential
Community Facilities
Commercial
State Land
Agricultural
Utilities
Open Land/Unknown
Source: New York State Office of Real Property Tax Services, Tax Assessor Data
N
0
1
2
Miles

11.2 Woodlands

Town of Stark, New York



Woodlands

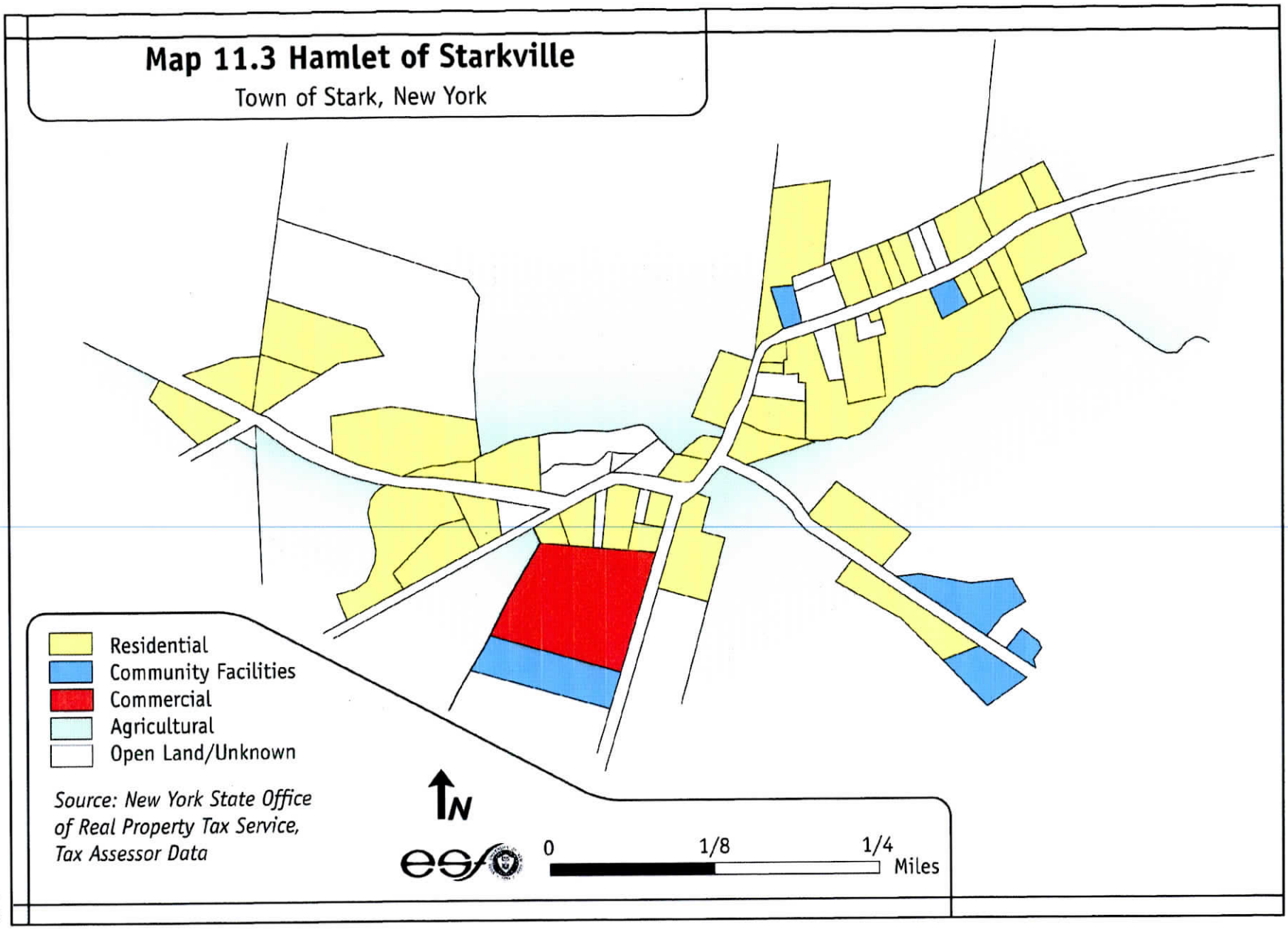
Roads

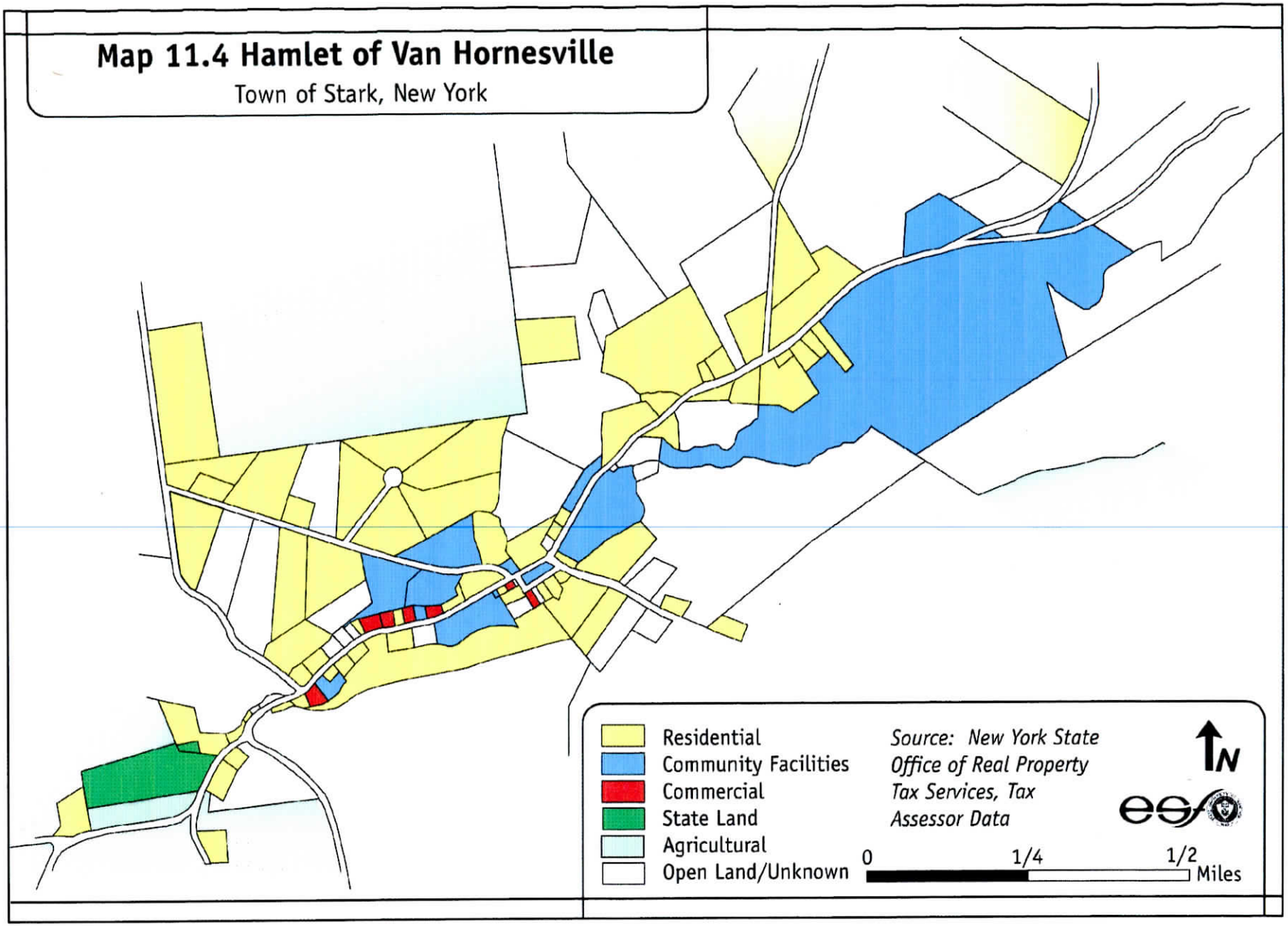
Streams

N

Source: 1997 Aerial Photographs

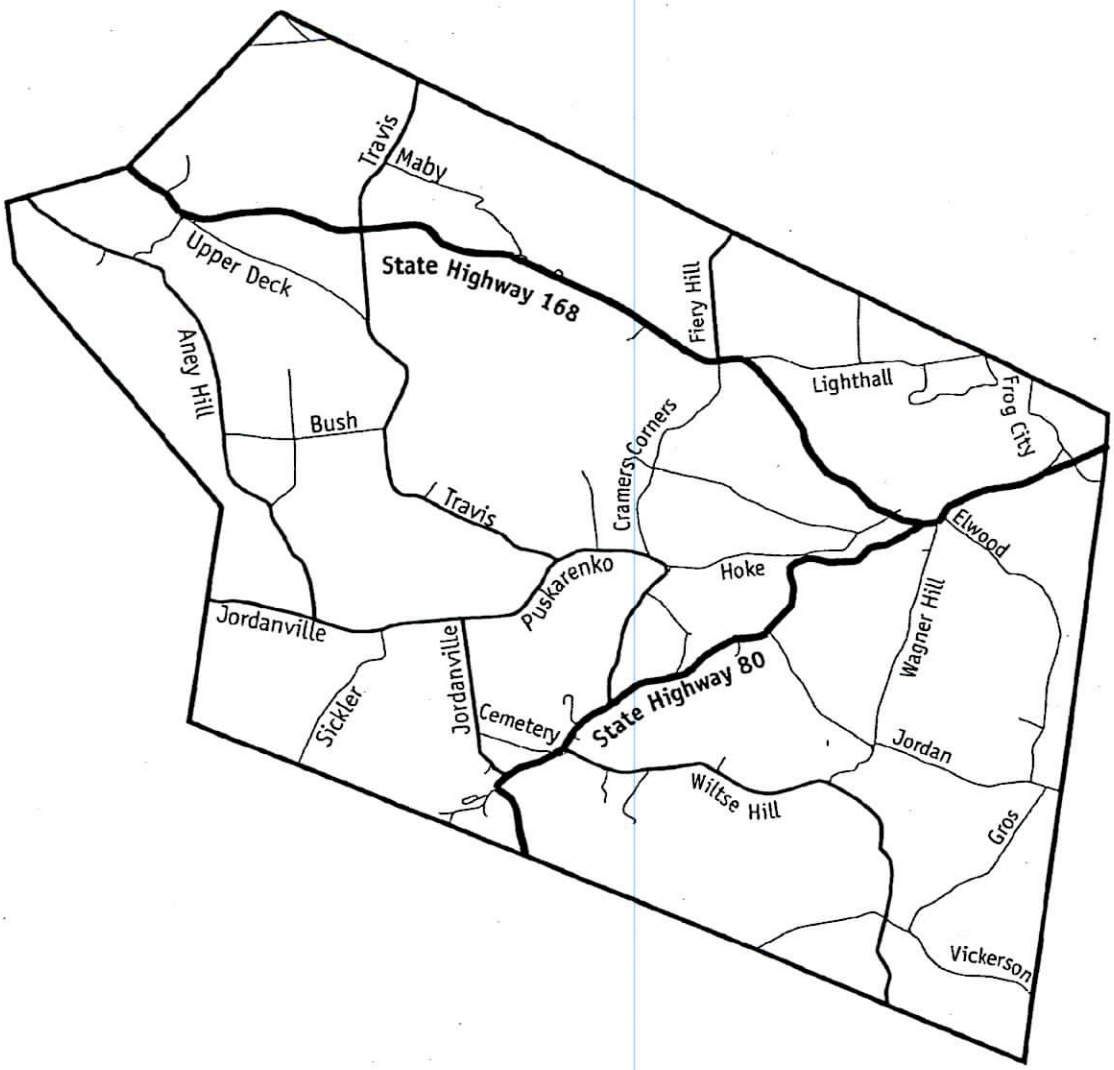
0 1 2 4 Miles


Map 11.3 Hamlet of Starkville
Town of Stark, New York
Residential
Community Facilities
Commercial
Agricultural
Open Land/Unknown
Source: New York State Office of Real Property Tax Service, Tax Assessor Data
N
0
1/8
1/4
Miles


Map 11.4 Hamlet of Van Hornesville
Town of Stark, New York
Residential
Community Facilities
Commercial
State Land
Agricultural
Open Land/Unknown
Source: New York State Office of Real Property Tax Services, Tax Assessor Data
N
0
1/4
1/2
Miles

Map 11.5 Transportation

Town of Stark, New York

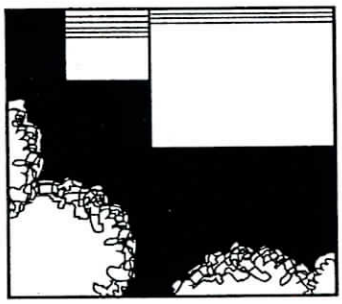
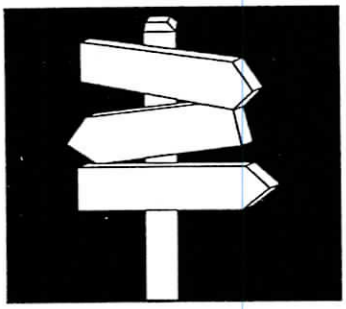
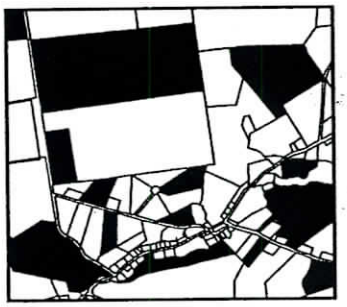


State Routes
County Roads
Town Roads

N

Source: United States Department of Commerce. Bureau of Census, 1998

0 1 2 4 Miles

Town of Stark Comprehensive Plan

1. Town Plan

MAJOR TOWN GOAL:

- Protection and improvement of the rural qualities of the Town and the village character of its Hamlets through implementation of planning policies that serve to retain rural features, minimize visual impacts of development, and maintain a suitable balance of uses while allowing for appropriate future growth.

GENERAL LAND USE GOALS:

- The location of land uses that meet the physical, social, cultural, and economic needs of the present and future population while maintaining or improving the quality of the natural and man-made environment and amenities.

- A land use pattern that provides options for a variety or residential living environments, opportunities for recreation, and desirable locations for businesses.

- A land use pattern that is consistent with the capabilities of the street system, water and sewage needs, drainage facilities, and natural environmental systems.

- A land use pattern that separates and ensures non-encroachment of incompatible types and densities of land use.

AGRICULTURAL AREAS

The maintenance and protection of the agricultural industry and lands is a major concern of the Town. In recent years, farms have been sold and the land is being left in open fields. The loss of active farms increased the concern for the conservation of natural resources. Threats of inappropriate land uses locating in the Town heightened concerns over the future patterns of land use.

Residents and visitors universally recognize the rural character of the Town as the most important resource in the Town. It is difficult to define, but you know it when you see it. Such a simple concept is difficult to define. Rural character relates to natural features, agricultural character, and visual environment. The survey portion of the report describes the rural character for Stark as defined by Town's Land Use Committee.

GOAL: Maintain farming as the primary industry throughout the Town.

GOAL: Conserve the natural resources and rural character of the Town.

Objectives:

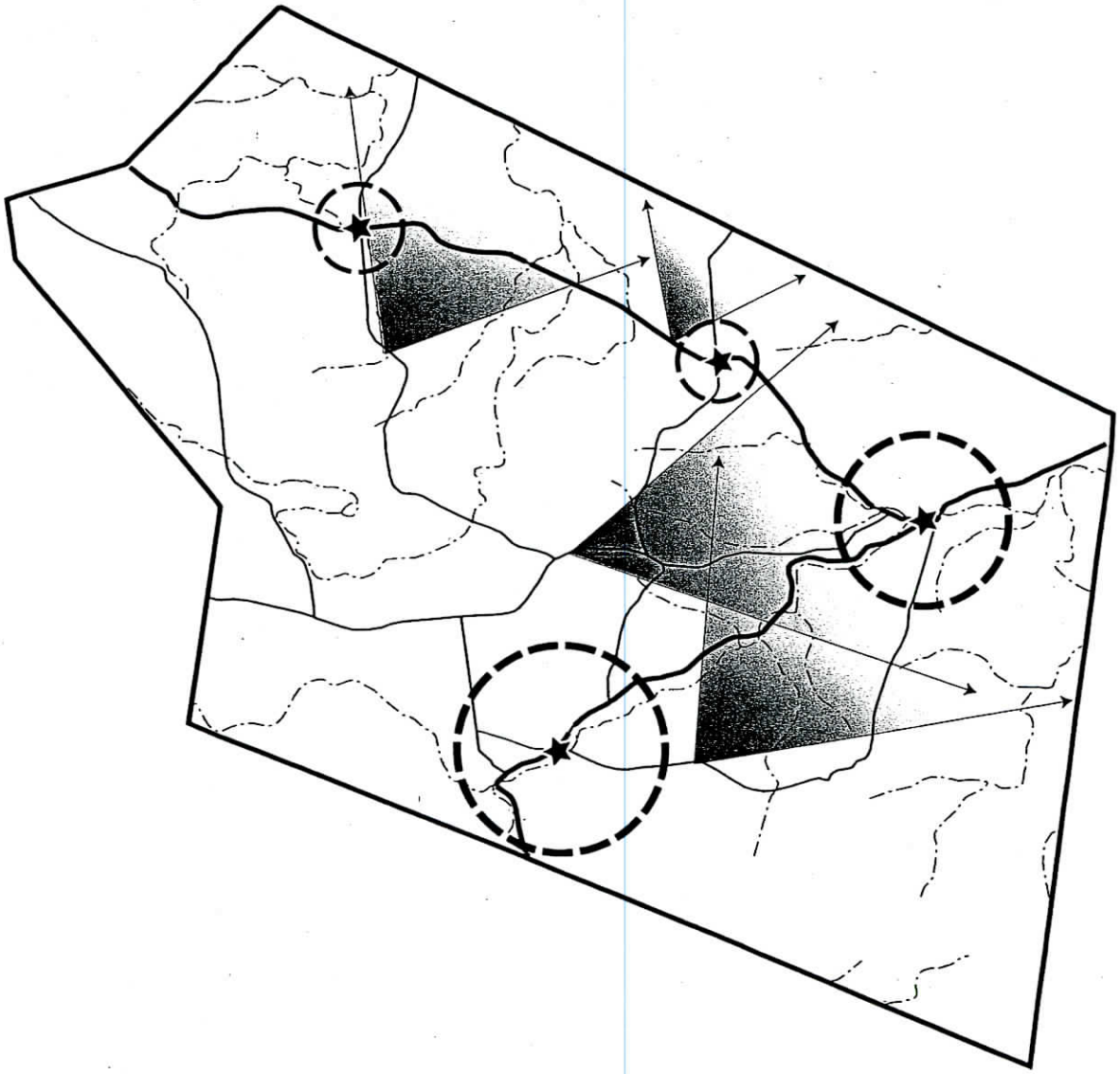
- To promote participation in the New York State agricultural districts program.
- To encourage agricultural support businesses and agri-tourism.
- To protect agricultural uses from uses that are incompatible with agricultural operations.
- To conserve natural areas important to environmental quality or the ecological balance such as wet lands, streams and creeks, floodplains, mature woodlands, steep slopes, and unique land-forms.

Policies:

- Assist the County in encouraging farms in agricultural districts to remain in agricultural districts.
- Educate local landowners regarding the agricultural district provisions of the New York Agricultural and Markets Law.
- Implement a land development ordinance to provide basic protection against the adverse impacts of development.
- In the land development ordinance, allow agricultural operations throughout the Town.
- Permit only those uses in agricultural areas that are compatible with agricultural operations.
- Seek State and County assistance in developing agri-tourism opportunities.
- Discourage scattered residential subdivisions in agricultural areas.
- Use design guidelines to review non-agricultural uses located in agricultural areas.
- Minimize visual impacts of residential structures located in agricultural areas.
- Retain tree lines and existing agricultural structures such as barns and silos where feasible.
- Use environmental overlays to protect environmentally sensitive areas.
- Maintain an environmental inventory of the Town to be used as a beginning reference in implementing the use of environmental overlays and in reviewing environmental impact assessments.

Map 1.1 Comprehensive Plan Map

Town of Stark, New York



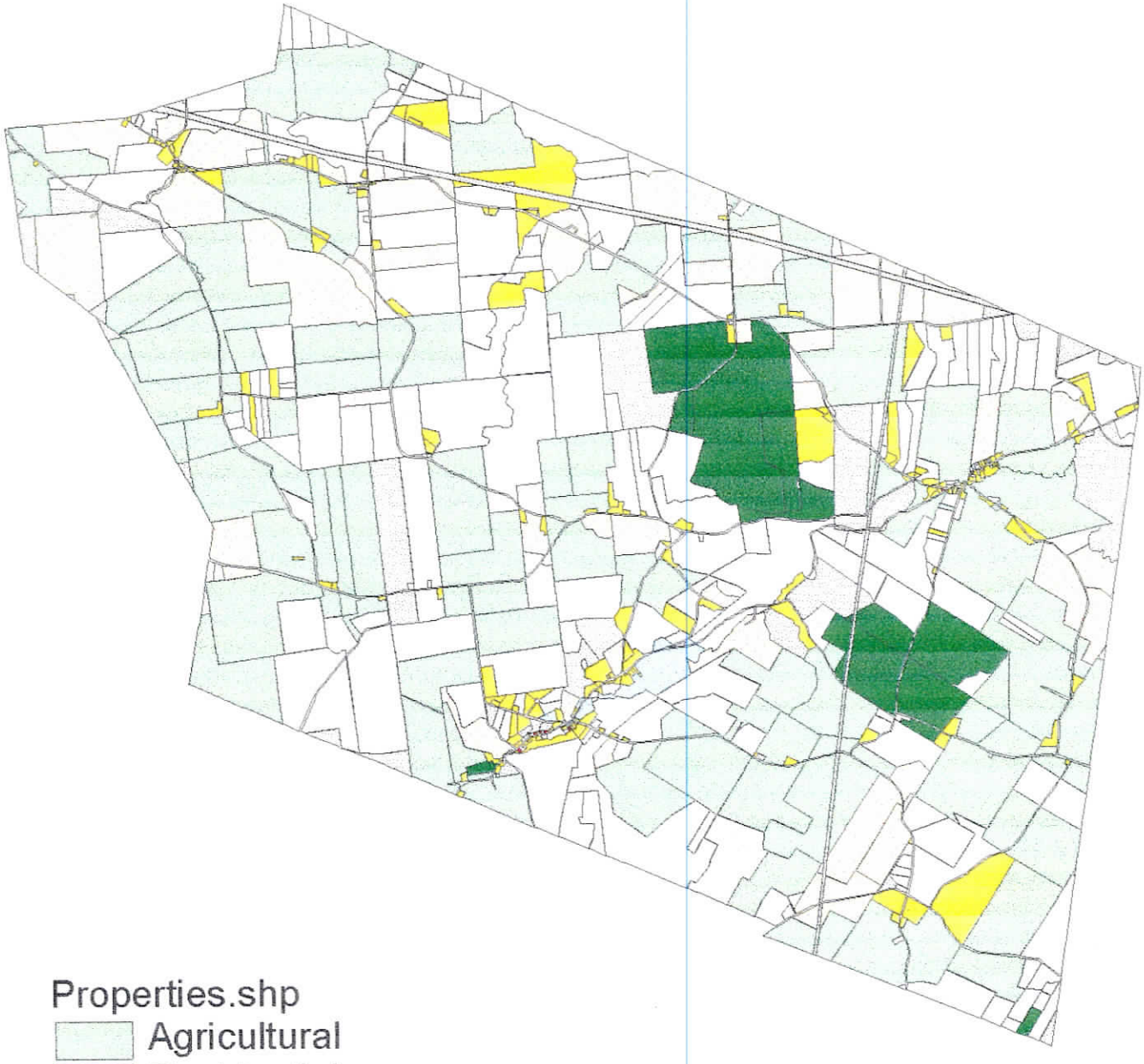
Roads

Streams

N

0 1 2 4 Miles

Existing Land Use
Town of Stark, Herkimer County, N.Y.



Properties.shp
- Agricultural
- Residential
- Rural Resid w/Acreage
- Commercial
- Community Facilities
- Stage Park/Forest
- Vacant
- Unknown

N

4000 0 4000 8000 12000 Feet

- Utilize design guidelines in the review of non-agricultural development proposals.

- Relate new residential development to natural features including topography and soil conditions with special consideration given to potential storm water drainage problems.

MAJOR PROPOSALS

- **Agricultural Areas**: Make the maximum effort to encourage the continuance of farming as a major part of community life in all areas of the Town.

- **Hamlets**: Encourage new residential and business development in and adjacent to the Hamlets compatible with the existing physical character of the Hamlets.

- **Roads:** Avoid highway strip development along arterial and collector roads.

- **Scenic Views**: Conserve the important scenic views that significantly contribute to the special character of Stark.

Implementation:

First enact subdivision ordnance to protect new property owners and the Town from poor subdivision practices. Secondly, consider a site plan review ordinance utilizing design review guidelines to conserve the character of the Town and its Hamlets. Finally, consider the adoption of a basic land use ordinance to promote the long-range development of the Town in an efficient and desirable manner.

2. Hamlet Plans

Hamlets are predominantly residential areas with supporting commercial and public activities lying near their centers. They do not have a clear distinction between residential and nonresidential areas. The Hamlets are compact relative to their surroundings and to sprawled suburban tract development. They are easily distinguishable from the surrounding undeveloped land. The density mix and arrangement of land uses encourages pedestrian movement among local origins and destinations. A half-mile radius from hamlet centers represents an effective walking radius.

Hamlets and villages are closely related. Hamlets are often viewed as a small cluster of homes with a distinct identity in a rural area. A village is generally viewed as a small community offering a choice of housing types, some employment, basic services, and shopping for its residents as well as for those in the immediately surrounding rural area. It typically includes a post office, church, meeting places, and public open spaces. The Hamlets of Deck and Smith Corners are good examples of small hamlets.

The Hamlets of Starkville and Van Hornesville are more than the crossroad hamlets described above. They include many of the features attributed to villages. In this Plan, however, the term "hamlet" is used to describe Stark and Van Hornesville settlements to avoid confusion with the political jurisdiction usually associated with a village in New York State.

The typical hamlet/village usually includes personal service shops, specialized retail, and business or professional offices. It also includes cultural resources important to the community. Both these conditions are present to one degree or another in Starkville and Van Hornesville. The two Hamlets have a distinct history. Important historical resources exist in both Hamlets.

The Starkville and Van Hornesville Hamlets also have a distinct character. They are compact, buildings are relatively close together, and a variety of activities exist. The limits of the Hamlets are clear, beyond their boarders the countryside begins. The Deck and Smith Corner's Hamlets have less clearly defined boundaries.

The preferred location for new growth in the Town is in and adjacent to the Hamlets. New develop-

ment should extend the existing close-knit pattern of small lots, mixed-uses, interconnected streets and walkable neighborhoods associated with hamlets. Large lot, suburban style development disrupts the character of the Hamlets. If not done very carefully, construction of new commercial buildings can began a process of altering the historic coherence of the Starkville and Van Hornesville Hamlets.

GOAL: Conservation of the existing cultural and visual character of the Hamlets.

GOAL: Appropriately designed developments located adjacent to the Hamlets.

Objectives:

- Encourage residential, commercial and office uses.
- Limit and discourage development of strip-type, highway-oriented commercial uses that create traffic hazards and congestion.
- Minimize visual and functional conflicts between residential and nonresidential uses within the Hamlets.

Policies:

- Adopt land development guidelines for the subdivision of land and the appropriate location of residential land uses.
- Adopt a site plan review ordinance in order to educate developers about how to develop in a manner compatible with existing development and environmentally friendly.

Map 6.1

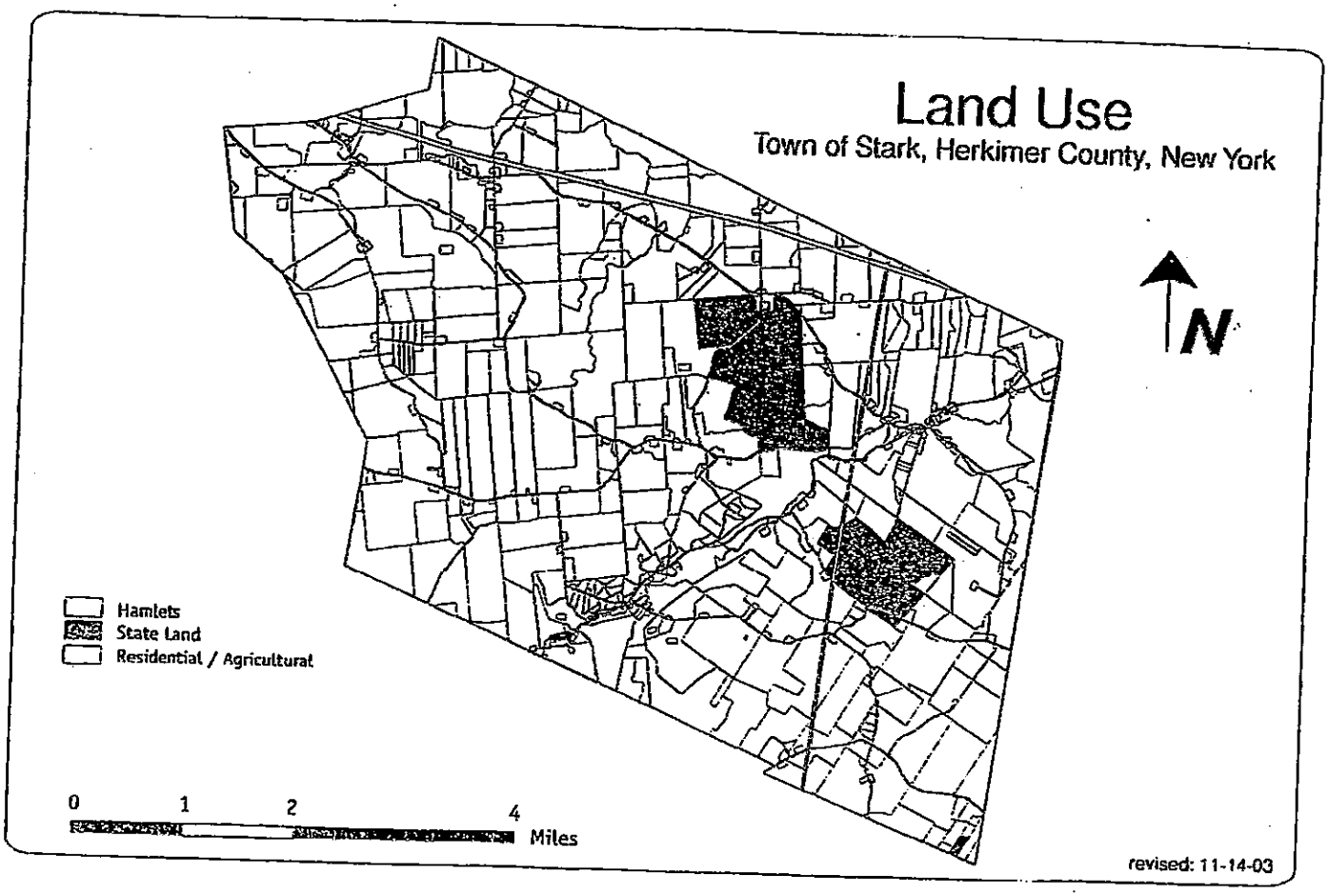
Soil Associations
Town of Stark, Herkimer County, N.Y.

Source: U.S. Department of Agriculture, Soil Conservation Service, Soil Survey of Southern Herkimer County, 1969

STARK

2004 LAND USE

LAND USE REGULATIONS
TOWN OF STARK
HERKIMER COUNTY
NEW YORK



April 16, 2004

Land Use Advisory Committee

Bruce Banks
Richard Bronner
Jeffery Grouse
David Domburgh
Lorna Altemus Eaker
Anthony Grescheck Sr.
Jacki Kupiec
Vincent Magnone
Anne Miller
Shirley Mower
Lyle and Grace Phetterplace
Thomas Puskarenko
Vance and Angela Richards
Richard O. Smith
Gerard Snyder
William and Linda Tharp
Clarissa Young
Emil Ziaja

CONTENTS

Article 1. General Provisions

Section 101. Title

This Local Law shall be known as "The Land Use Regulations of the Town of Stark, New York," hereafter referred to as "Land Use Regulations."

Section 102. Authority

These Land Use Regulations are enacted pursuant to the authority contained in Chapter 62 of the Consolidated Laws of New York State.

Section 103. Purposes

The Town Board of Stark deems it necessary for the promotion of health, safety, morals and the general welfare of the Town to regulate and restrict the height and size of buildings and other structures, the size of yards and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes. Therefore and based on the Town Comprehensive Plan, districts are created and regulations are hereby established to accomplish the following purposes:

- To protect all domestic water supplies, both private and municipal, from contamination by any conceivable source within the Town of Stark.
- To maintain the Town of Stark as an uncrowded and rural residential community having large, undeveloped areas.
- To protect attractive and important natural features such as streams, farmlands, woodlands, wildlife and scenic areas, wetlands, aquifer recharge areas and buildings or sites of historical significance.
- To provide for gradual, modest development in ways that will not create activities that would be destructive to present character of the Town.
- Without imposing unnecessary or excessive restrictions, to provide control of unsightly or potentially destructive land uses, including, but not limited to signs, solid waste disposal, junk storage and recycling processes.
- To provide for wide variety of residential structures, at densities and locations consistent with goals, objectives, and policies of the Comprehensive Plan.
- To provide control over mining, quarrying and timbering operations, ensuring that plans for initiating or expansions of such operation meet the standards of state and federal regulations.
- To provide, where practical, for limited expansions of existing non-residential uses as long as they do not conflict with the goals, objectives, and policies of the Comprehensive Plan.
- To prevent traffic congestion and to promote safe circulation of vehicles and pedestrians.
- To provide maximum protection of residential areas from the intrusions of incompatible land uses, from traffic, and from environmental pollution.

- To encourage development of land in such a way as to promote the most appropriate use of land, to conserve the natural and scenic qualities of open lands, and to enhance and protect the environmental quality.

Section 104. Effective Date

The Land Use Regulations shall be effective immediately upon filing with the New York State Secretary of State.

Section 105. Interpretation

A. The Land Use Regulations shall be interpreted and applied with the understanding that its provisions represent the minimum requirements for the purpose of promoting the health, safety, convenience, comfort, and general welfare of the Town residents.

B. The Land Use Regulations shall not interfere with, abrogate, or annul, any easement, covenant or other agreement between parties, provided, however, that when the Land Use Regulations provide a greater restriction on the use of buildings or land or on the heights of buildings, or requires larger open spaces, or imposes any higher standards than are imposed or required by any other statute, law, ordinance, rule, regulation, or by any easement, covenant or agreement, the provisions of the Land Use Regulations shall control.

C. Where the requirements of another statute, law, ordinance, rule or regulation conflict with the Land Use Regulations, the more restrictive provision shall govern.

D. If any two or more provisions of the Land Use Regulations are found to be in conflict with one another, the strictest provision, or the one imposing the higher standard, shall govern.

Section 106. Applicability

A. The Land Use Regulations and each and every one of its provisions shall apply to any land use, land alteration, construction or development of any kind in any area of the Town of Stark.

Article II. Basic Definitions

Section 201. Word Usage

A. Unless a contrary intention clearly appears, the following words and phrases shall have for the purposes of the Land Use Regulations the meanings given below.

B. For the purpose of the Land Use Regulations, words and terms used herein shall be interpreted as follows:

1. Words used in the present tense include the future.
2. The singular includes the plural.
3. The word "person" includes an individual, firm, partnership, corporation, company, association, or government entity including a trustee, a receiver, an assignee or similar representative.
4. The word "lot" includes the word "plot" or "parcel."
5. The term "shall" is mandatory.
6. The word "used" or "Occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be occupied."
7. The words "Board of Appeals" shall always mean the Board of Appeals for the Town of Stark.
8. The words "Code Enforcement Officer" shall always mean the Town of Stark Code Enforcement Officer.

C. Any word or term not defined herein shall be used with a meaning of standard usage.

Section 102. Basic Definitions

1. Block —A unit of land bounded by streets or by a combination of streets and public land, utility right-of-way, waterways or any other barrier to the continuity of development.

2. Building —A structure designed to be used as a place of occupancy, storage or shelter.

3. Building, Accessory —A subordinate structure that is occupied or devoted to an accessory use incidental to the principal use.

4. Building, Principal —A building in which the primary use of the lot on which the building is located in conducted.

5. Dwelling Unit —An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

6. Family —One (1) or more persons occupying a single housekeeping unit and using common cooking facilities as distinguished from a group occupying a boarding or rooming house.

7. Lot —A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

8. Lot Area - The horizontal area within the exterior lines of the lot, exclusive of any area in a public or private way open to public uses.

9. Lot Frontage -That side of a lot abutting on a street; the front lot line.

10. Lot Line–A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

11. Right-of-way–A strip of land acquired by reservation, dedication, forced dedication, or condemnation and intended to be occupied by a street, road, crosswalk, trail, railroad, electric transmission line, oil or gas pipeline, water line, sanitary storm sewer, or other similar use.

12. Setback–The minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

13. Setback Line–A line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side, or rear yard, or the boundary of any public right-of-way whether acquired in fee, easement, or otherwise, or a line otherwise established to govern the location of buildings, structures, or uses.

14. Street–A public way used or intended to be used for passage or travel by motor vehicles. The term street shall include road and highway.

15. Structure–A combination of materials assembled, constructed or erected at a fixed location, the use of which requires location on the ground or attachment to something having location on the ground.

16. Structure, Accessory–A subordinate structure detached from but located on the same lot as a principal building. The use of an accessory structure must be identical and accessory to the use of the principal building. Accessory structures include garages, decks, and fences.

17. Use–Any purpose for which a lot, building, or other structure or a tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

18. Use, Accessory–A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

19. Use, Principal–The primary, predominant, or main use on a lot or tract of land.

Article III. Land Use Districts and Land Use District Map

Section 301. Land Use Districts Established

For the purposes of the Regulation, the Town of Stark is divided into the following classes of districts: Hamlet, Rural Agricultural, Commercial, and Planned Unit Development.

Section 302. Description of Land Use Districts

A. H - Hamlet - Established to protect the unique character of the traditional Hamlets. The intent of this district is to encourage growth and development of a scope and nature that are compatible with the historic nature of the Hamlet. Hamlet district includes Van Hornesville and Starkville

B. RA - Rural Agricultural — Established to preserve the primarily rural appearance and agricultural character of those areas which have traditionally had low levels of non-agricultural development. The areas are not served by public water or sewer facilities, and where the transportation system consists of very widely dispersed network of narrow minimally improved roads. Development standards for this district are intended to minimize demand for urban services and ensure that the rural community character of the area is maintained.

C. PUD - Planned Unit Development - Established to accommodate projects planned and developed as a single entity that may contain diverse uses and various residential building types and compatible non-residential uses. PUD districts are also intended to promote creative, efficient, and more livable community design through a specialized project review process. PUD districts are not given specific locations on the District Map until a preliminary, but unified and cohesive plan for development is approved. PUDs include residential cluster developments.

D. Natural Resource Protection Overlay District - A stream corridor overlay (SCO) district is established. This district is superimposed upon other districts and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use is permitted in the applicable overlay district.

E. Commercial Districts - The purpose of this district is to provide areas for control and related commercial uses.

Section 303. Official Land Use District Map

A. There shall be a map known and designated as the Official Land Use District Map, which shall show the boundaries of all land use districts within the Town's planning jurisdiction. The map shall be dated, shall be certified by the Town Clerk, and shall be kept in the office of the Clerk of the Town of Stark, and copies made available for sale to the public.

B. The Official Land Use District Map dated October 20, 2003 is adopted and incorporated herein by reference. Amendments to this map shall be made and posted in accordance with Article XI.

Section 304. Amendments to Official Land Use District Map

A. Amendments to the Official Land Use District Map are accomplished using the same procedures that apply to other amendments in this Regulation, as set forth in Article XI.

B. The Town Clerk shall update the Official Land Use District Map as soon as possible after amendments to it are adopted by the Town Board. Upon entering any such amendment on the map, the Town clerk shall certify the changes, and change the date of the map to indicate its latest revision. New copies of the updated map may then be issued.

C. The Town Clerk shall keep copies of superseded prints of the Land Use District Map for historical reference.

Section 305. Interpretation of District Boundaries

A. Uncertainty with Respect to Boundaries - Where uncertainty exists with respect to the boundaries of the district as indicated on the Official Land Use District Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately coinciding with the center lines of streets, highways, or streams, such center lines shall be so construed to be such boundaries.

2. Where district boundaries are indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundaries; or where district boundaries are extension of lot lines of connect the intersections of lot lines, such lines shall be said district boundaries.

3. Where district boundaries are so indicated that they are approximately parallel to center lines of streets or highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Land Use District Map.

B. Parcels in Two or More Land Use Districts

1. Whenever a single lot of two acres or less in size is located within two or more different official land use districts, the boundary of the land use district within which the larger portion of the lot is located may be deemed to extend up to fifty (50) more feet into the smaller portion of the lot.

2. Whenever a single lot greater than two (2) acres in size is located within two or more different land use districts, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located.

Article IV. Use Regulations

Section 401. Applicability of Regulations

Except as provided by law or in these Regulations, in each district no structure shall be constructed, erected, or extended and no building, structure, or land shall be used or occupied except for the uses permitted in the District.

Section 402. Use of the Designations "C," "S," and "A"

A. When used in connection with a particular use in Section 405, Table of Land Uses by District, the letter "C" means that the use is permissible in the indicated district with the applicable permit issued by the Code Enforcement Officer.

B. When used in connection with a particular use in Section 405, Table of Land Uses by District, the letter "S" means that the use is permissible in the indicated district after site plan review and approval by the Town Planning Board.

C. When used in connection with a particular use in Section 405. Table of Land Uses by District, the letter "A" means that the use is permissible in the indicated district after a public hearing and approval of a special use permit by the Land Use Appeals Board

Section 403. Uses Subject to Other Regulations

A. Uses permitted by appropriate permit or site plan approval shall be subjected in addition to use regulations, dimensional requirements, sign and parking regulations, and to such other provisions as are specified in other laws of the Town.

B. In particular, the laws of the State of New York and the regulations of the Herkimer County Department of Health regarding water supply and waste disposal shall be adhered to. Further, no approval shall be granted until approval is obtained for the Herkimer County Department of Health for sewage disposal, unless the premises are served by public sewage facilities.

Section 404. Uses Permitted on Minimum Maintenance Roads

A. Certain Town roads or sections of Town roads have been classified as a minimum maintenance road. A minimum maintenance road is a low-volume road or road segment that may be of a seasonal nature, having an average traffic volume of less than fifty vehicles per day and that principally or exclusively provides agricultural or recreational land access.

B. All property abutting only on a minimum maintenance road and all property not abutting on a minimum maintenance road but having access by easement, right-of-way, or other means, from a minimum maintenance road only, shall be limited to structures used for seasonal or recreational use. No year-round residences or commercial or industrial buildings shall be allowed on the above defined property. No building permit application shall be approved for any such structures other than seasonally or recreational use as set forth herein.

C. Reference to local law No.1 of 2003 of the town of Stark for a more particular description of minimum maintenance roads.

Section 405. Permissible Uses and Specific Exclusions

A. Because the list of permissible uses set forth in Section 405 (Table of Permissible Uses) cannot be all inclusive, those uses that are listed shall be interpreted to include other uses that have similar impacts to the listed uses.

B. All uses not listed in Section 405 (Table of Permissible Uses) which have impacts unlike those of the uses listed in Section 405 (Table of Permissible Uses) shall also not be interpreted to allow a use in one land use district when the use in question is more closely related to another specified use that is permissible in other land use districts.

C. The following uses are specifically prohibited in all districts:

1. Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials including but not limited to such things as the manufacture or bulk storage of fireworks, or the storage of crude oil or any of its volatile products or other highly inflammable liquids in above-ground tanks.

2. Solid waste management facility (including any facility which requires a permit under 6 NYCRR Part 360.

3. Stockyards, slaughterhouses, rendering plants, junk yards, second hand material yards, or automobile graveyards.

4. Use of a structure as a permanent residence that (i) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle) and (ii) is designed for temporary use as sleeping quarters but that does not satisfy one or more of the definitional criteria of a manufactured home.

5. Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted.

Section 406. Table of Land Uses by Land Use Districts

C = permissible with the applicable permit issued by the Code Enforcement Officer

S = permissible after site plan review and approval by the Town Planning Board

A = permissible after a hearing and approval by the Land Use Board of Appeals

	Hamlet	Rural Agricultural	Planned Unit Development
A. AGRICULTURAL LAND USES			
A1 Agricultural	C	C	
B. RESIDENTIAL LAND USES			
B1 Single-Family Detached Dwelling	C	C	
B2 Manufacture Home	C	C	
B3 Planned Unit Development			S
C. INSTITUTIONAL LAND USES			
C1 Passive Outdoor Public	S	S	
C2 Active Outdoor Public Recreational	S	S	
C3 Indoor Institutional	S	S	
C4 Outdoor Institutional	S	S	
C5 Public Service and Utilities	S	S	
D. COMMERCIAL LAND USES			
D1 Administrative Office	S	S	
D2 Personal or Professional Office	S	S	
D3 Indoor Sales or Service	S	S	
D4 Outdoor Display	S	S	
D5 Indoor Commercial Entertainment	S	S	
D6 Communication Tower	A	A	
E. ACCESSORY LAND USES			
E1 Home Occupation	S	S	
E2 Accessory Apartment	S	S	

Section 407. Detailed Land Use Descriptions

A. AGRICULTURAL LAND USES

A1. Agricultural - The use of land for cultivation and husbandry, including, but not limited to dairying, pasturage agriculture, horticulture, aquaculture, floriculture, viticulture, silviculture, and animal and poultry husbandry, apiaries, and the necessary accessory uses for selling, packing, treating, or storing the produce grown on site; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

B. RESIDENTIAL USES

B1. Single-Family Detached Dwelling - A building containing one dwelling unit and surrounded by open space or yards and which is not attached to any other dwelling unit by any means.

B2. Manufactured Home - A manufactured house is a dwelling unit that (i) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on a built-in chassis system that serves as a structural foundation and (ii) is not constructed in accordance with standards set forth in the New York State Building Code, and (iii) is constructed to meet or exceed the Manufactured Home Construction and Safety-Standards promulgated by the U. S. Department of Housing and Urban Development.

C. INSTITUTIONAL LAND USES

C1. Passive Outdoor Public Recreational - Passive outdoor public recreational land uses include all recreational land uses located on public property which involve passive recreational activities. Such land uses include arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, open grassed areas not associated with any particular active recreational land use, picnic areas, picnic shelters, gardens, fishing areas, and similar land uses

C2. Active Outdoor Public Recreational - Active outdoor public recreational land uses include all recreational land uses located on public property which involve active recreational activities. Such land uses include play courts (such as tennis courts and basketball courts), play fields, (such as ball diamonds, football fields, and soccer fields), tot lots, outdoor swimming pools, fitness courses, public golf courses, and similar land uses.

C3. Indoor Institutional - Indoor institutional land uses include all indoor public and not for profit recreational facilities (such as gymnasiums, swimming pools, libraries, museums, and community centers), public and private schools, churches, nonprofit clubs, nonprofit civic organizations, nonprofit fraternal organizations, convention centers, and similar land uses.

C4. Outdoor Institutional - Outdoor institutional land uses include public and private cemeteries, privately held permanently protected green space areas, country clubs, non-public golf courses, and similar land uses.

C5. Public Service and Utilities - Public service and utilities land uses include all town, county, state, and federal facilities (except those otherwise treated in this Section), emergency services facilities such as fire departments and rescue operations, waste water treatment plants, public and private utility substations, water towers, utility and public service related distribution facilities including conventional television, radio, and microwave communications antennas, and similar land uses.

D. COMMERCIAL LAND USES

D1. Administrative Office - Office land uses include all exclusively indoor land uses whose primary functions are the handling of information or administrative services. Such land uses do not typically provide service directly to customers on a walk-in or on appointment basis.

D2. Personal or Professional Service - Personal service and professional service land uses include all exclusively indoor land uses whose primary function is the provision of services (except banking services) directly to an individual on a walk-in or on-appointment basis Examples of such land uses include professional services, insurance services, realty offices, financial services, medical offices and clinics, veterinary clinics, barber shops, beauty shops, tanning salons, and related land uses.

D3. Indoor Sales or Service - Indoor sales and service land uses include all land uses which conduct or display sales or rental merchandise or equipment, or non-personal services, non-professional services, or banking services entirely within an enclosed building.

D4. Outdoor Display — Outdoor display land uses include all land uses which conduct sales, display sales or rental merchandise or equipment outside of an enclosed building. Examples of such land uses include vehicle sales, vehicle rental, manufactured housing sales and monument sales. The area of outdoor sales shall be calculated as the area that would be enclosed by a fence installed and continually maintained in the most efficient manner and which would completely enclose all materials displayed outdoors. Such land uses do not include the storage or display of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard.

D5. Indoor Commercial Entertainment - Indoor commercial entertainment land uses include all land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours that extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, taverns, food stores, and bowling alleys.

D6. Communication Tower - Communication towers include all free-standing broadcasting, receiving or relay structures, and similar principal land uses; and any office, studio, or other land uses directly related to the function of the tower.

E. ACCESSORY USES

E1. Home Occupation - An accessory use of a dwelling unit or accessory building for gainful employment which: (i) is clearly incidental and subordinate to the use of the dwelling unit as a residence; (ii) does not alter or change the exterior character or appearance of the dwelling; (iii) results in no exterior storage; and (iv) employs no more than two individuals not residing in the dwelling.

E2. Accessory Apartment - A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.

Article V. Dimensional Regulations

Section 501. General Dimensional Regulations

A. Definitions

1. Yard - An open space that lies between the principal building or buildings and the nearest lot line.
2. Yard Depth - The shortest distance between a lot line and a setback line.
3. Yard Required - The open space between a lot line and the setback line within which no structure shall be located except as provided in this Regulation.

B. District Regulations - The regulations for each district pertaining to minimum lot area, minimum lot width, minimum required yards, maximum building height, and maximum lot coverage shall be as specified in Table 501, "Table of Dimensional Requirements for Principal Uses." which follows, subject to any further applicable provisions in this Article and in Article *XX*, related to Planed Unit Developments.

C. Residential Density - Every lot developed for residential purposes shall have the number of square feet per dwelling unit indicated in the Table of Dimensional Requirements for Principal Uses

D. Measurement of Setbacks when Parcel Boundaries are Contained within Highway Rights-Of-Way - For the purposes of applying the standards set forth in this Article, in cases when any portion of the boundary of a parcel lies within a highway right-of-way (such as when the boundary coincides with the centerline of a road), the portion of the edge of such right-of-way which is contained within the lot shall be considered a front, side, or rear lot line as applicable.

Section 501. Table of Dimensional Requirements for Principal Uses

	Hamlet (H)	Rural-Agricultural (RA)
Minimum Lot Area		2 acres
Minimum Lot Width	Section 905	200 foot
Minimum Front Yard	Page 28	50 foot
Minimum Side Yards: Total/One	(Non-conforming Lots)	100 foot/50 foot
Minimum Rear Yard		50 foot
Maximum Building Height		35 foot
Maximum Lot Coverage (%)		8%

Section 502. Lot Area and Lot Width Regulation

A. Definitions

1. Lot Area - The total area within the lot lines of a lot, excluding and street rights-of way.
2. Lot Width - The horizontal distance between the sidelines of a lot measured at right angles to its depth along a straight line parallel to the front setback line.

Section 503. Front Yard Regulations

A. Definitions

1. Subject to the provisions set forth in paragraph two below, a front yard is a space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building (inclusive of open porches, steps and overhanging eaves and cornices) at the closest point to the front lot line.

2. In cases where the front lot line lies within a highway right-of-way, the front yard is the space extending the full width of the lot between any building an right-of-way and measured perpendicular to the building at the closet point to the edge of the right-of-way.

3. In the case of a corner lot, any yard extending along the full length of a street line shall be considered a front yard.

B. Accessory Buildings - No accessory building shall intrude into a required front yard.

Section 504. Side Yard Regulations

A. Definitions

1. A side yard is a space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

C. Side Yards on Corner Lots - In the case of a corner lot, yards with a minimum depth equal to the required front yard depth shall be provided on each street side of the lot.

Section 505. Rear Yard Regulations

A. Definition

1. A rear yard is a space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular from the rear lot line to the closest point of the principal building.

Section 506. Height of Structure Regulations

A. Definition

1. The height of a structure other than a building is the vertical distance of the structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure. The height of a building is the vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between eaves and the ridge level for gable, hip, and gambrel roofs.

2. There shall be no height limit on agricultural buildings or structures intended for agricultural purposes.

Section 507. Lot Coverage Regulations

A. Definition

1. The percentage of the area of a lot that is covered by buildings, principal and accessory.

Article VI. Natural Resource Protection Overlay District

Section 601. Stream Corridors Overlay District (SCOD)

A. Definitions

1. Ordinary High Water Mark—the line between upland and bottom land which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.

2. Stream Corridor—areas which lie between the centerline of a watercourse and a line one hundred (100) feet horizontal from and perpendicular to the ordinary high water mark on either side of the watercourse.

3. Watercourse—any stream river, creek, or brook in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed, and banks.

B. Purpose

Stream corridors serve many natural functions that promote and protect the public health, safety, and general welfare. They transport surface and storm water to downstream areas, supplement flood plain and wetland water storage functions in heavy storm or melt events, filter water-borne pollutants and sediments, promote infiltration and groundwater recharging, and provide unique plant and animal habitat. Stream corridors also provide recreational amenities and enhance the aesthetic quality of the community. The purpose of the stream corridors overlay district is to protect these functions by minimizing impacts of development on the stream corridor.

C. District Boundaries

1. The stream corridor overlay district shall include all areas which lie between the centerline of a watercourse and a line one hundred (100) feet horizontal from and perpendicular to the ordinary high water mark on either side of the watercourse. The New York State Department of Environmental Conservation has produced a map titled Hydro logic Features, which shows the locations of all watercourses within the jurisdiction of the Town of Stark. The Hydro logic Features Map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be part of the Regulation. The October 20, 2003 map shall be on file in the office of the Town Clerk.

2. When an applicant contemplates activities in an area which either the applicant or the Code Enforcement Officer (or the Planning Board, as appropriate) suspects might be located within a stream corridor, the applicant shall be required to determine the boundaries of the stream corridor through the performance of a field survey applying the stream corridor definition. Evidence documenting the results of the boundary survey may also be required.

D. Structures

1. No structures, except for fences, boat launching sites, boathouse, poles, lean-tos, docks, bridges, and fisherman parking areas shall be constructed inside the ordinary high water mark of a watercourse.

2. No structures over five hundred (500) square feet in ground floor area shall be constructed in the stream corridor overlay district.

3. Structures in the stream corridor overlay district shall be screened from the view of persons who may be on the stream by vegetation or topographic features.

E. Highways and Roads

1. No new public or private road or extension of a public or private road shall be located within the stream corridor overlay district except for such roads as are necessary for crossing the watercourse for purpose of traffic safety, fire access, or access to otherwise landlocked parcels.

2. Any private road or extension of a private road located as provided in paragraph (E)1 above shall be open to the general public.

F. Grading and Filling

No new fills shall be placed inside the ordinary high water mark of a watercourse.

G. Utilities

1. Major utility transmission facilities as defined in Article VII of the NYS Public Service Law shall be limited to locations where structures, support structures, lines, cables, pipes, and other associated equipment and accessories will be located only at watercourse crossings. In addition, such structures and facilities shall be located only where the impact on the scenic qualities of the stream corridor can be minimized.

2. New watercourse crossings by utility uses shall be minimized and shall be limited to the extent feasible to those points along a stream corridor where crossings already exist.

3. A stream corridor utility use under these guidelines shall be located, designed, and constructed so as to avoid undue adverse environmental impact and to minimize visibility from the watercourse and the stream corridor of structures, support structures, lines, cables, pipes, and other associated equipment and accessories.

H. Vegetative Cutting (Logging)

1. Forest management roads or skid trails shall not be allowed inside the ordinary high water mark and they shall be allowed at a distance from the ordinary high water mark that is consistent with the following criteria for establishing buffer strips for logging areas:

Slope of Land	Width of Buffer Strip for Logging Areas (feet)
0% - 9 %	25
10%-19%	45
20%-29%	65
30%-39%	85

2. Forest management roads or skid trails shall not be allowed on slopes of 30% or greater in the stream corridor overlay district.

3. Timber harvesting is permissible within the buffer strip provided for in paragraph (H)l above on the condition that not more than one third of the crown canopy is removed within any ten (10) year period. On slopes of 30% or greater within the stream corridor overlay district, not more than one third of the crown canopy shall be removed within any ten (10) year period.

4. The harvesting, cutting, culling, removal, or thinning of vegetation on pasture and cultivated land devoted to agriculture within the ordinary high water mark of a watercourse or within fifty (50) feet of such mark shall be allowed provided that a buffer strip containing woody shrubs or trees is retained sufficient to maintain the stability of the stream bank and minimize stream bank erosion and direct runoff to the watercourse.

5. The above current standards shall not be deemed to prevent the removal of diseased vegetation or of rotten or damaged trees or of other vegetation that presents safety, environmental, or health hazards; nor should these standards be deemed to prevent the cutting of firewood by the owner of land within the stream corridor overlay district for personal use in his or her own dwelling, provided that alternative sites for the cutting of such firewood are not readily available to the landowner.

Article VII. Signs

Section 701. Signs

A. Purposes of Sign Regulations

1. To encourage the effective use of signs as a means of communication in the Town;
2. To maintain and enhance the aesthetic environment and the Town's ability to attract sources of economic development and growth;
3. To improve pedestrian and traffic safety;
4. To minimize the possible adverse effect of signs on nearby public and private property; and
5. To enable the fair and consistent enforcement of these sign restrictions.

B. Definitions

1. Sign—Any device (including, but not limited to, letters, words, numerals, figures, emblems, pictures, or any part or combination) used for visual communication intended to attract the attention of the public and visible to the public right-of-way or other properties. The term "sign" shall not include any flag, badge, or insignia of any governmental units, nor shall it include any item of merchandise normally displayed within a show window of a business.
2. Sign, flashing—Any illuminated sign on which the artificial light is not maintained stationary or consistent in intensity and color at all times when such is in use. Any moving, illuminated sign shall be considered a "flashing sign." Such signs shall not be deemed to include time and temperature signs or public message displays using electronic switching.
3. Sign, freestanding—Any sign supported wholly or in part by some structure other than the building or building housing the business to which the sign pertains, or any sign which projects more than five feet from the side of the building to which it is attached.
4. Sign, home occupation—A sign containing only the name and occupation of a permitted home occupation.
5. Sign, identification—A sign used to display only the name, address, crest, or trademark of the business, individual, family, organization, or enterprise occupying the premises, the profession of the occupant or the name of the building on which the sign is displayed. Also, a permanent sign announcing the name of a subdivision, shopping center, tourist home, group housing project, church school, park, or public or quasi-public structure, facility, or development and the name of the owners or developers.
6. Sign, illuminated direct—A sign whose light source is either located in the interior of the sign or that the rays go through the face of the sign, or which is attached to the face of the sign and is perceived as a design element of the sign.
7. Sign, illuminated indirect—A sign illuminated primarily by light directed toward or across it or by back lighting from a source not within it. Sources of illumination for such signs may be in the form of gooseneck lamps, spotlights, or luminous tubing. reflectorized signs depending on

automobile headlights for an image in periods of darkness shall be construed to be indirectly illuminated signs.

8. Sign, mobile—A sign attached to, mounted, pasted, painted, or drawn on any vehicle, whether motorized or drawn, that is placed, parked, or maintained at one particular location for the express purpose and intent of promotion or conveying an advertising message.

9. Sign, official traffic and street—Any sign installed within public right-of-way by the State of New York or the Town to direct or control vehicular, pedestrian, and bicycle traffic, identify streets, parks, historical events, or provide other information deemed appropriate

10. Sign, political—A sign identifying and urging voter support for a particular election issue, political party, or candidate for public office.

11. Sign, portable—A sign whose principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse. Portable signs shall include, but are not limited to, signs mounted upon a trailer, bench, wheeled carrier, or other non-motorized mobile structure with or without wheels.

12. Signs, real estate—A temporary sign that relates to the sale, lease, or rental of property or buildings.

13. Sign, temporary—Any sign, banner, pennant, or advertising display intended to be displayed for a limited time period. Easily removed signs attached to windows are considered temporary signs.

14. Sign, wall—A sign mounted flat against and projecting less than 14 inches from, or painted on the wall of, a building or structure with the exposed face of the sign in a plane parallel to the face of the wall. This does not include window signs.

C. Regulations

1. No commercial sign shall be erected, constructed, or placed on a parcel unless in compliance with this Article.

2. A maximum of two signs for commercial purposes shall be permitted per parcel of property. One such sign must be affixed to a building. The other may be freestanding or attached to a building, one or two sided, and shall not exceed four feet by eight feet If there is only one sign, it may be freestanding, no larger than four feet by eight feet, or attached to a building. A freestanding sign shall not exceed fifteen feet in height.

3. Signs which are temporary in nature, such as a "for sale" or "for rent" sign, or a "political sign." are exempt from this Regulation. All temporary signs must be removed within seven days of the event advertised.

4 Signs shall be constructed of durable materials and shall be maintained in good condition. Signs that are permitted to deteriorate shall be removed by the owner not less than seven days upon written notification by the Code Enforcement Officer. Upon the failure by the owner to remove the sign within said seven days the sign shall be removed by the Code Enforcement Officer and any expense incurred in such removal shall be borne by the owner of the sign.

5. No sign shall project beyond property lines.

6. No sign shall be erected which may cause hazardous or unsafe conditions. The owner of any such sign shall remove the sign in accordance with the procedure of paragraph four of this subsection.

7. No sign, other than an official traffic sign or public notice approved by the applicable jurisdiction, shall be erected within the right-of-way line of any public street or road.

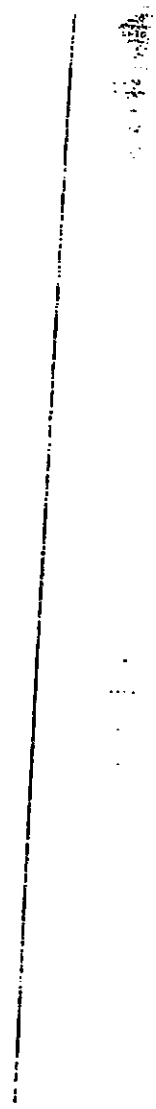
8. Non illuminated political signs not to exceed twelve square feet are permitted thirty days before an election subject to the approval of the property owner and removed within one week following the election.

9. No sign shall have a source of illumination directed toward a public street or adjacent property.

10. Any sign with flashing or intermittent illumination shall not be permitted at any location in the Town.

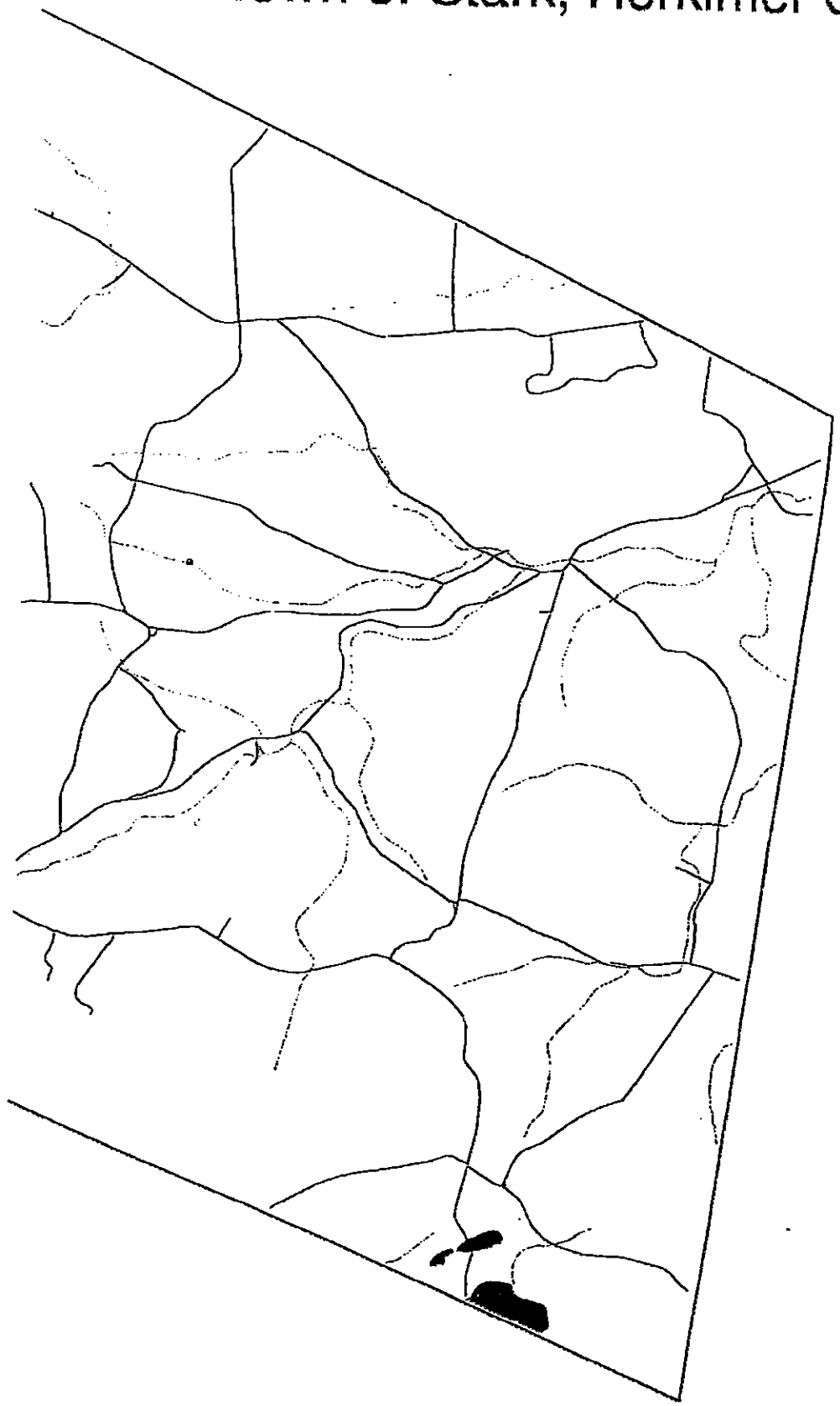
11. Mobile or portable signs are prohibited at any location in the Town.

12. Directly illuminated or neon exterior signs are permitted only with site plan review.



Wet Lands

Town of Stark, Herkimer County, New York



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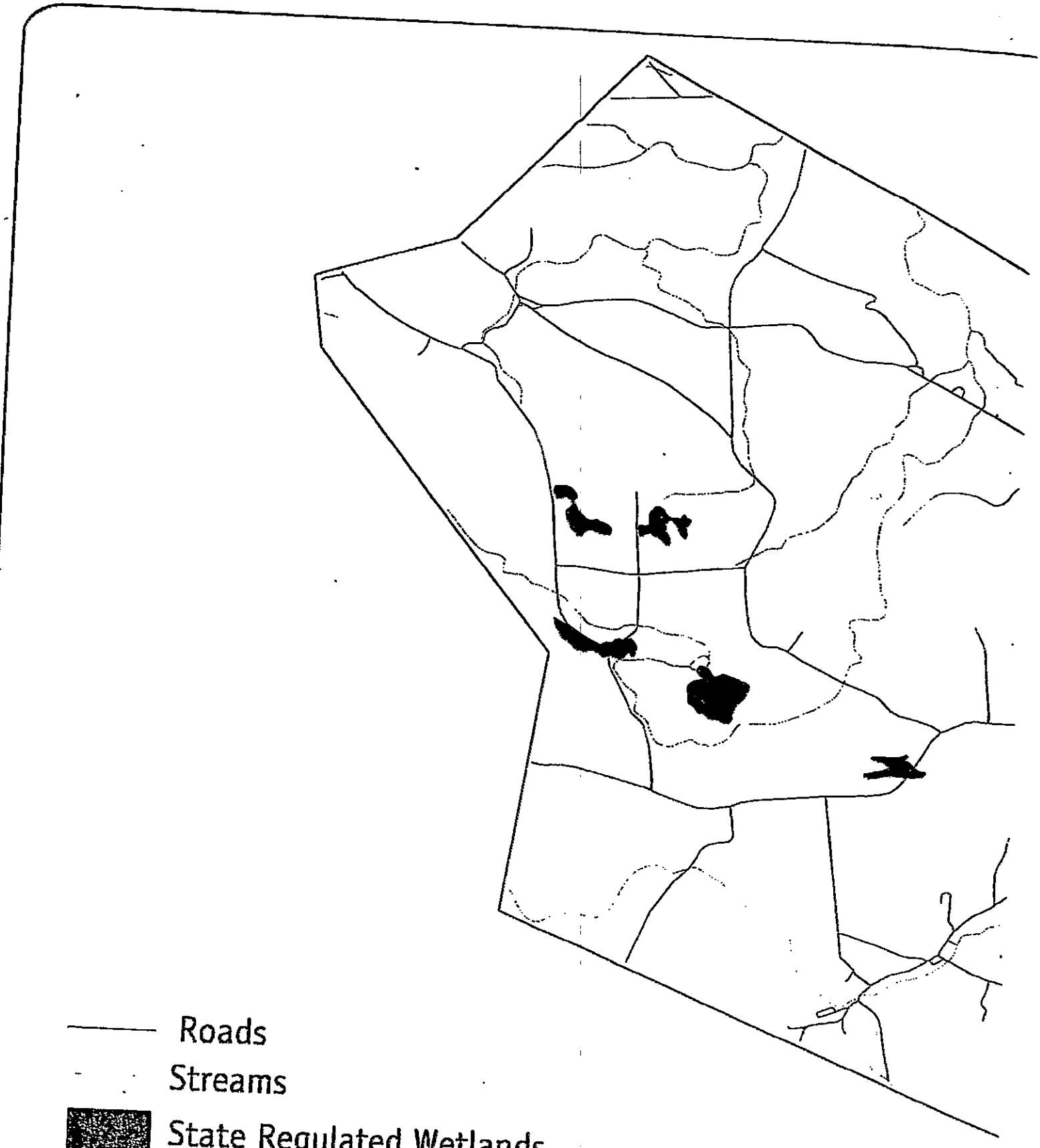
Roads
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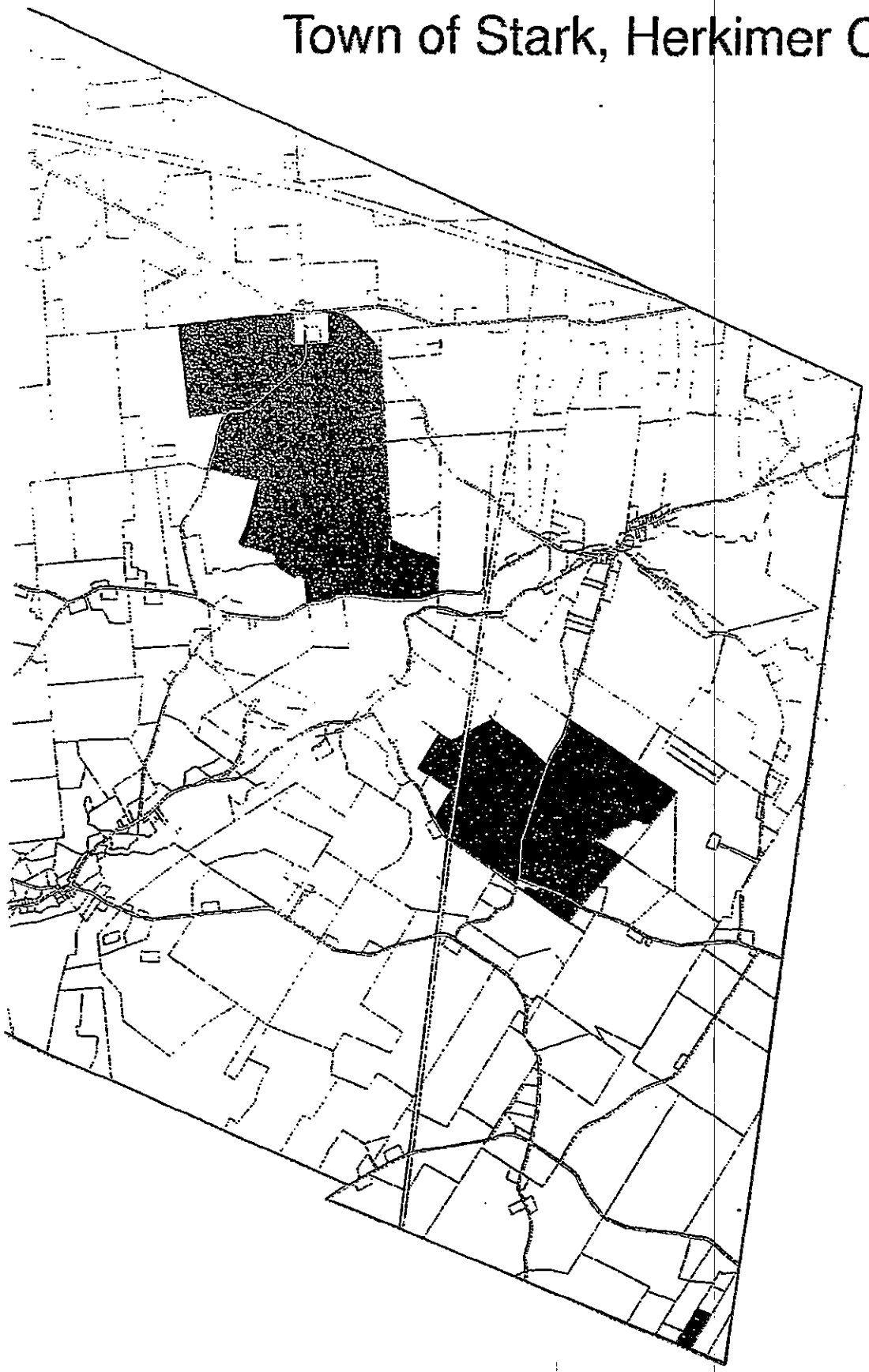
Land Use

Town of Stark, Herkimer County, New York



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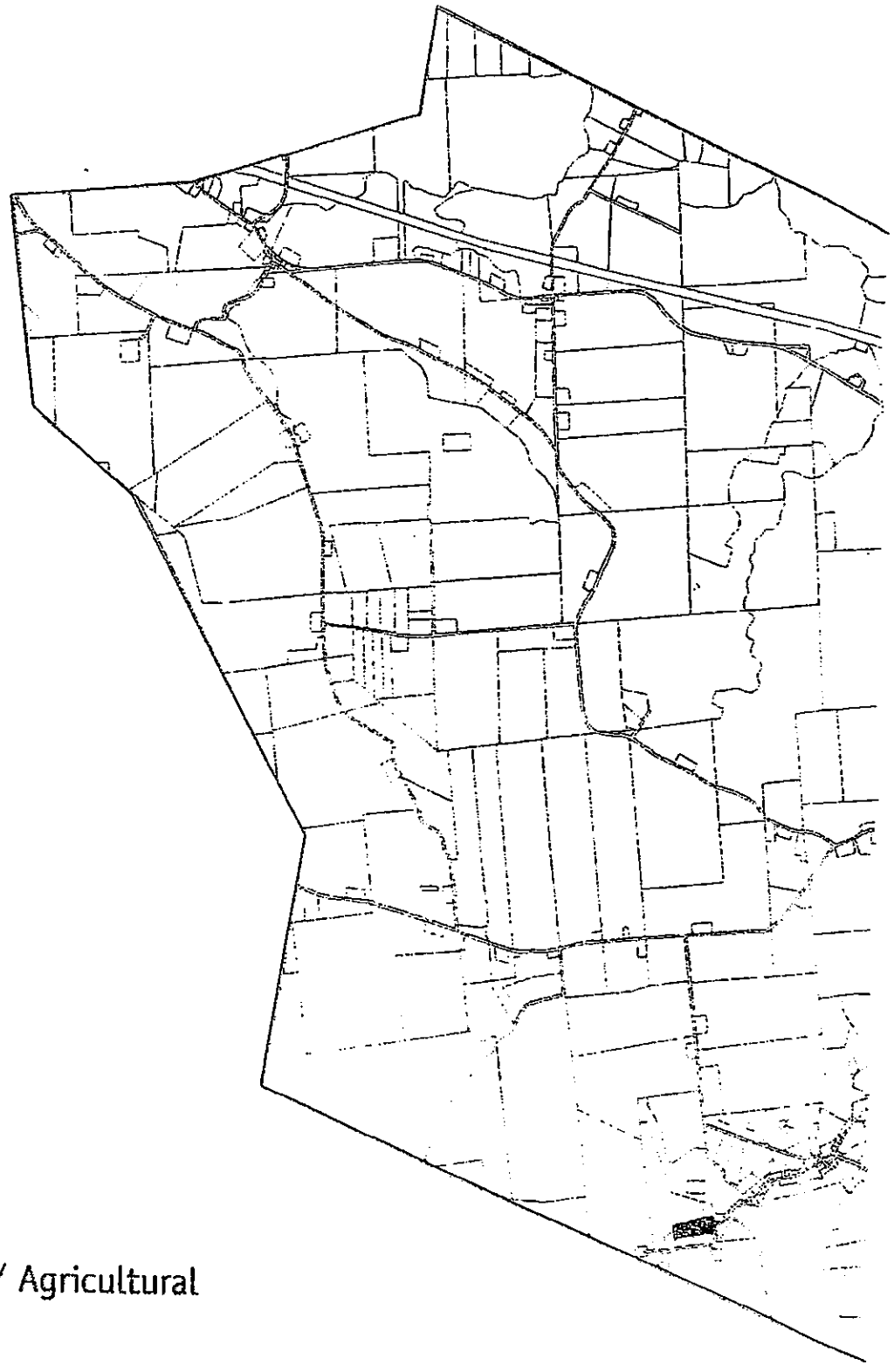

Hamlets
State Land
Residential / Agricultural

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Miles

Article VIII. Parking

Section 801. Parking Regulations

Use	Minimum Off-Street Parking Requirement Requirement
Residential Uses	2 spaces for each dwelling unit
Home Occupation	1 space in addition to the parking required for the dwelling unit and 1 space for employee who is not a resident of the dwelling.
All other uses	To be determined at the time of site plan review.

Article IX. Nonconforming Situations

Section 901. Definitions

A. Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined in the Subsection shall have the meaning indicated when used in the Regulation.

1. **Dimensional Nonconformity**—A nonconforming situation that occurs when the height, size. or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

2. **Nonconforming Lot**—A lot existing as the effective date of the Regulation (and not created for the purposes of evading the restrictions of this Regulation) that does not meet The minimum area requirement of the district in which the lot is located.

3. **Nonconforming Use**—A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residential district is a nonconforming use.)

4. **Effective Date**—Whenever this Section refers to the effective date of the Regulations (i.e., MM. DD. YYYY), the reference shall be deemed to include the effective date of any amendments to this Regulation if the amendment, rather than this Regulation as originally adopted on, creates a nonconforming situation.

Section 902. Extension or Enlargement

A. A nonconforming building or use may be continued provided that no such building or structure may be enlarged or altered in a way which increases its nonconformity, and no such use shall be enlarged or increased to occupy a greater area of land than was occupied at the date it became a nonconforming building.

B. Any nonconforming use may be extended throughout any parts of a building, which were manifestly arranged or designed for such, as of the effective date of this Regulation

Section 903. Repair, Maintenance, and Reconstruction

A. A nonconforming use may not be changed to another nonconforming use disallowed by this Regulation.

B. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent (10%) of the current replacement value of building, provided that the cubical content of the building as it existed at the time of becoming nonconforming shall not be increased.

C. Nothing in this Regulation shall be deemed to prevent the strengthening or restoring to a safe condition of any building, or part thereof, declared to be unsafe by any town official charged with protecting the public safety, upon order of such official.

Section 904. Abandonment or Change in Use of Building or Property

A. A nonconforming building or use may not be altered, rebuilt or resumed except in conformity with the regulations for the district in which it is located if::

1. Either a nonconforming building or use has once been changed to a conforming use;

2. A nonconforming use of land ceases for any reason for a period of more than thirty (30) days.

3. A nonconforming use of a building that has been discontinued or abandoned for a consecutive period of six (6) months or for eighteen (18) months during any three (3) year period;

4. If a nonconforming building has been destroyed by any means, it may be rebuilt and reoccupied as a nonconforming building only if reconstructed within in year with the same or less cubical content and with the same general layout as that of the original structure.

Section 90S. Nonconforming Lots

Notwithstanding the minimum lot area requirements, in any district in which structures are permitted, a Structure may be erected on a lot which was a lot of record, even though such lot fails to meet the present requirements for frontage or area, or both, that are applicable for that use in the district allowed; provided, however, that such lot is not contiguous with another lot or lots in the same ownership, provided that the property has received, if appropriate, a septic permit and further provided that the district's minimum front, side and rear yard setbacks are satisfied. If a lot that fails to meet the present requirements for frontage or area or both adjoins another lot in common ownership, they shall be considered as one parcel

Section 906. Alteration of Pre-existing Dwellings

The Land Use Board of Appeals may authorize the alteration of a single family detached dwelling, existing on the effective date of this Regulation, for two family apartment use provided:

A. That after alteration of the building, the area of the lot upon which the building is located amounts to not less than five thousand (5,000) square feet for each dwelling unit:

B. That no dwelling unit shall have less total floor area than six hundred (600) square feet used for living purposes; and

C. That there is no exterior alteration of the building except as may be necessary for safety and for improved access to the building,

Article X. Administrative Mechanisms

Section 1001. Planning Board - Administration

A. Appointment

The Town Board is empowered to appoint a Planning Board of five members for staggered five year terms, designate the chairperson thereof, and to provide for compensation to be paid to the members of the Planning Board. In making such appointments, the Town Board may require planning board members to complete training and continuing education courses in accordance with any local requirements for the training of such members.

If a vacancy shall occur otherwise then by expiration of term, it shall be filled by the Town Board by appointment for the unexpired term Town Board members are not eligible for membership on the Planning Board. The town board has the authority to remove any members of the Planning Board for cause and after public hearing. The Town Board may, after a public hearing, remove any planning Board members for non-compliance with minimum requirements relating to meeting attendance and training as established by the Town Board by local law.

B. Appropriations

The Town Board is authorized and empowered to make such appropriations as it may see fit for Planning Board Expenses. The Planning Board has the power and authority to employ experts, clerks and a secretary and to pay for their services, and to provide for such other expenses as may be necessary and proper, not exceeding in all the appropriation that may be made therefor by the Town Board for the Planning Board.

C. Chairperson Duties

All meetings of the Planning Board shall be held at the call of the chairperson and at such other times as the Planning Board may determine. Such chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.

D. Rules and Regulations

The Planning Board may. after public hearing, recommend to the Town Board regulations relating to any subject matter over which the Planning Board has jurisdiction under this Regulation or any other statute, or under any local law or ordinance of the Town Adoption of any such recommendations by the Town Board shall be by local law.

E. Referrals of Matters to Planning Board

The Town Board may by resolution provide for the reference of any matter or class of matters, other than those referred to in "D" above, to the Planning Board before final action is taken thereon by the Town Board or other office or officer of the Town having final authority over said matter The Town Board may further stipulate that final action thereon shall not be taken until the Planning Board has submitted its report hereon, or has had a reasonable time, to be fixed by the Town Board in said resolution, to submit the report.

E. Required Referrals to County Planning Board

Pursuant of Section 239-1. m, and n of New York State General Municipal Law, any such non-ministerial zoning or subdivision action must be referred to the County Planning Board for review, if such actions involving real property lying within five-hundred feet of the following:

1. A municipal boundary;

2. The right-of-way of an existing county or state road;

3. The boundary of a county or state park or recreational area:

4. The boundary of any county or state owned property on which a public building or institution is located; or

5. The boundary of a farm operation located within an Agricultural District, as defined by Article 25-AA of the Agricultural & Markets Law (excluding area variances).

F. Power to Make Investigations and Reports

The Planning Board shall have full power and authority to make such investigations, maps, reports and recommendations in connection therewith relating to the planning and development of the Town as it seems desirable, providing the total expenditures of the Planning Board shall not exceed the appropriation provided therefor.

Section 1002. Planning Board - Site Plan Review

A. General Provisions

1. Purpose - It is the intent of this Section to promote the development of an attractive and well-ordered community, ensure the safe and efficient movement of traffic, further the comprehensive planning of the Town and best serve the interests of public health, safety, and general welfare by regulating land use activity through review and approval of site plans. This Section is further intended to provide for orderly and expeditious processing of site plan applications and to ensure that the evaluation of site plans is based on established site design criteria..

2. Definition of Site Plan - A rendering, drawing, or sketch prepared to specifications and containing necessary elements, as set forth in this Regulation, which shows the arrangement, layout and design of the proposed use of an individual parcel of land as shown on said plan..

3. Site Plan Approval Required for Specified Uses - Site plan approval by the Planning Board is required for uses so indicated in the Table of Land Uses (Section 405).

B. Initial Conference

1. An initial conference may be held between the applicant and the Planning Board or its representatives prior to the preparation and submission of a formal site plan The intent of such a conference is to enable the applicant to inform the Planning Board or Us representatives of the proposal prior to the preparation of a detailed site plan, and lor the Planning Board or its representatives to review the basic site design concept, advise the applicant as to potential problems and concems and to generally determine the information to be required on the site plan. In order to accomplish these objectives, the applicant should provide the following:

2. A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation, buffer strips (where required), and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations;

3. A sketch or map of the area which clearly shows the location of the site with respect to nearby street rights-of-way, properties, easements and other pertinent features; and

4. A topographic or contour map of adequate scale and detail to show site topography

C. Site Plan Approval

1. Application for Site Plan Approval - An application for site plan approval shall be made in writing to the chairman of the Planning Board and shall be accompanied by information contained on the checklist provided in Subsection F through I below Six (6) copies of all drawings and other written and graphic materials included in the application shall be submitted.

2. General Findings - As a prerequisite to the approval of any site plan, the following general findings shall be made:

a. The development is arranged, laid out and designed:
to be physically and visually compatible with properties in the general

i.
neighborhood: and to avoid adversely impacting the character or integrity of any land use within the immediate neighborhood having a unique cultural, historical, geographical, architectural, or other special characteristics;
to mitigate adverse effects of shadow, noise, odor, traffic, drainage, and utilities

ii.
for neighboring properties;

iii. to provide adequate access to lots and sites;

iv. to provide maximum amenities available to the site, taking into account the functional requirements of the proposed use(s);
to conserve the natural features of the site; and to minimize negative impacts and

v.
alteration of natural features;

b. The proposed development will be provided with adequate supporting services such as adequate fire and police protection, public and private utilities and all other supporting governmental services necessary and appropriate to the proposed use(s);

c. The proposed development is consistent with all existing local and regional plans for the surrounding community;

d. The proposed use complies with all other applicable regulations of the Regulation inclusive of specific district controls and controls applicable to all districts, and all other applicable local, state and federal regulations.

3. Planning Board Action on Site Plans

a. Action by the Planning Board - Within sixty-two days of the receipt by the Planning Board of a complete application for site plan approval (including a site plan in final form) the Planning Board shall by resolution approve, approve with modifications or disapprove the subject site plan. The time period specified in the preceding sentence may be extended by mutual consent of the applicant and the planning Board. The ground for a modification if any, or the ground for disapproval shall be stated upon the records of the Planning Board.

b. Failure of the Planning Board to take Action - In the event the Planning Board fails to take action on an application for site plan approval within the time prescribed therefore, the subject site plan shall be deemed approved and a certificate of the Town Clerk as to the date of submission and the failure to take action within such prescribed time shall be issued on demand and shall be sufficient evidence of approval of said site plan.

c. Conditions Attached to the Approval of Site Plans - The Planning Board shall have the authority to impose such reasonable conditions and restriction as are directly related to and incidental to the proposed site plan. Upon its approval of said site plan, any such conditions must be met in connection with the issuance of the applicable permit by the Code Enforcement Officer.

d. Expiration of the Conditional approval - Conditional approval of a site plan shall expire within one hundred eight (180) days after the date of the resolution granting conditional approval unless such requirements have been certified as complete. The time period specified in the previous sentence may be extended by the Planning Board to two additional periods on ninety (90) days each if, in the opinion of the Planning Board, such extension is warranted by the particular circumstances of the subject application..

4. Fees

a. Each applicant shall pay a fee of $150.00 at the time of filing an application for site plan approval. The fee may be waived by the Planning Board if no expenses related to the review are anticipated, such fees may be amended by resolution of the Planning Board.

b. Each applicant shall pay the fees charged to the Planning Board for legal, engineering, and other professional services that it requires in reviewing and acting upon any such application.

c. The Planning Board shall from time to time during its review of the project revise the estimated fees, if appropriate, and require additional payments

5. Performance Guarantee - No occupancy of any structure shall be permitted until all improvements shown on the site plan are installed or a sufficient performance guarantee has been posted for improvements not yet completed. The sufficiency of such performance guarantee shall be determined by the Town Board after consultations with the Planning Board, Code Enforcement Officer, Town Attorney and other appropriate agencies.

D. Site Plan Information Checklist - Project Information

1. Name, address of owner and applicant;

2. Source of title;

3. Name, signature, license number, seal and address of engineer, land surveyor, architect, planner, and/or landscape architect, as applicable, involved in preparation of site plan;

4. Title block denoting type of application, tax map sheet, block and lot. and street location.

5. A location map showing location and boundaries of the tract with reference to surrounding properties, existing and proposed streets, municipal boundaries, etc.. within five hundred (500) feet; date of current survey;

6. North arrow and scale;

7. Signature blocks for Planning Board Chairperson, Town Engineer, and Town Attorney;

8. For tract boundary lines and all proposed street rights-of-way: accurate dimensions, bearing or deflection angles of all straight lines; except interior parallel lines bound by their outermost parallel lines which are prescribed by dimensions and bearings; reference to control points; error of closure may not exceed 1 foot in 5000 and radii, arcs, and central angles of all curves;

9. Primary control points, or descriptions and ties to such control points to which all dimensions, angles, bearings, and similar data on map are referred;

10. Drawings showing cross-sections and centerline profiles of proposed streets,

11. Acreage of tract to the nearest tenth of an acre;

12. Date of original and all revisions;

    a. Size and location of any existing or proposed structures with all setbacks dimensioned;

    b. Total number of dwelling units and number of dwelling units by type;

13. Square footage of living area in dwelling units;

14. Proposed method of ownership of dwelling units

15. Location and dimensions of any existing or proposed pedestrian rights-of-way;

16. Area of lots in square feet;

17. Copy and delineation of any existing or proposed deed restrictions or covenants (including proposed covenants concerning ownership and maintenance of common lands);

18. Proposed agreements with the Town for the acceptance of all utilities and streets to be constructed by the developer;

19. Any existing or proposed easement or land reserved for or dedicated to public use,

20. Development stages or staging plans;

21. List of required regulatory approvals or permits.

E. Site Plan Information Checklist - Environmental Information

1. Property owners and lines of all parcels within 200 feet identified on most recent tax map sheet;

2. Names of adjoining subdivisions;

3. All existing watercourses and natural resource protection overlay district lands;

4. Other significant environmental features within 400 feet of any part of the site, as taken from information available by the Herkimer County Planning Commission;

5. Copy of the Herkimer County Soil Survey indicating project boundaries, with a table listing soil features affecting development for each soil type in the project;

6. Existing rights-of-way and easements on and within two hundred (200) feet of tract;

7. Existing and proposed contour intervals based on USGS data as follows: for areas having a slope of ten percent and less, contour lines at two foot intervals and for areas having a slope of greater than ten percent, contour lines at five foot intervals;

8. Boundary, limits, nature and extent of wooded areas and specimen trees;

9. Existing system of drainage of subject site and of any larger tract or basin of which it is a part:

10. Location and results of percolation test sites if subsurface sewage disposal is proposed:

11. Completed Environmental Assessment Form (EAF) as specified by the Planning Board;

12. Letters from the Fire Chief and Superintendent of Schools explaining any concerns they may have regarding the proposed project.

F. Site plan Information Checklist - Project information -Improvements and Construction Information

1. Proposed utility infrastructure plans, including sanitary sewer, water, telephone, electric, and cable TV;

2. When required by the Planning Board a storm water management plan including a report describing storm drainage peak flows for the subject property before and after development, the effects of the development on downstream facilities, and the basis of design of any proposed detention areas;

3. Soil erosion and sediment control plan (if soil disturbance over 5,000 square feet or if the Planning Board requires it due to severe topography);

4. A plan for controlling dust during construction including a report describing proposed dust control measures;

5. Spot and finished elevations of all property corners, corners of all structures or dwellings, existing or proposed first floor elevations;

6. Construction details as required by the Planning Board

7. Road and paving cross-sections and profiles;

8. Proposed street names;

9. Lighting plan and details;

10. Landscape plan and details;

11. Solid waste management plan;

12. Site identification signs, traffic control signs, and directional signs:

13. Sight triangles;

14. Parking plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions; and

15. Preliminary architectural plan and elevations.

G. Such other Information, Certificates, and Agreements Considered Necessary by the Planning Board for Proper Site Plan Review.

Section 1003. Land Use Board of Appeals

A. Administration

1. Establishment of Board—The Land Use Board of Appeals is established in order that the objectives of the Regulation may be fully and equitably achieved and that a means for competent interpretation of the Regulation is provided.

2. Definitions—As used in this Section:

   a. "Use variance" shall mean the authorization by the Land Use Board of Appeals the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable land use regulations.

   b. "Area variance" shall mean the authorization by the Land Use Board of Appeals for the use of land in a manner that is not allowed by the dimensional requirements of the applicable land use regulation.

   c. "Special permit" shall mean the authorization by the Land Use Board of Appeals the use of land for a use identified in Section 403 by a letter "A" and for no other use.

3. Appointment of Members—The Town Board appoints a Land Use Board of Appeals consisting of five members [check State Law re five or seven] and shall designate the chairperson there of. In the absence of a chairperson, the Land Use Board of Appeals may designate a member to serve as acting chairperson.

4. Compensation for Experts—The Town Board may provide for compensation to be paid to experts and a secretary and to provide for such other expenses as may be necessary and proper, not exceeding the appropriation made by the Town Board for such purposes.

5. Training—In making appointments to the Land Use Board of Appeals the Town Board may require Land Use Board of Appeals members to complete training and continuing education courses.

6. Removal—The Town Board has the power to remove, after public hearing, any member of the Land Use Board of Appeals for cause and may provide for the removal, after public hearing, of any Land Use Board of Appeals member for non-compliance with minimum requirements relating to meeting attendance and training that are established by the Town Board.

7. Chairperson Duties—All meetings, of the Land Use Board of Appeals shall be held to the call of the chairperson and at such other times as the Board may determine Such chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses.

B. Procedure

1. Meetings. Minutes. Records—Meetings of the Land Use Board of Appeals shall be open to the public to the extent provided in Article seven of the public officers law The Land Use Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon even question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examination and other official business.

2. Filing of Decisions—Every rule, regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Land Use Board of Appeals shall be filed in the office of the Town Clerk within five business days. A copy thereof shall be mailed to the applicant, and it shall be a public record.

3. Assistance to the Land Use Board of Appeals—The Land Use Board of Appeals shall have the authority to call upon any agency or employee of the Town for such assistance as shall be deemed necessary and as shall be authorized by the Town Board.

4. Hearing Appeals—Unless otherwise provided by the Town Board of this Regulation, the jurisdiction of the Land Use Board of Appeals shall be appellate only, and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by the Code Enforcement Officer, who is charged with the enforcement of this Regulation. Such appeal may be taken by any person aggrieved, or by an officer or board or of the Town.

5. Vote Required—The concurring vote of a majority of the members of the Land Use Board of Appeals shall be necessary to reverse any order, requirement decision or determination of the Code Enforcement Officer, or to grant a use variance or area variance.

6. Notice and Hearing—The Land Use Board of Appalls shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice of such hearing by publication in the designated paper of general circulation in the Town at least live days prior to the date thereof. The costs of sending or publishing any notice relating to such appeal shall be borne by the appealing party and shall be paid to the Land Use Board of Appeals prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney.

7. Time of Decision—The Land Use Board of Appeals shall decide upon the appeal with sixty-two days after conducting of said hearing. The time within which the Land Use Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Land Use Board of Appeals.

8. Referals—At least five days before such hearing, the Land Use Board of Appeals shall mail notices thereof to the parties and to the planning agencies as required by Section 239m of the general municipal law, such notice shall be accompanied by a full statement of the matter under consideration, as defined in subdivision one of Section 239m of the general municipal law.

9. Compliance with State Environmental Quality Review Act—The Land Use Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act under Article eight of the Environmental conservation law and its implementing regulations.

C. Permitted Actions

1. Interpretation Power—The Land Use Board of Appeals may reverse or affirm, wholly or partly, or may modify the orders, requirements, decisions, interpretations, determinations as in its opinion ought to have been made in the matter by the Code Enforcement Officer and to that end shall have all the power of the Code Enforcement Officer from whose order, requirement, decision, interpretation or determination the appeal is taken.

2. Use Variances

a. The Land Use Board of Appeals, on appeal from the decision or determination of the administrative official changed with the enforcement of the Regulation, shall have the power to grant use variances, as defined herein.

b. No such use variances shall be granted by the Land Use Board of Appeals without a showing by the applicant that applicable land use regulations and restrictions have caused unnecessary hardship.

c. In order to prove such unnecessary hardship the applicant shall demonstrate to the Land Use Board of Appeals that:

i. under applicable land use regulations the applicant is deprived of all economic use or benefit from the property in question which deprivation must be established by competent financial evidence;

ii. that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

iii. that the requested use variance, if granted, will not alter the essential character of the neighborhood; and

iv. that the alleged hardship has not been self-created

d. The Land Use Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

3. Area Variances

a. The Land Use Board of Appeals shall have the power, upon an appeal from a decision or determination of the administration official charged with the enforcement of this Regulation. to grant area variances, as defined herein.

b. In making its determination the Land Use Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Land Use Board of Appeals shall also consider:

i. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

ii. whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;

iii. Whether the requested area variance is substantial;

iv. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

v Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Land Use Board of Appeals, but shall not necessarily preclude the granting of the area variance.

c. Minimum Variance Necessary — The Land Use Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safely and welfare of the community.

4. Special Permits — The Land Use Board of Appeals is authorized to grant a special permit for any uses listed in Section 404 with the designation "A" only if it finds adequate evidence presented by the applicant that the proposed special permit is duly authorized under provisions of this Regulation, that the application falls within the terms of the specific provisions allowing for

special permits, and that the proposed use complies with all other requirements of the Regulation. The Land Use Board of Appeals shall refuse an application for a special permit where opponents to the application established by a preponderance of evidence that the application is contrary to the health, safety, and morals or general welfare of the Town at large.

a. Required Plan—A plan for the proposed development of a site for a permitted special use shall be submitted with an application for a Special Permit, and such plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, and any other pertinent information that may be necessary to determine if the proposed Special Use meets the requirements of this Regulation.

b General Requirements and Standards Applicable to All Special Permits—The Land Use Board of Appeals shall, among other things, require that any proposed use and location be

i. in accordance with the Town Comprehensive Plan and consistent with the spirit, purposes, and intent of this Regulation;

ii. in the best interests of the Town, the convenience of the community public welfare;

iii. suitable for the property in question, and designed, constructed, operated, and maintained maintained so as to be in harmony with, and appropriate in appearance to, the existing or intended character of the general vicinity;

iv. provided with adequate open space and appropriate treatment of the grounds;

v. suitable in terms of effects on highway traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard; and

vi. in conformance with applicable requirements of this Regulation.

Imposition of Conditions—The Land Use Board of Appeals shall, in the granting of use variances, area variances and special permits, have the authority to impose such conditions and restrictions as are directly related to and incidental to the proposed use of the property, and/or the period of time such variance shall be in effect. Such conditions shall be consistent with the spirit and intent of this Regulation, and shall be imposed for the purpose of minimizing any adverse impact a use variance may have on the neighborhood or community.

Section 1004. Code Enforcement Officer

A. Duties and Powers

The provisions of this Regulation shall be administered and enforced by the Code Enforcement Officer, who shall be appointed by the Town Board. It shall be the duty of the Code Enforcement Officer and he/she shall have the power to:

1. Receive and examine all applications for permits.

2. Process permit applications for all permitted uses.

3. The Code Enforcement Officer shall issue certificates of occupancy only where there is compliance with the provisions of this Regulation, with other Town Ordinances and with the laws of the State and Federal Government. Permits for construction or uses requiring a Site Plan Review approval shall be issued only upon order of the Town Planning Board Permits for construction or uses requiring a special permit shall be issued only upon order of the Land Use Board of Appeals. Permits requiring approval from the Town Board shall be issued only after receipt of approval from the Town Board.

4. Receive applications for land use district changes and forward the requests to the Town Board. Town Planning Board, and other appropriate agencies.

5. Receive applications for Site Plan Review approval and forward these applications to the Town Planning Board.

6. Receive applications for special permits and variances and forward these applications to the Land Use Board of Appeals.

7. Following refusal of a permit, to receive applications for interpretation, appeals, and variances and forward these applications to the Land Use Board of Appeals for action thereon.

8. Conduct Town-wide inspections to determine general compliance or noncompliance with the terms of this Regulation.

9. Issue stop, cease and desist orders, and order, in writing, correction of all conditions found to be in violation of the provisions of all applicable Town Ordinances. Such written order shall be served personally or by certified mail upon persons, firms, or corporations deemed by the Code Enforcement Officer to be violating the terms of this Regulation. It shall be unlawful for any person to violate any such order issued lawfully by the Code Enforcement Officer, and any person violating any such order shall be guilty of a violation of this Regulation.

10. With the approval of the Town Board, or when directed by them, institute in the name of the municipality any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation, so as to prevent the occupancy or use of any building, structure, or land, or to prevent any illegal act, conduct, business or use in or about such premises.

11. Revoke any order or permit issued under a mistake of fact, or contrary to the law, or the provisions of this Regulation.

12. Record and file all application with the Town Clerk for permits with accompanying plans and documents. All applications, plans, and documents shall be a public record.

13. Maintain a map or maps showing the current land use regulation classification of all land in the Town. Copies to be filed with the Town Clerk..

14. Register nonconforming structures, uses and lots in accordance with Article IX.

B. Permits and Applications

1. Permits Required—Hereafter, no use permitted in this Regulation may be established or changed; no structure shall be erected, constructed, reconstructed, altered, razed, removed, and no building used or occupied, changed in use. or changed in non residential use occupancy, until a permit has been secured from the Code Enforcement Officer Upon completion of changes in use or construction, reconstruction, alteration or moving structures, the applicant shall notify the Code Enforcement Officer of such completion. No permit shall be considered as complete or as permanently effective until the Code Enforcement Officer has noted on the permit that the work or occupancy or use have been inspected and approved as being in conformity with the provision of this Regulation.

2 Application Requirements for Permits—All application for permits shall be made in writing by the owner, tenant, vendee under contract of sale, or authorized agent on a form supplied by the Town and shall be filed with the Code Enforcement Officer The application shall include four (4) copies of the following information if deemed appropriate by the Code Enforcement Officer:

a. A statement as to the proposed use of the building or land.

b. A site layout plan drawn to scale (1 inch = KM) feet or larger) showing the location, dimensions, and height of proposed buildings, structures, or uses and any existing buildings in relation to property and street lines. If the application relates to property scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development of the proposed layout of the entire property.

c. The location, dimensions, and arrangements of all open spaces, yards and buffer yards, including methods to be employed for screening.

d. The location, size, arrangement and capacity of all areas lo be used for motor vehicle access. off-street parking, off-street loading and unloading and provision to be made for lighting such areas.

e. The dimensions, location and methods of illumination for signs, if applicable.

f. The location and dimensions of sidewalks and all other areas to devoted to pedestrian use.

g. Provisions for treatment and disposal of sewage and industrial wastes, water supply, and storm drainage.

h. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre of land

i A description of any proposed commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, fire hazards. traffic congestion or other safety hazards.

j. Description of methods to be employed in controlling any excessive noise, air pollution, smoke fumes, water pollution, fire hazards or other safety hazards.

k. Any other data deemed necessary by the Code Enforcement Officer. Planning Board, or Town Board to enable them to determine the compliance of the proposed development with the terms of these Regulations.

5. Health Department Permit—No permit for any new or reconstruction which will involve the on-site disposal of sewage or waste, and no permit for a change in use or an alteration which will result in an increased volume of sewage or waste to be disposed of on the site, shall be issued until approval has been granted by the Herkimer County Department of Health

6. Fees and Escrow Deposits—All applicants for permits, site plan review approval, special permits, variances, and interpretations shall, at the time of making application, pay to the Town Clerk, for use by the Town, a fee in accordance with a fee schedule adopted by resolution of the Town Board upon the enactment of these Regulations or as such schedule may be amended by resolution of the Town Board. In addition, an escrow deposit may be required. The escrow deposit requirements shall be set from time to time by resolution of the Town Board

7. Life of Permit—Any erection, construction, reconstruction, alteration or moving of a building or other structure, including a sign authorized by a permit, shall be commenced, any change in use of a building or land authorized by a permit shall be undertaken, within one (1) year after the date of issuance of the permit. If not, the permit shall be considered null and void. However, in case of erection or construction of a building, the right to proceed with construction may be extended annually without additional fees for an aggregate period of not more than three (3) years, provided that the construction pursuant to said permit has commenced within the first one (1) year period.

8. Certificate of Occupancy

   a. Hereafter, no structure erected, constructed, reconstructed, extended or moved, and no land or building changed in use under a permit, shall be occupied or used in whole or in part for any use whatsoever or changed in nonresidential occupancy, until the owner or authorized agent has been issued a certificate of occupancy by the Code Enforcement Officer, indicating that the building or use complies with the terms of the land use regulations as provided in these Regulations.

   b. No certificate shall be issued until the premises in question have been inspected and found by the Code Enforcement Officer to be in compliance with the Land Use Regulations.

   c. The issuance of a certificate of occupancy in no way absolves the owner or authorized agent from compliance with the intent of these Regulations.

Article XI. Amendments Section

1101. General Provisions for Amendments

A. Power of Amendment

The Town Board may from time to time amend, supplement, change, modify, or repeal these Regulations, including the Official Land Use District Map. When doing so, the Town Board shall proceed in the manner prescribed in this Article.

B. Statement of Intent

For the purpose of establishing and maintaining sound, stable, and desirable development within the Town of Stark, this Regulation shall not be amended except (a) to correct a manifest error in the Regulation or (b) because of changed or changing conditions in a particular area or in the Tow n generally. The re-designation of an area, the extension of a boundary of an existing area, the change in the regulations and restrictions, shall be made only as necessary for the promotion of the public health, safely, and general welfare, and to achieve the purposes of and to conform with the Comprehensive Plan.

C. Initiation of Amendments

Proposals for amendment, supplement, change, modification, or repeal may be initiated by the Town Board on its own motion, by the Town Planning Board, or by petition of one or more persons to be affected by the proposed amendment, subject to the following provisions:

1. Proposals Originated by the Town Board—The Town Board shall refer every proposed amendment, supplement change, modification, or repeal originated by the Board to the Town Planning Board. Within thirty (30) days of the submission of said proposal, the Planning Board shall submit to the Town Board a report containing the Board's recommendation, including any, additions or modifications to the original proposal. A failure by the Planning Board to submit such report shall be considered an approval of amendment..

2. Proposals Originated by the Town Planning Board—The Planning Board may at any time transmit to the Town Board any proposal for the amendment, supplement, change, modification, or repeal of the Regulation.

3. Proposal Originated by a Citizen's Petition—Each petition by one or more owners of property to be affected by a proposal for amendment, supplement, change or modification shall be signed and acknowledged, and submitted in writing to the Code Enforcement Officer. On receipt of said petition, the Code Enforcement Officer shall transmit a copy of the petition to the Town Planning Board. Within thirty (30) days after its submission to the Planning Board, the Board shall submit to the Town Board a report containing the Board's recommendation, including any additions to or modifications of the original proposal. No application for an amendment may be made within six months after the denial, except upon a showing of a material change in conditions which, in the opinion of the Town Board may warrant the granting of the change in the Regulations

D. Contents of Land Use Regulations Change Application Originated by a Citizen

Every application for amendment to the Regulation, without limiting the right to file additional material shall contain at least the following:

1. The application shall be typewritten or printed clearly and sworn to be the applicant or his authorized agent and shall include the post office address of the applicant.

2. It shall state the reason why such regulations, restrictions, or boundaries should be amended, supplemented, changed or repealed.

3. It shall set out, if applicable, any alleged error in the Regulation which would be corrected by the proposed amendment with a detailed explanation of such error in the Regulation and detailed reasons how the proposed amendment will correct such error.

4. It shall set out the changed or changing conditions, if any, in a particular area of the Town, which make the proposed amendment reasonable and necessary to the promotion of the public health, safety and general welfare.

5. It shall set out the manner in which the proposed amendment will carry out the intent and purposes of, and provide conformance with the Comprehensive Plan.

6. It shall set out all other circumstances, factors and reasons that the applicant offers in support of the proposed amendment.

7. It shall indicate the status of any proceedings required under New York State Environmental Quality Review Act.

8. It shall indicate the status of any proceedings required under New York State Environmental Quality Review Act.

9. A description of the proposed map change or a summary of the specific objective any proposed change in the text of this Regulation.

E. Town Board Actions on Amendments

1. Upon its own initiation of an amendment or upon receipt of a proposed Amendment as provided in Sections 1101 (C)(2) and (3), the Town Board may establish a date for a public hearing on the amendment and order the attorney to draft an appropriate amendment. Upon receipt of a petition for an amendment as provided in Section 1101 (C)(2) and (3). the Town Board may summarily deny the petition or set a date for a public hearing on the requested amendment and order the attorney to draft an appropriate response. The dates set for the hearings shall allow for the thirty (30) day review period for the Planning Board to consider the amendment

2. No amendment of the provisions of this Regulation may be adopted until a public hearing has been held on such amendment. Notice and place of such hearing shall be published in the designated paper of general circulation in the Town of Stark and posted as required by the Town Law of the State of New York

3. At the conclusion of the public hearing on a proposed amendment, the Town Board may proceed to vote on the proposed amendment, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.

E. Planning Board Consideration of Proposed Amendments

1. The Planning Board shall conduct a public meeting and shall endeavor to review the proposed amendment in such a timely fashion that any recommendations it may have can be presented to the Town Board at the public hearing on the amendment. However, if the Planning Board is not prepared to make recommendations at the public hearing, it may request the Town Board to delay.

final action on the amendment until such time as the Planning Board can present its recommendations.

2. The Town Board need not await the recommendations of the Planning Board before taking action on a proposed amendment, nor is the Town Board bound by any recommendations of the Planning Board that are before it at the time it takes action on a proposed amendment.

G. Ultimate Issue before Town Board on Amendments

In deciding whether to adopt a proposed amendment to these Regulations, the central issue before the Town Board is whether the proposed amendment advances the public health, safety, or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the Town Board and excluded. In particular, when considering proposed map amendments:

1. The Town Board shall not consider any representations made by the petitioner that if the change is granted the property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Town Board shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.

2. The Town Board shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

Article XII. Violations and Penalties

Section 1201. Violation

Whenever, by the provisions of this Regulation, the performance of any act is required, or the performance of any act is prohibited, or whenever any regulation or limitation is imposed on the use of any land, or on the erection of a structure, a failure to comply with such provisions shall constitute a violation of this Regulation.

Section 1202. Liability

The owner, tenant, or occupant of any land or structure, or part thereof, and any architect, builder, contractor, agent, or other person who participates in, assists, directs creates, or maintains any situation that is contrary to the requirements of this Regulation may be held responsible for the violation and be subject to the penalties and remedies provided herein.

Section 1203. Complaints Regarding Violations

Whenever the Code Enforcement Officer receives a written, signed complaint alleging a violation of this Regulation, the Code Enforcement Officer shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.

Section 1204. Procedures Upon Discovery of Violations

A. Upon the determination that any provision of this Regulation is being violated, the Code Enforcement Officer shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it Additional written notices may be sent at the Code Enforcement Officer's discretion.

B. The final written notice (and the initial written notice may be the final notice) shall state what action the Code Enforcement Officer intends to take if the violation is not corrected and shall advise that the Code Enforcement Officer's decision or order may be appealed to the Land Use Board of Appeals in Accordance with Section 1003.

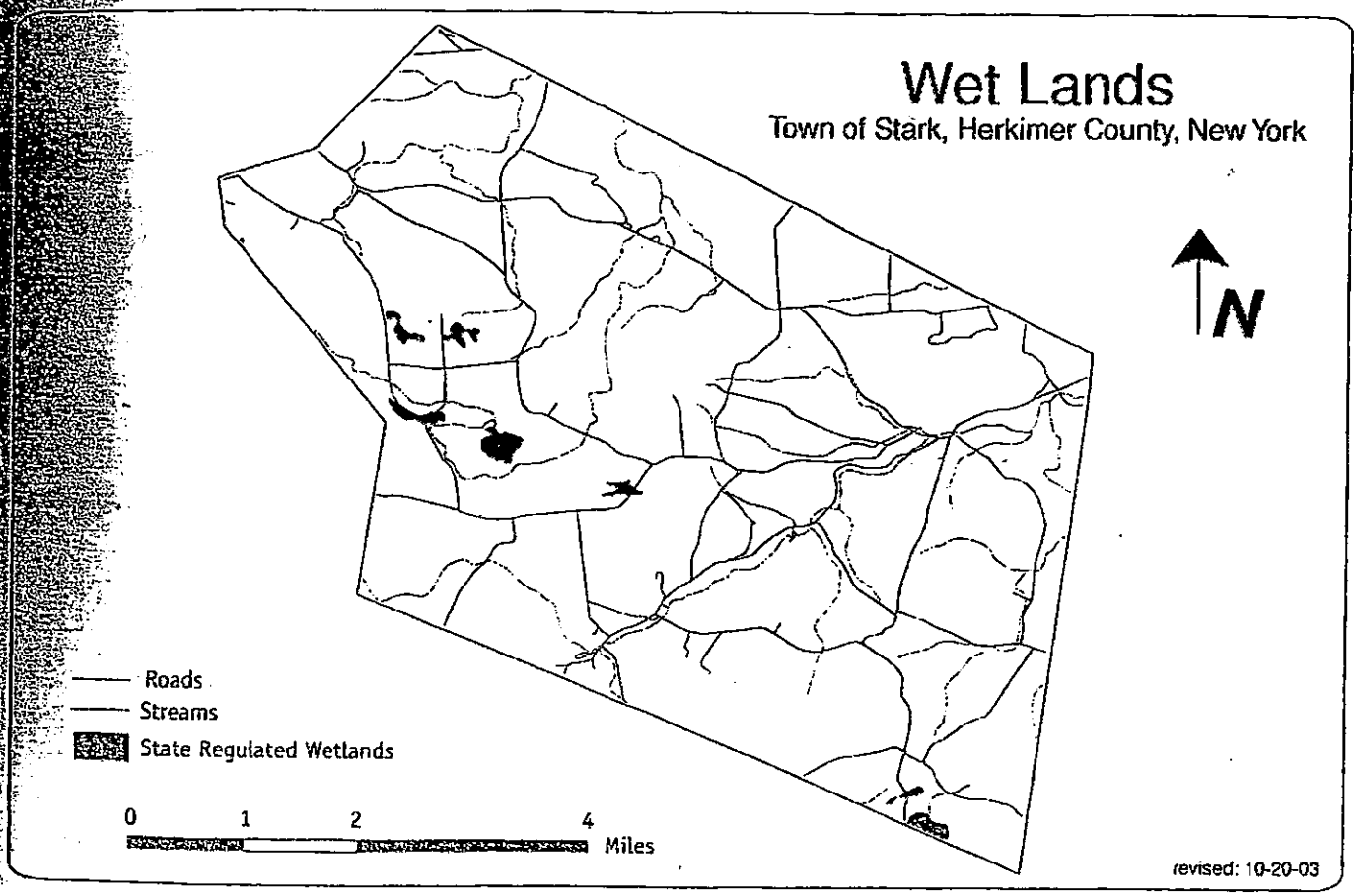
C. Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this Regulation or pose a danger to the public health, safety, or welfare. the Code Enforcement Officer may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 1205.

Section 1205. Penalties and Remedies for Violations

A. Violation of the provisions of the Regulation or failure to comply with any of its requirements. including violations of any condition and safeguards established in connection with grants of variance or special permits, or site plan review approvals, shall constitute a violation pursuant to the terms of New York Statutes as amended, punishable by a fine of up to Two Hundred Fifty Dollars ($250.00) or imprisonment for a period not to exceed six (6) months, or both. Each week's continued violation shall constitute a separate additional violation.

B. The Code Enforcement Officer is authorized to issue cease and desist orders in the form of written official notices sent by registered mail to the person(s) responsible for the violation.

C. In addition to other remedies stated above, the Code Enforcement Officer may, with the approval of the proper local authorities of the Town, institute any appropriate action of proceedings to restrain, correct, or abate any violation.


Wet Lands
Town of Stark, Herkimer County, New York
N
Roads
Streams
State Regulated Wetlands
0 1 2 4
Miles
revised: 10-20-03