C. A statement or drawing describing the proposed structure including its height, floor area, use, and any information necessary to determine off-street parking and loading area requirements.

D. A statement or drawing showing all proposed parking and loading areas, driveways, anchors or tiedowns, or landscaped buffer areas.

E. Any other statements or drawings necessary to determine that the proposed work will comply with the various provisions of this law.

B. No building, or structure shall be occupied except after a certificate of occupancy has been issued therefore by the Enforcement Officer subject to the following conditions:

1. The use conforms to all applicable provisions of the law, and
2. The building or structure to be occupied conforms to that proposed on any approved building permit application or site plan, together with any recorded conditions made in the approval of such permit or plan; or
3. The use of building or structure to be occupied by the user does not conform to all the applicable provisions of this law but is a bonafide nonconforming use as defined and regulated under Section 6.4 of this law.

C. The Enforcement Officer shall issue subject to conditions, or refuse to issue any requested permit, certificate, or a license within ten (10) days of his receipt of the application therefore, except where such application involves review by the Town Board, Board of Appeals or Planning Board under the provisions of this law. Where such review is required, the Enforcement Officer shall notify the applicant of such fact, and of any necessary applications, statements, plans or other documentation required for such review, within ten (10) days from receipt of the original application. The Enforcement Officer shall notify the applicant of meetings at which his application will be acted upon by any review Board, and said officer shall take such action as may be directed by such Board within ten (10) days of such direction.

SECTION 7.3 PENALTIES FOR VIOLATION

A. Violation of this law is an offense punishable by a fine not exceeding $250 dollars or imprisonment for a period not to exceed 15 days, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of the Local Law shall be misdemeanors, and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

B. Where any building or structure is erected, constructed, converted, altered, used or maintained or land is used in violation of the law, the Enforcement Officer, in addition to other remedies, may institute any appropriate action or proceedings to prevent erection, construction, conversion, alteration, use, maintenance, or occupancy; and upon the failure or refusal of the Enforcement Officer to institute any such appropriate action or proceeding for a period
of ten (10) days after a written request by a resident taxpayer of
the Town so to proceed, any three taxpayers of the Town so to
proceed, any three taxpayers of the Town residing in the district
where such violation exists, who are jointly or severely aggrieved by
such violation may institute such appropriate action or proceeding in
like manner as the Enforcement Officer is authorized to do.

C. A complaint of violation of this law may be made by any resident,
property owner, or town official including the Enforcement Officer.

D. Upon receipt of a complaint of violation the Enforcement Officer
shall investigate to determine the presence of a violation, and upon
finding a violation shall serve notice upon the owner or occupant
thereof. Said notice shall include the items listed under Section
7.3c together with any observations made by the Enforcement Officer
on the basis of his investigation. Such notice shall also specify
what action is required by the owner or occupant of the property, and
the date by which such action shall be taken. The term violation as
used in Section 7.3a shall exist only if after the date of required
action, specified in the notice to the owner or occupant, passes
without such specified action having taken place.

E. Notices required by this section shall be issued by the
Enforcement Officer either by personal service to the owner or
occupant, or by certified mail to the address of same shown on the
tax rolls of the Town or contained in the statement of complaint.

SECTION 7.4. FEES

The application for any permit, certificate, license or any review by
the Town Planning Board or Board of Appeals shall be accompanied by a
fee - an amount specified from time to time by resolution of the Town
Board.

ARTICLE 8 BOARD OF APPEALS

SECTION 8.1 ESTABLISHMENT, MEMBERSHIP, MEETINGS

A. A Town Board of Appeals is hereby created, said Board of Appeals
to consist of five members appointed for terms of five years, except
that the members of the board when first appointed shall serve for
terms as specified under Section 267(1) of the Town Law. The
chairman and members of the Board of Appeals shall be appointed by
resolution of the Town Board, which shall also have the power to
remove any member for cause after a public hearing.

B. All meetings of the Town Board of Appeals shall be open to the
public, and said Board shall keep minutes of its proceedings, showing
the vote of each member upon every question. Every rule regulation,
amendment or repeal thereof, and every order, requirement, decision
or determination of the Board shall immediately be filed in the Office
of the Town Clerk and shall be a public record.

SECTION 8.2 POWERS AND DUTIES

A. Appeals: The Board of Appeals shall hear and decide appeals from
and review any order, requirement, decision or determination made by
the Enforcement Officer. The concurring vote of a majority of the
members of the Board shall be necessary to reverse any order,
requirement, decision or determination of the Enforcement Officer. Such appeal may be taken by any person aggrieved, or by any officer, or Board of Town, by filing with the Enforcement Officer and the Board of Appeals a notice of appeal, specifying the grounds thereof. The Enforcement Officer shall forthwith transmit to the Board all papers constituting the record of the action being appealed. An appeal stays all proceedings in furtherance of the action being appealed, unless the Enforcement officer certifies to the Board, that by reason of facts stated in such certificate a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record. The Board may reverse or affirm wholly or partially, or may modify the order, requirement, decision or determination being appealed and make such order, requirement, decision or determination as in its opinion ought to be made.

B. Variances: The Board may vary the requirements of these regulations upon finding the following:

1. That strict application of these regulations would impose an unreasonable hardship upon the applicant. Such hardship shall not be the result of any action by the applicant, and failure to realize financial gain from the use or sale of property shall not be considered an unreasonable hardship in the absence of other hardship.

2. That the requested variance is consistent with the intent of the comprehensive plan and will not result in creation of a hardship upon neighboring property owners. Variance of the regulations of the district, regulations is hereby declared not to be consistent with said plan.

3. That the requested variance will not adversely affect public safety or welfare.

4. That the requested variance is for the relief of unique circumstances, and that the hardship being relieved is not shared by all properties alike in the immediate vicinity of the property and the zoning district.

5. That the variance requested is the minimum necessary to grant relief.

In granting a variance, the Board in its resolution shall specify its findings, and the fact that all of the conditions specified in Section 8.2b are satisfied. When a variance is sought to the yard, setback, or lot area requirements of the district regulations, and finding that strict application of these regulations would result in practical difficulty in the use of the land, may be substituted for the finding of hardship.

C. Special Permits: The Board of Appeals shall have the authority to issue special permits, as provided in the district regulations of this Law, upon finding the following:

1. That the proposed use is authorized under the district regulations as a permitted use subject to issuance of a special permit therefore.

2. That the proposed use will not have an adverse impact upon the area in which it is to be located.
3. That the proposed use complies with all applicable provisions of this local law, or will so comply prior to the issuance of a certificate of occupancy.

4. That the proposed use is consistent with the comprehensive plan of the town.

5. That the proposed use will not cause excessive traffic, will not detract from the property value of any adjacent property, and can be adequately served by existing or proposed public facilities or utilities.

D. Applications: Applications for Appeals, Variance, or Special Permits shall be made to the Enforcement Officer for transmittal to the Board, and shall contain the following:

1. The name, address, and phone number of the applicant.

2. The location and zoning district of the property for which a variance or special permit is sought, or in reference to which an appeal is made.

3. The existing use of said property including a description of any existing buildings.

4. Citation to the provision of this LAW for which a variance is sought, or under which a special permit or appeal is applied for.

5. Justification of the request for variance or special permit or a description of the circumstance resulting in the appeal.

6. A statement of the relief sought.

E. In the exercise of its power and duties, the Board of Appeals, through its chairman, or in his absence its acting chairman, may compel the attendance of witnesses and may administer oaths prior to taking the testimony of any witness.

F. In addition to the findings required before the granting of any variance or special permit under this section, the Board of Appeals may consider any other evidence necessary to show compliance to the intent and purpose of this LAW.

G. The Board is granting any appeal, variance, or special permit may attach such conditions to said approval as in its determination are necessary to achieve the intent and purpose of this law.

SECTION 8.3 PROCEDURES AND REFEREES

A. All applications for action by the Town Board of Appeals shall be made to the Enforcement Officer on such forms as he may prescribe. Such applications may be made at any time except that an application for appeal under Section 8.2A above shall be made within thirty (30) days of the action being appealed.

B. The Enforcement Officer shall transmit a copy of the application, together with any accompanying documents to the Board of Appeals, who shall schedule a hearing thereon. Public notice of said hearing shall be given by publication in the official paper of a notice of such hearing at least five (5) days prior to the date thereof, and the Board shall at least five (5) days before such hearing, mail notices thereof to the parties, and to any
regional state park commission having jurisdiction over any
state, park, or parkway within five hundred (500) feet of said
property. Where any variance or special permit application
affects any real property lying within five hundred (500) feet
from the boundary of any city, village, or town or from the
boundary of any existing or proposed county or state park or
other recreation area, or from the right-of-way of any existing
or proposed county or state parkway, thruway, expressway, road,
or highway, or from the existing or proposed right-of-way of any
stream of drainage channel owned by the county or for which the
county has established channel lines, or from the existing or
proposed boundary of any county or state owned land on which a
public building or institution is situated, the Board of Appeal
shall notify the Otsego County Planning Board of said
application and submit copies of the application and any
supporting documents therefor. No action shall be taken upon any
matter referred to the Otsego County Planning Board until said
Board shall have made a recommendation thereon to the Board of
Appeals, or thirty (30) days shall have elapsed since the date
of referral.

C. The hearing of an appeal or application shall take place
within sixty (60) days of the filing of the appeal or
application.

D. Upon a motion initiated by any member and adopted by the
unanimous vote of the members present, but not less than a
majority of all the members, the Board of Appeals shall review
at a rehearing, any order, decision, or determination of the
Board not previously reviewed. Upon such rehearing, and
provided it shall appear that the rights vested prior thereto in
persons acting in good faith in reliance upon the order,
decision, or determination reviewed will not be prejudiced
thereby, the Board may, upon concurring vote of all the members
present reverse, modify, or annul its original order, decision,
or determination.

E. The Board of Appeals shall reach a decision on any
application or appeal within forty-five (45) days of the final
hearing thereon. Such decisions shall be promptly filed in the
office of the Town Clerk and shall be a public record. Within
seven (7) days of such decision, notice thereof shall be
transmitted to the Otsego County Planning Board whenever such
decision related to an application referred to said county
planning board.

SECTION 8.4 JUDICIAL REVIEW

A. Any person or persons, jointly or separately aggrieved by any
decision of the Board of Appeals or any officer, department,
board, or bureau of the Town, may apply to the supreme court for
review by a proceeding under article seventy-eight of the civil
practice law and rules. Such proceeding shall be instituted
within thirty (30) days after the filing of a decision in the
office of the Town Clerk. The court may take evidence or
appoint a referee to take fact and conclusions of laws if it
shall appear that testimony is necessary for the proper
disposition of the matter. The court at a special term shall
itself dispose of the case on the merits, determining all
questions which may be presented for determination.

B. Costs shall not be allowed against the Board of Appeals
unless it shall appear to the court that it acted with gross
negligence or in bad faith or with malice in making the decision
appealed from.

C. All issues in any proceeding under this section shall have
preference over all other civil actions and proceedings.

D. If upon the hearing at a special term of the supreme court,
it shall appear to the court that testimony is necessary for the
proper disposition of the matter, it may take evidence or
appoint a referee to take such evidence as it may direct and
report the same to the court with his findings of fact and
conclusions of law, which shall constitute a part of the
proceedings upon which the determination of the court shall be
made. The court may reverse or affirm, wholly or partly, or may
modify the decision brought up for review.

ARTICLE 9 MISCELLANEOUS PROVISIONS

SECTION 9.1 AMENDMENTS

A. These regulations or the boundaries shown on the district
map, may be amended, supplemented, changed, modified, or
repealed by Law adopted by the Town Board. In case, however, of
a protest against such change, signed by the owners of twenty
percent (20%) or more, either of the area of land included in
such proposed change, or of that immediately adjacent extending
one hundred (100) feet from the street frontage of such opposite
land, such amendment shall not become effective except by vote
of at least three-fourths of the members of the Town Board.

B. No amendment, supplement, change or modification of these
regulations or the boundaries shown on the district map shall
become effective until after a public hearing in relation
thereto, at which parties in interest and citizens shall have an
opportunity to be heard.

C. At least ten (10) days notice of such public hearing shall
be published in a paper of general circulation within the Town
and a written notice of any proposed change or amendment
affecting property within the protected area of a housing
project authorized under the public housing law, as such area is
shown on the official map of the Town, or within five hundred
(100) feet of the boundaries of any city, village, town, county,
state park or parkways, shall be given, in the case of a housing
project to the housing authority erecting or owning the project
and to the government providing financial aid or assistance thereto, in the case of any state park or parkway, to the regional state park commission, in the case of a city, village or town to the clerk of such city, village or town, and in the case of a county, to the clerk of the legislative board of said county, at least ten (10) days prior to the date of such public hearing. Such city, village, town or county shall have the right to appear and to be heard at such public hearing with respect to any such proposed change or amendment, but shall not have the right to review by a court.

D. Any regulation or amendment thereof, which would change the district classification of or the regulations applying to real property lying within distance of five hundred (500) feet from the boundary of any city, village, or town, or from the boundary of any existing or proposed county or state park or other recreation area, or from the right-of-way of any existing or proposed county of state parkway, thruway, expressway, road or highway, or from the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channels or from the existing or proposed boundary of any county or state owned land on which a public building or institution is situated, shall, before the Town Board takes final action on such matters, be referred to the Otsego County Planning Board, within seven (7) days of final action by the Town Board on any recommendations by said County Planning Board, the Town Board shall file a report of the final action it had taken with said County Planning Board. If the County Planning Board disapproves any such proposal, or recommends modification thereof, the Town Board shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one of all the members thereof and after adopting a resolution fully setting forth the reasons for such contrary action.

E. Every amendment to this Local Law, excluding any map incorporated therein, adopted pursuant to this section shall be entered in the minutes of the Town Board; such minutes shall describe and refer to any map adopted in connection with such amendment. A copy thereof, exclusive of any map incorporated therein, shall be published once in a newspaper having general circulation in the Town and affidavits of the publication thereof shall be filed with the Town Clerk. Such amendment shall take effect ten (10) days after such publication, except that where a certified copy of such amendment is personally service, with respect to the serviced person.

SECTION 9.2 REFERRALS TO TOWN PLANNING BOARD

A. All proposed amendments to this Local Law shall be referred to the Town Planning Board which shall recommend action thereon to the Town Board based upon its consideration of the Town Comprehensive Plan. The Town Planning Board shall report its recommendations on such referral to the Town Board within thirty
(30) days of such referral.

B. Any application for variance or special permit shall be referred to the Town Planning Board whenever said application relates to any site plan under review by said Board. The Town Planning Board may recommend action thereon to the Board of Appeals based upon its review of such site plan, and may make any approval of such site plan conditional upon approval by the Board of Appeals of all related variances or special permits.

SECTION 9.3 INTERPRETATION AND CONFLICT WITH OTHER LAWS

In their interpretation and application, the provision of this Local Law shall be held to be minimum requirements, adopted for the promotion of public health, morals, safety, or general welfare. Whenever the requirements of this Local Law are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

SECTION 9.4 SEPARABILITY

Should any section or provision of this Local Law be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this law as a whole, or any provision thereof other than the part so decided to be unconstitutional or invalid.

SECTION 9.5 ADOPTION AND EFFECTIVE DATE

This law and accompanying map adopted by the WORCESTER TOWN BOARD on the 8th day of March, 1976, as shown in the minutes of that date, and the effective date thereof is 29th, day of March, 1976.
BOUND on the South by the northern boundary of the Delaware & Hudson Railroad Lands.

BOUND on the East by a straight line perpendicular from the northern boundary of the intersection of Brooker Hollow Road and State Highway Route #7, and continuing northerly a distance of 400 feet from the center of State Highway Route #7 to a point at a corner.

BOUND on the North by a line parallel to State Highway Route #7 and 400 feet northerly from the center thereof, and continuing westerly to a point 400 feet easterly of North Road at a corner, and continuing northerly on a line parallel with North Road and 400 feet easterly from the center of North Road to a point in the center of Algerine Hill Road which will be 400 feet easterly of the intersection of Algerine Hill Road and North Road, and continuing westerly along the center of the Algerine Hill Road and crossing North Road to a point 400 feet westerly of the center of the intersection of North Road and Algerine Hill Road, and continuing southerly on a line parallel to the center of North Road and 400 feet westerly from the center thereof, to a point 400 feet northerly of State Highway Route #7 and continuing westerly on a line parallel to the center of State Highway #7 and 400 feet northerly thereof to a point on the western boundary of the East Worcester Cemetery; and

BOUND on the East by the western boundary of the East Worcester Cemetery and continuing in a straight line across State Highway Route #7 to a point along the northerly boundary of the Delaware & Hudson Railroad property where it will meet the same at right angles.
BOUNDED on the South by the northern boundary of the Delaware & Hudson Railroad Lands;

BOUNDED on the East by a line perpendicular to the Northern boundary of the Delaware & Hudson Railroad Lands extending northward to a point in the center of the intersection where the eastern end of Brighton Road intersects with State Highway Route #7 and continuing northerly on a straight line a distance of 400 feet from the center of said intersection to a point at a corner;

BOUNDED on the north by a line parallel to Brighton Road and 400 feet northerly from the center thereof, and crossing West Hill Road at a point 400 feet northerly from State Highway Route #7 to a point 400 feet easterly of the center of Elm Street, and continuing northerly on a line parallel to the center of Elm Street and 400 feet westerly thereof to a point 400 feet northerly of the center of Fairlawn Avenue, and continuing in a westerly direction on a line parallel to Fairlawn Avenue and 400 northerly from the center thereof to a point 400 feet easterly of Decatur Street, and continuing in a northerly direction on a line parallel to the center of Decatur Street as it meanders and 400 feet easterly thereof to a point 400 feet easterly opposite the intersection of County Highway Route #39 leading to Decatur and County Highway Route #36 leading to Westford, and hence continuing in a westerly direction across the center of the intersection of County Highway Route #39 and County Highway Route #36 to a point 400 feet westerly of the center of said intersection of Decatur Road and 400 feet westerly from the center thereof, and continuing on a line 400 feet westerly from the center of Water Street to a point 400 northerly of the center of State Highway Route #7, and continuing westerly on a line parallel to State Highway Route #7, and 400 feet northerly from the center thereof to a point northerly and 400 therefrom of the center of the intersection of the eastern end of Tuscan Road and State Highway Route #7, and

BOUNDED on the west by a straight line from the point hereinabove stated through the intersection of the eastern end of Tuscan Road and State Highway Route #7 and continuing in a straight line to where it joins the northern boundary of the Delaware & Hudson Railroad lands at right angles.