**§ 43-0119. Land use restrictions within Lake George park.**

1. No real property lying within the boundaries of the Lake George park shall be used for the operation of a junk yard, automobile grave yard, second-hand automobile parts yard, automobile service station selling petroleum products or repairing motor vehicles, circus, carnival, shooting gallery, outdoor drive-in theatre, commercial dance hall, slaughter house, house trailer camp, trailer court, campsite or similar use operated for commercial purposes in which dwelling facilities are normally occupied for temporary periods, public dump or public dumping ground, boarding stable or business offering riding horses for hire without a permit therefor having been first obtained from the village within which such real property is located, or if such real property is not located within a village, from the town within which such real property is located.

2. No such permit shall be granted by any village or town board until after a public hearing has been held on the application therefor. Such a public hearing shall be held only after notice thereof has been published in a newspaper having general circulation in such village or town at least ten days before such hearing and notice thereof has been served on the department, Lake George park commission and all owners of real property within five hundred feet of the premises for which application for such permit is made at least ten days before such hearing.

3. The village or town board, in granting or denying any application for such a permit shall consider:

a. the statements made in the application for such permit, all facts presented at such hearing and other facts known to such board,

b. the effect of the proposed use on the general welfare, safety and health of the public and on the general welfare of the municipality,

c. the character of the area in which the real property is located,

d. the suitability of the real property for the use proposed in the application,

e. whether the proposed use is consistent with the purposes and intent of this article,

f. whether the real property lies within a zone or proposed zone in which the proposed use is or is proposed to be prohibited, and

g. whether the proposed use is consistent with standards for the granting or denying of applications for such permits established by such boards in furtherance of the purposes of this article.

4. The action of a village or town board granting or denying any application for such a permit shall be reviewable pursuant to article 78 of the Civil Practice Law and Rules.

5. The board of trustees of such a village or the town board of such a town may fix reasonable fees for the making of applications for permits pursuant to this section and reasonable fees for the issuance of such permits.