

**LOCAL LAW #1  
ADOPTED MARCH 7, 1995**

**A LOCAL LAW TO ADOPT CERTAIN MINIMUM BUILDING LOT SIZE REQUIREMENTS, CERTAIN REQUIREMENTS FOR SEPTIC SYSTEMS, AND ROAD ACCESS CULVERT PLACEMENT IN THE TOWN OF PERTH, FULTON COUNTY, NEW YORK**

Be it enacted by the Town Board of the Town of Perth as follows:

**SECTION 1. PURPOSE**

The Town Board of the Town of Perth enacted Local Law #1 of the year 1985, providing for the administration and enforcement of the NYS Uniform Fire Prevention and Building Code within the Town of Perth. The said Town Board now desires to adopt certain regulations pertaining to minimum lot size, front yard setbacks, side yard set backs, septic systems, and road access culvert placement in order to prevent the overcrowding of land and to avoid undue concentration of population.

**SECTION 2. LOT AREA AND WIDTH**

1. The minimum lot size for the issuance of a building permit to construct a building within the Town of Perth shall be one acre (43,560 square feet) and the minimum lot width for such purpose shall be 150 feet.

2. All improvements upon a lot, including buildings, accessory structures or septic systems pipes shall be no closer than 30 feet from the nearest right of way of any public highway or street and no closer than 15 feet from any adjacent property line. The total square footage of all buildings and accessory structures on any one lot shall not exceed 50% of the lot size.

3. Any existing lot, as of the effective date of this Local Law, having an area or width less than required by this Local Law may be used for building purposes, providing that said lot was held under separate ownership as of the effective date of this Local Law and the owner thereof owned no adjoining land which could be combined with said lot to meet the minimum lot size required by this Local Law.

4. Where the owner of real property is caused a substantial hardship by the area and width requirements of this Local Law, such owner may apply to the Town of Perth Planning Board for a variance of the requirements of this Local Law. The Town of Perth Planning Board may grant such variance, but only upon a showing by the owner, by clear and convincing evidence, that a substantial hardship would, in fact, exist if such variance were not granted. A variance may only be granted after a public hearing before the Town of Perth Planning Board. Notice of such public hearing shall be given in the official newspaper designated by the Town Board of the Town of Perth, at least 10 days prior to such public hearing. Written notice

of such public hearing shall also be mailed to the record owners of all lands lying within a 150 radius of the premises for which a variance is being sought, at least 10 days prior to such public hearing.

### **SECTION 3. SEPTIC SYSTEM**

Any septic system installed within the Town of Perth must have a minimum One Thousand (1,000) gallon concrete septic tank and must also meet the minimum requirements for septic systems established by the NYS Department of Health and promulgated in Appendix 75-A of Part 75 of the Administrative Rules and Regulations contained in Chapter 11 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York.

### **SECTION 4. ROAD ACCESS CULVERT PLACEMENT: ROAD/DRIVEWAY CONSTRUCTION**

Before installing a driveway culvert or making any road or driveway access improvement, the land owner shall contact the appropriate highway department (Town, County or State) in order to advise such highway department of the proposed project. The land owner shall also obtain from such highway department information as to the size and gauge of the culvert pipe which should be used on the proposed project and/or the proper grading of the site of the proposed project in order to insure adequate drainage of the project site so as to avoid excess discharge of storm water onto a public road or highway.

### **SECTION 5. CODE ENFORCEMENT OFFICER**

The Town Code Enforcement shall not issue any building permits or certificates of occupancy unless there is full compliance with the provisions of this Local Law.

### **SECTION 6. SEVERABILITY**

If any term, part, provision, section, subdivision or paragraph of this Local Law shall be held unconstitutional, invalid or ineffective in whole or in part, such determination shall not be deemed to invalidate the remaining terms, parts, subdivisions, sections and paragraphs.

### **SECTION 7. EFFECTIVE DATE**

This Local Law shall take effect immediately upon its filing with the Secretary of State of the State of NY.