TOWN OF HASTINGS
ZONING LAW

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ARTICLE 1. INTRODUCTION

Section 110. Enacting Clause

Pursuant to the authority conferred by Article 16 of the Town Law and Articles 2 and 3 of Municipal Home Rule Law of the State of New York, the Town Board of the Town of Hastings hereby adopt and enacts the following law.

Section 120. Title

This law shall be known as "The Town of Hastings Zoning Law."

Section 130. Purpose

The purpose of this zoning law is to provide for orderly growth in accordance with a comprehensive plan; to lessen congestion in the streets; to secure safety from fire, flood and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to promote the health, safety, and general welfare of the public.

This zoning law has been made with reasonable consideration, among other things, as to the character of each zone and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land.

Section 140. Applicability

This law, and any amendment thereto, shall apply on its effective date to all uses which have not been substantially commenced, and structures which have not been substantially constructed, regardless of the status of permits or certificates of occupancy issued pursuant to the New York State Uniform Fire Prevention and Building Code.

Section 150. Replaced and Superceded Laws

This law shall replace and supercede "The Town of Hastings Zoning Law," Local Law No. 1 of 1988, as amended.

ARTICLE 2. DEFINITIONS

Accessory Apartment: A second dwelling unit located on the same lot as a principal single-family dwelling, located either within the principal dwelling or within an accessory building, which is subordinate the principal dwelling in terms of size, location, and appearance. Such a dwelling is an accessory use to the principal dwelling.

Accessory Building: A building which is an accessory structure.

Accessory Structure: A structure incidental and subordinate to the principal structure and located on the same lot with such principal structure. Where an accessory structure is attached to the principal structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the main structure.

Accessory Structure, (Telecommunications Facilities): An accessory facility or structure serving or being used in conjunction with a telecommunications facility or tower and located on the same lot as the telecommunications facility or tower. Examples of such structures include utility or transmission equipment, storage sheds or cabinets.

Accessory Use: A use incidental and subordinate to the principal use and located on the same lot with such principal use. Accessory uses are allowed in all Zoning Districts.

Acre: A measure of land area containing 43,560 square feet.

Adult Arcade: An establishment where, for any form of consideration, one or more still or motion picture projectors, slides projectors, or similar machines, or other image producing machines, for viewing for five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Activities".

Adult Bookstore or Video Store: A business that derives 10% or more of its gross income from the sale, or rental of, or utilizes 10% or more of its retail selling area for books, magazines, periodicals, films, motion pictures, videocassettes, slides, compact discs and/or computer generation or other visual representations which are characterized by the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Activities".

Adult Cabaret: A nightclub, bar, restaurant, bottle club, juice bar, club or similar commercial establishment, where or not alcoholic beverages are served, which regularly features persons who appear nude or in a state of nudity or semi-nudity' or live performances which are characterized by the exposure of "Specified Anatomical Activities" or by "Specified Sexual Activities"; or films, motion pictures, video-cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Activities".

Adult Live Entertainment: A business where an adult male or female exposes parts of their body identified in "Specified Anatomical Activities".

Adult Motel: A hotel, motel or similar business that offers public accommodations, for any form of consideration, which provide patrons with closed-circuit television transmissions, films motion pictures, videocassettes, slides or other photographic reproductions characterized by the depiction or description of "Specified Sexual Activities" or Specified Anatomical Activities" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including, but not limited to, newspapers, magazines, pamphlets, or leaflets, radio or television' or offers a sleeping room for rent for a period of time less than 10 hours' or allows a tenant or occupant to sub-rent the sleeping room for a period of time less than 10 hours.

Adult Motion Picture Theater: An enclosed or unenclosed building or structure or portion of a building or structure or drive-in theater used for presenting materials having, as a dominant theme, material distinguished or characterized by an emphasis on matter depicting, describing or relation to "Specified Sexual Activities" or "Specified Anatomical Activities" for observations by patrons therein.

Adult Novelty Store: A business which derives 25% or more of its gross income from the sale, or rental of, or utilized 25% or more of its retail selling area for any form of consideration, instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sado-machistic use or abuse of themselves or others.

Adult Use: Any business involved in the dissemination of material distinguished or characterized by an emphasis on matter depicting, describing, or relation to "Specified Sexual Activities" or "Specified Anatomical Activities", including but not limited to adult arcades, adult bookstores or video stores, adult cabarets, adult live entertainment, adult motels, adult motion picture theaters, adult novelty stores, and massage establishments.

"Specified Anatomical Activities":

1) Less than the completely and opaquely covered human genitals, pubic region, pubic hair or buttocks or female breast or breasts below a point immediately above the top of the areola.
2) Human male genitals in a discernible turgid state even if completely and opaquely covered.

"Specified Sexual Activities":

a) Human genitals in a state of sexual stimulation or arousal.
b) Acts of actual or simulated human masturbation, sexual intercourse, oral copulation or sodomy.
c) Fondling or other intentional erotic touching of human genitals, pubic region, buttocks, anus or female breasts.
d) Excretory functions as part of or in connection with any of the activities set forth in A. through C.

Agriculture: The use of land for agricultural purposes, including farming, dairy, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary

accessory uses for packing, treating, or storing the produce; provided, however, that the operation of such accessory uses shall be secondary to that of normal agricultural activities.

Agricultural Structure: A structure used for agricultural purposes.

Alteration: Any change, rearrangement, extension or increase in area or height to a building or structure, other than repairs; any modification in construction, or in building equipment.

Alteration of Building: Any change in supporting member of a building, any addition to a building or removal of a building from one location to another.

Americans with Disabilities Act (A.D.A.): The federal statute found at 42 U.S.C. Section 12101, et seq., and the rules and regulations promulgated pursuant thereto as they may be amended from time to time.

Antenna: A system of electrical conductors that transmit or receive radio frequency signals. Such signals shall include but not be limited to radio, television, cellular, paging, PCS and microwave communications.

Apartment, Accessory: See *Accessory Apartment.*

Basement: That space of a building that is partly below grade which has more than half of its height, measured from floor to ceiling, **above** the average established curb level or finish grade of the ground adjoining the building.

Building: Shelter having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, or property.

Building, Accessory: See *Accessory Building.*

Building Height: See *Height.*

Campground: Land on which 2 or more campsites are located, established, or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education, or vacation purposes. Campgrounds may be allowed as an accessory use to another use of a property upon special use permit approval.

Camping Unit: Any tent, lean-to, cabin or similar structure, houseboat, or recreational camping vehicle (towed or motorized), excluding mobile homes, established or maintained and operated in a campground as temporary living quarters for recreation, education or vacation purposes.

Campsite: Any area of land within a campground intended for the exclusive occupancy of a single camping unit.

Cellar: That space of a building that is partly below grade which has more than half of its height, measured from floor to ceiling, **below** the average established curb level or finish grade of the ground adjoining the building.

Certificate of Compliance: A certification by the zoning officer that a lot, structure, or use of land has been developed in conformity with an approved zoning permit and/or complies with the provisions of this law, and may be occupied and used for the purposes specified in such zoning permit and/or certificate of compliance. This certification may be endorsed upon any certificate required to be issued by applicable laws of the municipality or may be on a separate document.

Code Enforcement Officer: Any person appointed by the Town Board to enforce the provisions of this law.

Co-located Antennas: Telecommunication Facilities which utilize existing Towers, buildings or other structures for placement of Antenna(s) and which do not require construction of a new Tower.

Coverage: See *Lot Coverage.*

Day Care Center, Child: Any use defined as a "Child Day Care Center" in Section 390 of Social Services Law.

Day Care Home, Family: Any use defined as a "Family Day Care Home" in Section 390 of Social Services Law.

Day Care Home, Group: Any use defined as a "Group Day Care Home" in Section 390 of Social Services Law.

Drive-in Use: A use which provides physical facilities which permit the service of customers while remaining in their motor vehicle.

Dwelling: A building or portion thereof which is used exclusively for residential purposes, including one-family, two-family, and multiple-family dwellings [, but not including hotels, motels, boarding houses, and bed and breakfast inns].

Dwelling, Multiple-family: A building or a portion thereof used for occupancy by three or more families living independently of each other and containing three or more dwelling units.

Dwelling, One-family: A building containing only one dwelling unit, and occupied by only one family.

Dwelling, Two-family: A building containing only two dwelling units, and occupied by only two families.

Dwelling Unit: A complete self-contained residential unit, with living, sleeping, cooking and sanitary facilities within the unit, for use by one family.

Essential Facilities: The operation or maintenance by municipal agencies or public utilities of telephone dial equipment centers; electrical or gas substations; water treatment, wastewater, storage and transmission facilities; pumping stations; and similar facilities.

Excavation: A lot or land or part thereof used for the purpose of extracting stone, sand, gravel, or topsoil for sale, as an industrial or commercial operation, but does not include the process of grading a lot preparatory to the construction of a building or structure which has an approved permit.

Excavation, Class 1: An excavation which is intended for the extraction of more than 1,000 tons of material from the earth within one calendar year.

Excavation, Class 2: An excavation which is not defined as a "Class 1 Excavation."

Family: One or more persons living, sleeping, cooking or eating on the same premises as a single housekeeping unit.

Flood Zone: Land located within an "area of special flood hazard" (the 100 year flood plain) or within the "flood way" as those terms are defined in the Town of Hastings Flood Damage Prevention Local Law.

Forestry: The operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or performing forest services.

Height: In the case of structures with roofs, the vertical distance measured from curb or grade level to the highest level of a flat or mansard roof, or to the average height of a pitched, gabled, hip or gambrel roof, excluding bulkheads, penthouses and similar constructions enclosing equipment or stairs, providing they are less than 12 feet in height and do not occupy more than 30% of the area of the roof upon which they are located. In the case of structures not containing a roof, the vertical distance between the lowest exposed portion of the structure situated above grade and the highest elevation of the structure.

Home Business: Any use customarily conducted entirely within a dwelling provided that such use is carried on solely by the residents of the dwelling, is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character of the dwelling and that there is no external evidence of such use except as provided in Section 640 of this law.

Impervious Surface: Impermeable surfaces, such as pavement, rooftops and walks that prevent the infiltration of water into the ground.

License: Written permission to operate a business for a specified period of time, granted upon special use approval by the Town Board, which is renewable upon certification that such business has been operated in compliance with this law.

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

Lot Area: The total horizontal area included within the lot lines of a lot. No part of the area within a public right-of-way shall be included in the computation of lot area.

Lot Coverage: That portion of the lot that is covered by buildings.

Lot, Corner: A parcel of land at the junction of, and fronting on, two or more intersecting streets or highways. A corner lot shall have two front yards (along streets) and two side yards.

Lot Depth: The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.

Lot, Flag: A lot that meets the requirements of Section 425 of this law.

Lot Frontage: The length of the front lot line measured at the road line.

Lot Line: A line of record bounding a lot which divides one lot from another lot or from a public or private road.

Lot Line, Rear: The lot line generally opposite the lot frontage.

Lot Width: The distance between side lot lines measured parallel to the front lot line at a distance from the front lot line equal to the front yard specified for the district.

Manufacturing: Any land or structures used for the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

Marina: A commercial facility for the storing, servicing, fueling, berthing and/or securing of pleasure boats, and upland support services.

Metes-and-Bounds: A method of describing the boundaries of land by directions and distances from a known point of reference.

Mobile Home: A structure, transportable in one or more sections, which is at least 8 feet in width and 32 feet in length, which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required utilities. A *mobile home* shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. This term shall not include factory manufactured homes known as "modular homes" bearing an insignia issued by the State Fire Prevention and Building Code Council as required in 9 NYCRR 1212.

Mobile Home, Single-Wide: A mobile home which is manufactured as a single section and is designed to be complete dwelling when transported to the placement site.

Mobile Home, Double-Wide: A mobile home which is manufactured in two or more sections off-site which are designed to be transported individually to the placement site and assembled there to form a complete dwelling.

Mobile Home Park: Any lot on which two or more mobile homes are located for more than thirty (30) days, regardless of whether or not any change is made for such accommodation.

Mobile Home Site: An area of land in a mobile home park intended for the exclusive occupancy of a single mobile home.

Nonconformity: A lot, structure, or use of land which lawfully existed prior to the enactment of this law, or conformed to the regulations of the zone in which it was located prior to the amendment of this law; which does not conform to the regulations of the zone in which it is located following the enactment or amendment of this law.

Nonresidential Use: A use which does not contain a dwelling unit.

Office: A building, or part thereof used for conducting the affairs of a business, profession, service, industry, or government; and may include accessory services for office workers; and not including the on-premise manufacturing, servicing, storage or distribution of goods or merchandise.

Overlay Zone: A zone that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone.

Park/Playground, Public: A tract of land, designated and used by the public for active and passive recreation.

Plat: A map of a subdivided tract of land showing the boundaries and location of individual properties and roads.

Planning Board: The Town of Hastings Planning Board.

Principal Structure: A structure through which the principal use of the lot on which it is located is conducted.

Principal Use: The primary or predominant use of any lot.

Public and Semi-Public Facility: Any one or more of the following uses, including grounds and accessory buildings necessary for their use: religious institutions; public parks, playgrounds and recreational areas; schools; public libraries; fire, ambulance and public safety buildings; and public meeting halls and community centers.

Public Safety Building: A facility for housing public fire fighting, rescue or police equipment and administrative offices.

Recreational Camping Vehicle: Any enclosed motor vehicle or trailer used or designed to be used for recreational travel and temporary living and/or sleeping purposes including motor homes, truck campers, camping trailers, campers, travel trailers, pop-up trailers, tent trailers, and overnight trailers.

Religious Institution: A church, synagogue or other place of religious worship, which is tax-exempt and incorporated.

Residential Use: A use containing a dwelling unit.

Retail Sales and Service: Commercial retail sales and service including, but not limited to, sales and service for new and used automobiles, trucks, mobile homes, boats, recreational vehicles, farm implements, tree nurseries and other large items stored outdoors for retail sales; business or institutions providing overnight accommodations; and storage and parking facilities.

Retail Sales and Service, Indoor: A commercial facility engaged in selling goods or merchandise to the general public for personal or household consumption; or providing retail services or entertainment to the general public such as eating and drinking establishments, finance, real estate and insurance, personal services, amusement and recreational services, hotels/motels, health, educational and social services; and not including sales and service for new and used automobiles, trucks, mobile homes, boats, recreational vehicles, farm implements, tree nurseries and other large items stored outdoors for retail sales.

Road: A thoroughfare dedicated and accepted by a municipality for public use or legally existing on any map of a subdivision filed in the manner provided by law.

Road Line: The right-of-way line of a road as dedicated by a deed of record. Where the width of the road is not established, the road line shall be considered to be 25 feet from the center line of the road pavement.

School: Any school licensed by the State and which meets the State requirements for elementary or secondary education.

Setback: The distance between a lot line, road line or the mean high water line of a body of water and a particular development feature of a lot such as a building, structure, or parking area.

Site Plan Approval: An approval for site plan uses by the town Planning Board, granting permission to the zoning officer to issue a zoning permit.

Special Use Approval: An approval for special uses by the Town Board, granting permission to the zoning officer to issue a zoning permit.

Special Use: A use of land which requires a review and approval of the Town Board prior to the issuance of a special use approval or zoning permit by the zoning officer.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something located on the ground.

Telecommunication Facilities: Towers and/or Antennas and Accessory Structures, (Telecommunication Facilities) used in connection with the provisions of cellular telephone service, personal communications services (PCS), paging services, radio and television broadcast services and similar broadcast services.

Temporary Sale Signs: Signs displayed for no more than 2 weeks.

Tower: A structure designed to support Antennas. It includes, without limit, free-standing towers, towers, guyed towers; monopoles and similar structures which employ camouflage technology.

Use: The purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained.

Variance: Any departure from the strict letter of this law granted by the zoning board of appeals as it apply to a particular piece of property.

Wholesale/warehousing: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies; and terminal facilities for handling freight with or without maintenance facilities, and buildings used primarily for the storage of goods and materials.

Yard: Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted in this law. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the nearest point of the foundation wall of the main building.

Yard, Front: The space within and extending the full width of the lot from the road line to that part of the building or structure which is nearest to such road line. If a lot adjoins two or more roads, it shall be deemed to have a front yard respectively on each.

Yard, Rear: The space within and extending the full width of the lot from the rear lot line to that part of the building or structure which is nearest to such rear lot line.

Yard, Side: The space within and extending the full distance from the front yard to the rear yard and from the side lot line to that part of the building or structure which is nearest to such side lot line.

Zoning Board of Appeals: The body appointed by the Town Board in accordance with Town Law section 267-a to hear appeals from determinations of the Code Enforcement Officer regarding the application of this law.

Zoning Permit: A permit issued by the Code Enforcement Officer certifying that all plans for the use and development of land comply with the regulations of this law, and granting permission to commence development activities in conformity with the conditions of the approved permit. This permit may be endorsed upon any permit required to be issued by applicable law of the municipality or may be on a separate document.

ARTICLE 3. ESTABLISHMENT OF ZONES

Section 310. Types of Zones

For the purpose of this law, the Town of Hastings is hereby divided into the following zones:

H	Hamlet
W	Waterfront
R-1	Agricultural-Residential
R-2	High Density-Residential
CR	Commercial-Residential
C	Commercial
CI	Commercial-Industrial
PD	Planned Development
MH	Mobile Home Overlay Zone

Section 315. Description of Zones

Policies for each zoning district have been put forward in the "Town of Hastings Land Use Master Plan", adopted September 17, 1996 by the Town Board.

Section 320. Zoning Map

The zones are shown, defined and bounded on the zoning map accompanying this law entitled "Zoning Map," dated 10/13/15. The zoning map is hereby made a part of this law, and shall be on file in the office of the Town Clerk.

Section 330. Interpretation of Zone Boundaries

Where uncertainty exists with respect to the boundaries of the various zones, as shown on the zoning map, the following rules shall apply:

1. Where the designation on the zoning map indicates a boundary approximately upon a road, the centerline of the road shall be construed to be the boundary.

2. Where the designation on the zoning map indicates a boundary approximately upon a lot line, such lot line shall be construed to be the boundary.

3. Distances shown on the zoning map are perpendicular distances from road centerlines measured to the zone boundary. In all cases where distances are given, zone boundaries are parallel to the road centerline.

4. In other cases the zone boundary shall be determined by the use of the scale on the zoning map by the Code Enforcement Officer.

Section 340. Metes-and-Bounds Descriptions

In the event that a metes-and-bounds description has been filed for a zone change or a variance as required by this law, such metes-and-bounds description may be used in lieu of other provisions of this article.

Section 350. Divided Lots

Where a district boundary divides a lot of record at the time such boundary is adopted, the requirement of the less restrictive portion of such lot shall extend 20 feet into the more restrictive portion of the lot and may be further extended into the more restrictive portion of the lot upon issuance of a special permit by the Town Board in accordance with the procedures set forth in Article 13 of this Law.

ARTICLE 4. ZONE REGULATIONS

Section 410. Allowed Uses

All uses shall comply with the requirements as indicated on the following chart:

ZP = zoning permit required
SP = site plan approval required
UP = special use permit required
NP = use not permitted in this zone

USE	H	W	R-1	R-2	CR	C	CI
accessory apartment	SP	SP	ZP	SP	SP	SP	NP
adult use	NP	NP	NP	NP	NP	NP	UP3
agricultural use	ZP[1]	ZP[1]	ZP[1]	ZP[1]	ZP	ZP	ZP
campground	NP	UP	UP	NP	NP	NP	NP
essential facilities	SP	SP	SP	SP	SP	SP	SP
excavation use	NP	NP	SP	NP	UP	NP	NP
home business	ZP	ZP	ZP	ZP	SP	SP	NP
manufacturing	NP	NP	NP	NP	NP	NP	SP
marina	UP	SP	NP	NP	NP	NP	NP

1. Special use approval required if within fifty feet of a residential use.

USE	H	W	R-1	R-2	CR	C	CI
mobile home park	NP	NP	NP	NP	UP	NP	NP
office	UP	UP	NP	NP	UP	SP	SP
public/semi-public use	SP	SP	SP	NP	UP	SP	SP
residential, multiple-family	SP	SP	SP	NP	UP	NP	NP
residential, single-family[2]	ZP	ZP	ZP	ZP	ZP	NP	NP
residential, two-family	ZP	ZP	ZP	ZP	ZP	NP	NP
retail sales and service	UP	UP	NP	NP	UP	SP	SP
retail sales and service, indoor	UP	UP	NP	NP	UP	SP	SP
wholesale/warehousing	NP	NP	NP	NP	UP	SP	SP

2. Includes double wide mobile homes and modular homes.
3. See Adult Use Restrictions, Section 412

Section 412. Adult Uses

Background:

It is recognized that buildings and establishments operated as adult uses have serious objectionable operational characteristics. In order to promote the health, safety and general welfare of the residents of the Town of Hastings, this section is intended to restrict adult uses to industrially zoned areas of the Town. The Town Board has found that the operational characteristics of adult uses and the secondary effects of adult uses increase the detrimental impact on a community when such uses are spread throughout the community. Therefore, this section is intended to promote the health, safety and general welfare of the residents of the Town of Hastings by regulation the concentration and location of such adult uses. This section has neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this section to restrict or deny assess by the distributors and exhibitors of adult entertainment and/or sexually orientated entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.

Adult Use Restrictions:

No adult use shall be allowed or permitted in any zoning district of the Town, except the CI – Commercial/Industrial Zone. All adult uses shall comply with the applicable provisions of the Zo9ning Ordinance including those relating to structures and uses permitted in the CI – Commercial/Industrial Zone.

In addition, no person shall construct, establish, operate, or maintain, or bi issued a certificate of occupancy for, any adult use within the Town unless such use meets the following standards:

1) No more than one adult use shall be allowed or permitted on any one lot.

2) No adult use shall be allowed on a lot that is closer than 1000 feet from: (a) a structure in which there is another adult use: (b) any residential or business zone; (c) any structure that is utilized, in who or in part, for residential purposes; (d) any church or other regular place of worship, community center, funeral home, library, school, nursery school, daycare center, hospital or public park, playground, recreational area or field; (e) any public buildings; and (f) any hotels or motels.

3) Where there is a conflict between these regulations and any other law, rule or regulation of the Town including the Zoning Ordinance, the most restrictive law, rule or regulation shall apply.

4) All distances set forth herein shall be measured from lot line to lot line.

Observation from Public Way:

No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relation to specified sexual activities or specified anatomical activities from any public way or from any other lot, including but not limited to any lighting, display, decoration, poster, photograph, video, sign, show, doorway, window, screen or other opening.

Section 415. Camping Units

It shall be unlawful to locate, establish, or maintain **for occupancy for more than 30 days**, a camping unit, except when located within a legal Campground as defined in this law.

Section 420. Lot and Yard Areas and Dimensions

All lots, structures and uses shall conform to the following standards for the zone in which it is located:

Without public water and sewer

	H	W	R-1	R-2	CR	C	CI
lot area min. (Acre.)	1/3	1/3	1	1/2	3/4	1/2	1
lot coverage max. (%)	30	25	20	30	20	40	40
lot frontage min. (ft.)	100	100	150	100	150	150	150
front yard min. (ft.)	25	25	50	25	75	75	75
side yard min. each side (ft.) (1)	15	15	15	15	15	15	15
rear yard min. (ft.) (1)	25	25	25	25	25	25	25

With public water or sewer or both

	H	W	R-1	R-2	CR	C	CI
lot area min. (Acre.)	1/3	1/3	1/3	1/4	1/2	1/2	1
lot coverage max. (%)	30	25	20	30	20	40	40
lot frontage min. (ft.)	100	100	120	80	120	100	100
front yard min. (ft.)	25	25	40	25	50	75	75
side yard min. each side (ft.) (1)	15	15	15	15	15	15	15
rear yard min. (ft.) (1)	25	25	25	25	25	25	25

Section 425. Flag Lots

Flag lots are intended by this law to be lots created by subdivision, which do not meet the road frontage requirements of Section 420 and which are generally separated from the public right-of way by a lot or lots having adequate frontage, but meet the following standards:

1. Location- Flag lots shall only be permitted in R-1, R-2, Hamlet, and Waterfront Districts;[1]

2. Size- Flag lots shall containing at least 1.5 times the minimum requested lot area (including the narrow strip providing road frontage for the flag lot);[2]

3. Dimensions- Flag lots must have a minimum lot frontage of 20 feet on a public right-of-way. The minimum set backs of front yards, rear yards and side yards shall be 25 feet, but in no case shall any structure be located closer than 100 feet from the road line;

4. Number of Flag Lots- There shall be not more than one flag lot created from a single lot existing as of the effective date of this law;

5. Original Parcel- All other lot(s) of the subdivision shall meet all requirements of this law.

Section 430. Single Wide Mobile Home Overlay Zone

Single-wide mobile homes outside of mobile home parks shall be located only in areas designated on the zoning map as the "Mobile Home Overlay Zone."

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[1] Amended August 12, 1997
[2] Amended February 9, 1999

ARTICLE 5. PLANNED DEVELOPMENT ZONE

Section 510. General

A Planned Development (PD) zone may be created and placed on the zoning map at such times as the Town Board may deem necessary and appropriate. The PD zone is intended to be used for special types of development projects under the following circumstances: 1)the parcel(s) for which the PD zone designation is sought consists of at least 20 acres of land, 2) where diverse land uses may be brought together as a compatible and unified plan for development which would not otherwise be permitted through the other types of zones provided for in this law, and 3) where flexibility in design is desirable by allowing yard sizes, building coverage, and other requirements which would not otherwise be permitted through the other types of zones provided for in this law.

Section 520. Procedure

PD zones shall be created and developed through the following procedure:

1. An applicant for a PD zone shall submit a development plan to the Town Board in compliance with the requirements of Section 530 below. The submission of a development plan to the Town Board shall in no way bind the Town Board to holding a public hearing upon, or acting upon a PD rezoning proposal.

2. If the Town Board decides to proceed with consideration of a development plan, the Town Board shall request the recommendation of the Planning Board on the suitability of the development plan and the advisability of PD zone designation. The Town Board shall also hold a public hearing on the plan before making any final determination. In making its determination, the Town Board shall be guided by the considerations as outlined in Section 540 below. The Town Board may specify by law the specific conditions or general guidelines which shall apply to the future development of the zone, as outlined in Section 550 below, upon approval of a PD zone designation.

3. The Town Board shall approve, approve with modifications, or disapprove site plans in PD zones as provided for in Article 11 of this law. All site plans approved by the Town Board shall be in accordance with the PD zone conditions or guidelines previously approved by the Town Board.

Section 530. Development Plan Requirements

The development plan shall be prepared by an architect, engineer, land surveyor, licensed in accordance with New York State Education Law, and shall include the following information presented in drawn form and accompanied by a written text:

1. map of the property, drawn to scale, showing existing features of the site including land contours, existing buildings and other structures, major vegetation, roads, easements, rights-of-way and land use;

2. site plan, drawn to scale, and in accordance with Article 11 of this law, showing proposed development and land uses;

3. traffic circulation, parking and loading spaces and pedestrian walks;

4. landscaping plans, grading plans and drainage plans;

5. facilities for water supply and sanitary service or septic system; and

6. any other information deemed necessary by the Town Board.

Section 540. Rezoning Considerations

In determining the suitability of PD zone designation, the Town Board shall be guided by the following considerations:

1. the uses proposed will not be detrimental to present and potential surrounding uses;

2. land surrounding the proposed development is compatible in use, and can be planned in coordination with the proposed development;

3. the proposed change is in conformance with the general intent of the Town's Land Use Master Plan;

4. existing and proposed streets are suitable and adequate to carry anticipated traffic within and around the proposed development;

5. existing and proposed public facilities and services are adequate for the proposed development;

6. each phase of the proposed development, as it is proposed to be completed, contains the required parking, landscaping, and public facilities and services necessary for creating and sustaining a desirable and stable environment; and

7. the size of the parcel to be included in the PD.

Section 550. Development Conditions or Guidelines

Conditions or guidelines which may be placed on a PD zone by the Town Board may include, but shall not be limited to:

1. the use or combination of uses allowed in the zone;

2. any special requirements relating to yard sizes, building or surface coverage, the height or bulk of buildings, or the intensity of development;

3. the landscaping, screening, and buffering of the uses in the zone;

4. parking, loading, access and circulation requirements for motor vehicles and emergency vehicles;

5. pedestrian circulation;

6. the architectural design of buildings or structures;

7. the design and placement of accessory structures;

8. specific site plans for either a portion of, or the entire zone;

9. the provision for public parks, recreation areas, and areas designated to remain forever wild; and

10. the control of surface runoff, and development adjacent to flood plains and wetlands.

ARTICLE 6. GENERAL REGULATIONS

Section 605. Principal Residential Uses Per Lot

There shall be no more than one principal residential building on a single lot.

Section 610. Line-of-Sight for Traffic Safety

No accessory structure, fence, wall, or hedge shall be erected in such a manner as to confuse or obstruct the views of any traffic sign, signal, or device, or obstruct the visibility of vehicles entering or exiting highways.

Section 615. Height of Structure

Structures exceeding 40 feet in height, excluding agricultural structures, shall be allowed only upon special use permit in accordance with Article 13 of this law. Such approval shall not be granted until the applicant has demonstrated the following:

a. that there is a demonstrated public need for the proposed use, and that this need cannot be met by any means other than by exceeding the general height limitations of this law;

b. that the height of the structure is the minimum necessary to accomplish its intended purpose;

c. that all practical means have been used to minimize any negative aesthetic and environmental impacts; and

d. that the structure does not significantly impair solar access to buildings or solar energy systems equipment.

Section 625. Accessory Apartments

1. No more than one accessory apartment shall be allowed for each single-family dwelling unit.

2. Each accessory apartment shall be a maximum of 600 square feet, including basements, but excluding cellars.[1]

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[1] Amended May 12, 1998

Section 630. Accessory Uses and Structures

Accessory uses and structures shall comply with all requirements for principal uses and structures as set forth in this law, regardless of whether or not they require a permit pursuant to this law.

Section 640. Home Businesses

Home businesses shall comply with the following:

1. All business activities shall be carried on wholly within the principal building.

2. There shall be no exterior display, nor any more than one exterior sign of not more than sixteen square feet, no exterior unscreened storage of materials or waste products, and no other exterior indication of variation from the residential character of the principal building.

3. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.

4. No more than two customer vehicles shall be at the premises at a single time.

Section 645. Development in Floodplains

All uses and structures shall comply with Local Law #1 of 2013 for Flood Hazards Zones, as amended from time to time.

Townhouse Zoning Regulations

Section 650 Intent: It is the purpose and intent of this Section to provide for the design and development of innovative housing forms which incorporate a higher density living situation, and at the same time preserve the desirability of an individually owned housing unit. This is accomplished by efficiently utilizing buildable space within a given area by allowing reduced lot size as well as lot width and compensating for the reduction by incorporating open and shared spaces, scenic and recreational areas and other amenities. The following standards have been developed by the Town, which will apply to attached housing stock known commonly as townhouses.

Section 652 Definitions: These definitions shall be in addition to the definitions set forth in Article 2 of this Zoning Law and shall apply solely to townhouse developments.

1) Townhouse – As used in this Section, a townhouse is defined as an attached, privately owned single family dwelling unit which is part of and adjacent to other similarly owned single family dwelling units that are connected to but separated from one another by a common party wall having no doors, windows, or other provisions for human passage or visibility.

2) Townhouse Group – A cluster or grouping of townhouse units containing no less than two or more than six townhouse dwelling units contiguous to one another.

3) Townhouse Lot – A townhouse lot is defined as a properly recorded and deeded lot upon which a townhouse unit is found.

4) Townhouse Project – A development consisting of the original lot, on which townhouses, access drives, parking areas and common/open spaces are platted.

Section 655 Development Criteria:

1) Density – Overall density in a particular townhouse project shall not exceed the maximum density allowed within the zoning district for which it is located, except when designed and developed as a Planned Unit Development under the provisions set forth in Article 5.

2) Lot Area – No townhouse lot shall contain an area of less than 1,500 square feet (sf) and a minimum lot and building width of 25 feet. The remaining lot area that would normally be required in the zoning district, per dwelling unit, shall be incorporated into usable and accessible open space and or private or common vehicular access or parking are for the townhouse project site. The minimum lot width shall front onto a common access drive owned and maintained by the designated homeowners association.

3) Location – Townhouse developments may be located in the Waterfront (W) and Hamlet (H) zoning districts, where public water and sanitary sewer service is currently available/used, or available/used by extension at the cost of the developer.

4) Project Site – As used in this chapter, a townhouse project site is the entire parcel of land for which townhouse units are proposed prior to the creation of any townhouse lets (as required by the Town Subdivision Regulations).

5) Unit Size – Every townhouse dwelling unit shall have a minimum gross floor area equal to that in the specific zoning district in which the townhouse project is located, or that required by the Building Code, whichever is greater.

6) Height of Structure – Maximum height for any townhouse structure shall no be greater than that prescribed by the zoning district in which the townhouse development is located.

7) Dwelling Unit Access – Each townhouse unit shall have a minimum of tow (2) separate entrees from the ground on which the structure is erected.

8) Size of Project Site – the minimum size of the site to be developed, as a group of townhouse units shall be 25,000 sf.

9) Building Coverage – In no event shall the structures within a townhouse project, including any accessory buildings, cover more than that prescribed by the zoning district in which the townhouse development is located.

10) Townhouse Project Street frontage – Each townhouse project site shall border on a public street, and shall have a minimum road frontage equal to that required for a typical residential lot within the zone that the project is located.

Section 657 – Setbacks and Yards

1. Right-of-way Setback – No townhouse unit shall be located closer than 25 feet from any public right-of-way line, or within 25 feet of a private drive, access road, or common open parking area.

2. Yard Setback Requirements – Each individual townhouse lot shall have a minimum front yard of 25 ft. and a rear yard of 25 ft. The minimum side yard requirements shall be 20 ft. from any adjoining property line of the townhouse project site.

3. Setback Variation – No more than two abutting townhouse or townhouse groups within the townhouse project site shall have a common front building setback. Variations in the setback of front building faces shall be at least two (2) feet. Height variations shall also be incorporated, if feasible, in the townhouse building design.

4. Distance between Townhouse Units – Townhouse units, as defined in this Section, shall be separated by at least 20 ft.

Section 663 – Maintenance

1. Open Space Maintenance – all common open space areas and facilities including, but not limited to recreational facilities, off street parking areas, and common open space shall be maintained in a satisfactory manner, without expense to the general taxpayers of the Town. In order to ensure the maintenance of and the payment of and the payment taxes on the commonly held non-public property, a mandatory Homeowners Association, in a format satisfactory to the Town, shall be formed and recorded in the public records of Oswego County and or the State of New York

2. Access Drive Maintenance – Interior access drives shall be maintained by the homeowners association.

3. Winter Maintenance – the homeowners association shall have the responsibility of all winter maintenance (ie. Snow removal) within the townhouse site.

Section 665 – Accessory Buildings -

1. No accessory buildings shall be erected in any required front, side or rear setback, nor within 20 ft. or any principle building.

Section 667 – Utilities and Services

1. Each individual townhouse unit shall be connected to and services by public water and sanitary sever service that have been approved by the NYS Department of Health. The water and sewer services shall be independent of any other townhouse unit or building.

2. Water service shall have a curb stop and valve for each townhouse unit. Sewer lines shall have strategically placed cleanouts as required by the Town Engineer.

3. Necessary easements shall be recorded on the townhouse plat and shall be of a width satisfactory to the Town Engineer.

4. All utility services shall be designed for subdivisions that are platted for townhouse development at the time of plat submittal. The Town Engineer shall review said utility plans for conformance to Town requirements.

5. Utility services shall be design such that unnecessary disturbance to paved streets shall be avoided. Any disturbance to existing paved streets as a result of utility installation for the townhouse development shall be made to the satisfaction of the Town, at cost of the developer.

6. Costs for extensions of public utilities to serve the townhouse site, including, but not limited to, district formation, engineering design, environmental permitting, construction and construction inspection shall be borne by the developer of the townhouse project.

Section 670 – Supplementary Regulations

1. Conversion – the conversion of existing structures to a townhouse project shall not be permitted.
2. Building Permit – a legal subdivision plat shall be placed on the public records of Oswego County, and a Homeowners Association shall be formed in conformance with NYS Law prior to the issuance of a building permit within a townhouse development.

3. Landscaping – not less than 75% of each yard shall be landscaped. Plans for such landscaping shall be submitted with the subdivision plat. Installation of landscaping shall be

in conformance with a time schedule mutually established by the developer and Town Code Enforcement Officer.

4. Building Standards – all townhouse develop0ments shall be designed and constructed in conformance with the Building Code in place at the time of the development, and any federal or state programs that are applicable.

Section 673 – Application and Submittal Requirements

1. All townhouse applications shall follow the Site Plan Review process in the Town Zoning Law, including all applications, submittals, and design requirements.

2. Townhouse developments of four (4) or fewer lots shall be considered a Minor Subdivision under the subdivision regulations of the Town.

3. The Planning Board, as the primary reviewing and approving board, shall make one approval for the project, that both approves the Subdivision of Land, and the Site Plan approval for the townhouse development project.

4. All Townhouse applications shall be accompanied by a Long Form Environmental Assessment Form (EAF) for review under the State Environmental Quality Review Act.

5. Review fees for townhouse projects shall be paid at the time of application to the Town, and shall be in an amount set forth by the Town Board for Site Plan approvals.

ARTICLE 7. MOBILE HOME PARKS AND CAMPGROUNDS

Section 705. Mobile Home Park Special Use Permit

1. No person shall operate a mobile home park unless a special use permit to operate has first been issued pursuant to this law. No mobile home park in existence on the effective date of this law shall be expanded or altered. Unless a special use permit allowing such expansion or alteration has been issued pursuant to this law.

2. All special use permits shall be issued for a period of one year, after which time renewal shall be required. All special use permits shall expire on March 31st, annually. The special use permit shall be displayed conspicuously at all times at the site of mobile home park.

3. Prior to special use permit renewal, all parks shall be inspected by the Code Enforcement Officer. Such special use permit shall not be renewed until certified by the Code Enforcement Officer as operating in compliance with this law.

4. The Code Enforcement Officer shall not enter the premises of any private property without the consent of the owner. It shall be the responsibility of the applicant to arrange for all required inspections of the premises prior to special use permit issuance or renewal.

Section 710. License Revocation or Failure to Renew

1. The Town Board may revoke such special use permit upon reasonable cause should the applicant fail to comply with any provision of this law. Before the special use permit may be revoked, a public hearing shall be held by the Town Board. Notice of the hearing shall be made in a newspaper in general circulation in the town at least five days prior to the date thereof. The special use permit holder shall be notified of the hearing by certified mail at least ten days prior to the hearing. At the hearing the Town Board shall hear the special use permit holder and all other persons wishing to be heard on the revocation of the special use permit. Should the Town Board decide to revoke a special use permit, the reasons for such revocation shall be stated in the Town Board minutes and shall be stated in the form of a written decision, then filed in the office of the Town Clerk. The special use permit holder shall be immediately notified of the revocation by certified mail.

2. Should any mobile home park special use permit be revoked or fail to be renewed, the operator shall cease and desist from operating a mobile home park and cause the removal of all mobile homes and appurtenant structures from the premises within 90 days of the revocation.

Section 715. Mobile Home Park Location, Conditions and Size

1. Mobile home parks and expansions shall be located where orderly development can be undertaken in harmony with development of the surrounding area in terms of traffic generation, ease and safety of vehicular access to and circulation within the park, safety of pedestrian movement, location of structures, adequacy of off-road parking, placement and sizing of sewage treatment and water supply systems and other utilities, safety of fuel storage and supply, provision of open space, recreation facilities or areas, delivery of services and adequacy of landscaping, storm drainage and buffering.

2. Mobile home parks and expansions shall have generally level to gently rolling topography over an area of sufficient size to allow development in accordance with this law without significant alteration or disturbance of existing natural features such as stands of mature trees, stream courses, shorelines, wetlands or bedrock outcroppings.

3. Mobile home parks and expansions shall be essentially free from adverse, unsafe or unhealthful conditions including but not limited to flooding, ponding, poor drainage,

erosion, slumping or other soil instability, breeding areas for insects or rodents, smoke, noise, odors, heat, glare, or toxic or volatile substances.

4. Mobile home parks and expansions shall be separated from campgrounds by a minimum distance of 250 feet.

Section 720. Mobile Home Sites

1. Mobile home parks and expansions shall be divided (exclusive of internal roads, open space or common areas) and marked off into sites numbered consecutively, the number being conspicuously posted on each site with such number to correspond to the site shown on the site plan submitted.

2. Sites shall be a minimum of 10,000 square feet.

3. Sites shall have a minimum width of 75 feet.

4. Sites shall have a minimum depth of 130 feet.

5. All mobile homes, including expansions, extensions or other additions thereto, patios, porches or garages and all other structures shall satisfy the following setback requirements:

   a. Minimum of 150 feet from the road line of any public road;

   b. Minimum of 30 feet from the centerline of any internal road;

   c. Minimum of 40 feet between adjacent mobile homes and any other structures in the mobile home park;

   d. Minimum of 20 feet from rear site lines; and

   e. Minimum of 5 feet from side site lines.

6. No internal road, parking lot, recreation area or storage facility for fuels, supplies or equipment shall be located within 50 feet of a property line in common with adjoining property external to the mobile home park and abutting a public road.

7. Site sizes in subsection 2 above may be reduced to 7,500 square feet, minimum, in special cases, where compensating open space or recreational space is provided equal to the reductions allowed. In such cases, the site width minimum in subsection 3 above may be reduced to 60 feet and site depth minimum in subsection 3 above may be reduced to 125 feet.

8. There shall be no more than one mobile home per site.

Section 725. Mobile Home Park Entrances

1) Entrances shall be located directly opposite or at least 200 feet from the nearest intersection of public roads, if any, and at least 150 feet from any other entrances to the park.

2) Entrances shall have sufficient width and turning radii to allow reasonable turning movements of vehicles with mobile homes attached and of service or delivery vehicles.

3) Entrances shall be located to allow safe line-of-sight distances to and from their points of intersection with the public road.

4) Entrances from County and State highways must be approved by the County or State Department of Transportation, respectively.

Section 730. Mobile Home Park Access Roads

1) The term "access road "as used herein means that portion of the privately owned road serving a mobile home park which is located within 150 feet of a public road. All other portions of the privately owned road located with in a mobile home park are "internal roads".

2) Internal roads and access roads shall be privately owned and maintained and shall provide for the safe and convenient movement of vehicles, with or without mobile homes attached.

3) Access roads connecting public roads with internal roads shall be required in any mobile home park with 3 or more mobile home sites, and at least 2 independent points of access on to a public road shall be required to serve any park having 20 or more mobile home sites.

4) Access roads shall intersect public roads at right angles and at compatible grades.

5) All internal roads and access roads shall be designed, graded, leveled, and surfaced so as to permit the safe passage of emergency and other vehicles at a speed of 15 miles per hour.

6) All sites shall face on and be serviced by internal roads.

7) Cul-de-sacs with a minimum turning radius of 90 feet shall be provided in lieu of closed end roads.

8) All internal roads and access roads shall have a minimum 30 foot right-of-way, 20 feet of which shall be surfaced in a manner to be determined by the Town Board.

Section 740. Mobile Home Park Design Standards

1) Easily accessible and usable open spaces shall be provided in all parks. Such open space shall have a total area equal to at least 15% of the gross land area of the park and shall be fully maintained by the park owner. Part or all of such space shall be in the form of developed recreation areas to be usable for active recreation purposes.

2) A hard surfaced pedestrian walkway of at least 4 feet in width shall be provided along and at least 5 feet from each access road between the entrance to the public highway and either the first unit or such location within the park as may be required to assure pedestrian safety.

3) Water supply and sewage disposal systems shall be designed and constructed in compliance with all County and New York State Health Department and Environmental Conservation Department requirements.

4) Storage facilities shall be provided which shall provide 125 cubic feet of secure storage space for each mobile home. Such facilities may either be located on each site or be a permanent structure within the park which is easily accessible to the park residents at all times.

5) Service buildings, if provided, housing sanitation facilities and/or laundry shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.

6) Access and internal roads, driveways, walkways, storage areas, and service buildings shall be adequately lighted to allow for the safe movement of vehicles and pedestrians at night. A minimum lighting level of 0.3 foot candles shall be provided.

7) Storm drainage improvements shall safely and adequately drain the internal roads, access road and sites.

Section 745. Mobile Home Park Operations

1) The operator shall maintain an office in the immediate vicinity of the mobile home park.

2) The operator shall operate the mobile home park in compliance with the standards set forth in this law and shall provide adequate supervision to maintain the mobile home park, its common grounds, roads, facilities and equipment in good repair and in a neat and sanitary condition.

3) A list of operator and occupant responsibilities shall be posted in the mobile home park office or made available upon request.

4) All receptacles, including cans and dumpsters, shall be kept in a sanitary condition at all times. It shall be the responsibility of the operator to ensure that garbage and rubbish shall be collected and properly disposed of outside of the park. All areas of the park shall be maintained free from organic and inorganic material that might become a health, accident or fire hazard.

5) The operator shall place or supervise and be responsible for the placement of each mobile home on its mobile home pad, which responsibility includes ensuring its stability by securing all tie downs and installing all utility connections.

6) Occupants shall be responsible for the maintenance of personal mobile homes and any appurtenances thereto, and shall keep all personal yard space in a neat and sanitary condition.

7) Recreational camping vehicles shall not be used for residential purposes, whether permanently or temporarily, in any mobile home park. Travel trailers shall not be parked in any mobile home park.

8) The operator shall maintain a register containing the names of all occupants and the make, year, and serial number, if any, of each mobile home. Such register shall be available to any authorized person inspecting the mobile home park.

9) No open fires shall be permitted any place within the mobile home park with the exception of outdoor grills used for the preparation of foods.

Section 750. Campground Design

1) Each campground shall have adequate access to a public road, and each campsite shall be serviced from interior roadways.

2) All buildings and campsites shall have a front yard setback of 150 feet from the road line. All front yards shall be seeded and adequately landscaped to provide screening from the road.

3) Campsites designated for overnight use only shall be 2,000 square feet minimum. All other campsites shall be 4,000 square feet minimum.

4) A minimum of 10% of the total area of the campground, not including the required setback, shall be dedicated to a recreation area and shall be fully maintained by the campground owner.

5) Campsites shall be located on generally level terrain, not to exceed 8% slope, that is well drained, free of flood hazard and clear of dense brush.

6) The corners of each campsite shall be clearly and permanently marked, and each site numbered for identification.

7) Where the campground terrain is adequate, "pull-through" sites shall be provided.

8) Sanitary sewage disposal, water supply and all other improvements shall meet the requirements of Chapter 1, Part 7 of the New York State Sanitary Code, as amended, and all other state, county and town requirements.

9) Campgrounds shall be provided with a building containing at least one automatic washing machine, and unless admission to the campground is restricted to recreation camping vehicles with these facilities, one toilet, lavatory and shower for each sex, for each 20 campsites.

10) At least one public telephone shall be provided in each campground.

Section 755. Campground Operations

1) The owner or manager of a campground shall maintain an office in the immediate vicinity of the campground and shall maintain accurate records of the names of campground residents; home address; and make, description, year and license or identification number of the recreation camping vehicle. These records shall be available to any law enforcement official.

2) Mobile homes shall not be parked, whether permanently or temporarily, in any campground.

ARTICLE 8 (Intentionally left blank)

ARTICLE 9. PARKING AND LOADING

Section 910. General Parking and Loading Requirement

All uses shall be provided with off-road parking. Commercial and industrial uses shall also provide off-street loading facilities.

Section 920. Non-conforming Parking and Loading Situations

All uses with non-conforming parking or loading situations shall comply with the requirements of this Article if one or more of the following conditions occurs:

1. The use changes.
2. The use expands its gross floor area by 20% or more.
3. The use is destroyed and seeks to be reestablished.
4. The use is discontinued for a period of 6 months or longer and seeks to be reestablished.

Section 930. Specific Parking Requirements

The total number of parking spaces required shall be the sum of those required for the use plus employee and handicap, as required by the New York State Fire Prevention and Building Code. Parking requirements for specific uses are as follows:

Number of Parking Spaces	Per
2	Dwelling unit
1	3 seats in place of assembly
1	Employee at place of employment
1	100 square feet of home occupation floor area
3	Motel and transient facilities
1	Guest room in motels and transient facilities
1	200 square feet of retail, office and service uses
1	Vehicle or employee in wholesale uses
1	1500 square feet of floor area for wholesale uses

For uses that do not fit the chart above, the number of spaces shall be determined by the Approving Board. The Approving Board may consult with the Town Engineer to determine the required parking number through use of the ITE Parking Generation Manual.

Section 940. Parking Area Requirements

1. A parking space shall be not less than 10 feet by 20 feet exclusive of access ways and driveways. Parking spaces for the handicapped shall be 10 feet by 20 ft., with a 5 ft. wide access aisle to one side, and shall be demarked by appropriate signage and pavement markings (if paved lot) A required parking driveway shall be not less than 24 feet clear in width for two way traffic, except for one-family and two-family residential uses. Parking arrangements using one way traffic may be considered by the Approving Board, after review and recommendation by the Town Engineer.

2. Off-road parking may be located off-site but must be within 500 feet of the site. Proof of a legal right to use the off-site location must be submitted.

3. No nonresidential or multiple-family dwelling parking area shall be located within 10 feet of a side or rear lot line, or within 5 feet of an improved road surface.

4. To the greatest extent possible, all parking areas for nonresidential and multiple-family dwelling uses shall be located behind the facility and out of roadside view. Where parking areas must be located in side or in front yards adjacent to public roads, and where parking must be located adjacent to residential areas, appropriate buffering, landscaping or visual barriers shall be provided.

5. Landscaping shall be provided around parking areas which shall be designed to break up the visual impact of such areas. Plantings shall be designed to provide adequate site distances to vehicles entering and exiting the site. When large areas are to be paved, parking rows shall be designed with the landscaping inter-spaced within the paved area.

6. All parking areas for nonresidential and multiple-family dwelling uses shall be designed to allow vehicles to exit front first onto roads.

7. One parking area may contain required spaces for more than one use. The required spaces assigned to one use may not be credited to another use, except where the uses operate at different times. A parking covenant shall be executed.

8. All parking areas shall be surfaced with dust inhibiting materials. The requirement for asphalt parking areas shall be made on a case by case basis by the Approving Board.

9. No portion of any parking space shall extend in to a road right-of-way.

10. At the end of a dead end parking driveway, the driveway shall extend a minimum of 5 feet beyond the last parking space.

11. All parking spaces must be useable, in that they must have access from a driveway, room to back out, and be free of obstructions that affect the use of the space.

12. "Overflow" parking may be considered on a case by case basis by the Approving Board, as an alternative to providing a portion of parking spaces required by the Zoning Law.

Section 950. Off-road Loading Facilities

Sufficient off-road loading facilities shall be provided for each commercial or industrial establishment and shall be so arranged as not to interfere with pedestrians, motor traffic on public roads or with parking spaces or parking driveways. Off-road loading facilities shall be located to the rear of structures where practicable, and shall otherwise be located to the side of structures. All facilities shall be appropriately screened as required of parking areas.

ARTICLE 10. SIGNS

Section 1005. Obstructions

No sign shall obstruct by physical or visual means any fire escape, window, door or any opening providing ingress or egress designed for fire or safety equipment, any passageway from part of a structure or roof to another portion thereof or any opening required for ventilation or which is required to remain unobstructed by any applicable law.

Section 1010. Hazard to Public Safety

Sign which by either use of illumination of color, design or placement, tend to confuse, detract from or in any other way obstruct the utilization of traffic regulatory devices are prohibited. All determination of this type shall be made by the Code Enforcement Officer who shall consider, but not be limited to the following:

1. The use of words such as "stop, go, look, caution, danger and warning" and similar nomenclature.

2. The use of colors and lights in the spectrum of colors utilized by traffic regulatory devises.

3. The use of blinking , intermittent flashing or other animated forms of illumination or light and all sources of illumination which through direct or indirect means create glare.

Section 1015. Sign Limitations

A. Purpose - This section is intended to regulate the signs that normally advertise the name and/or the principal use(s) located on a property, and are not intended to regulate the following types of signs:

1. Regulatory Traffic Signs
2. Property "For Sale" Signs
3. Temporary Sale Signs
4. Window Display Signs
5. Political "Vote For" Signs – displayed for no more than 30 days
6. Directional Signs
7. Entry/Exit Signs
8. Lost/Found Signs

B. Number of Signs – One freestanding street sign per business frontage (two allowed on corner lot), plus one wall mounted sign per business frontage(two allowed on corner lot), exclusive of other signs listed in Section 1015 (A).

C. Location of Signs –

1. Street Signs - to be located in the front yard of the parcel (out of the public right-of-way), in a location that does not interfere with sight distance for entering/exiting vehicles or vehicles on the public roadway.

2. Wall Mounted Signs – Located generally on the front of the building (or that face of building more visible to the public). Roof mounted signs are not allowed in any district.

D. Size of Sign (in square feet)

PLACEMENT	H	W	R-1[1]	R-2[1]	CR	C	CI
Street Sign	32	32	6	6	84	84	84
Wall Mounted Sign	32	32	6	6	48	48	48

E. Sign Height – The height of signs in all districts shall not exceed 20 feet from the ground level to the base of the signage area.

F. Sign Construction - All signs shall be constructed to resist overturning and to avoid hazards to property and the public.

Section 1020. Sign Permitting Process

A. Signs that follow the limitations of Section 1015 are allowed as of right. Those signs exceeding the limitations of Section 1015 require a special permit from the Town Board.

B. The specifics of all new signs regulated by this Article (number, location, size, height, lighting) to be installed on a property shall be submitted with the application for site plan or special permit review.

C. Permanent revisions to existing signs are to be reviewed for conformance with this Article and approved by the Code Enforcement Officer, subject to coordination with the Planning Board, if deemed necessary by the Code Enforcement Officer.

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[1] For Home Occupation Signs see Section 640(2) of this law.

Section 1030. Sign Maintenance

The Code Enforcement Officer shall order the removal or repair of any sign not kept in good condition. In making such a determination, the Code Enforcement Officer shall consider, but need not be limited to, the following elements: defective lighting; broken, loose or missing parts; illegibility, or any condition that may constitute a safety hazard.

Section 1035. Sign Removal

The Code Enforcement Officer shall order the removal of any sign that has been abandoned. In making this determination, the Code Enforcement Officer shall consider, but need not be limited to, the following elements: the period of non-use of the activity, business or subject matter advertised by the sign exceeding a period of six months; non-conformance with this Article; and condition of the sign.

ARTICLE 11. SITE PLAN REVIEW

Section 1105. Authority

The Planning Board is hereby authorized to review and approve, approve with modifications, or disapprove site plans pursuant to Town Law Section 274-a and in accordance with the standards and procedures set forth in this law.

Section 1110. Applicability

The Planning Board shall approve a site plan for all uses designated as requiring site plan review prior to the issuance of a zoning permit or a certificate of compliance by the Code Enforcement Officer.

Section 1115. General Review Criteria

All site plans shall comply with the following general review criteria:

1) that the site is designed in the interests of the public health, safety, welfare, and comfort and convenience of the public in general, the residents of the proposed development, and the residents of the immediate surrounding area;

2) that the site is designed so as to be in harmony with the comprehensive plan for the community;

3) that parking areas are adequate for the intended level of use, and arranged and screened so as to minimize negative impacts on adjacent properties;

4) that access to the site is safe and convenient and relates in an appropriate way to both the internal circulation on the site and public road system;

5) that the internal traffic circulation will provide safe vehicular and pedestrian movement and emergency access to all developed portions of the site;

6) that the site is suitably landscaped, and appropriately screened from adjacent properties and the road so as to protect the visual character of the area and to minimize negative impacts on adjacent properties and the neighborhood;

7) that any activities on the site which are incompatible with adjacent properties are suitably buffered so as to minimize negative impacts on such adjacent properties;

8) that signs, site lighting, and the locations of all buildings and structures are in keeping with the character of the neighborhood;

9) that any changes to existing drainage patterns, or increased drainage due to development activity have no significant adverse impacts on adjacent or down steam properties;

10) that proposed water supply and sewage disposal facilities are adequate; and

11) that development activity complies with all other standards and requirements of this law.

Section 1120. Site Plan Application

The Code Enforcement Officer shall refer any application for a zoning permit which requires a site plan review to the Planning Board. An application for a site plan review shall be filed with the Planning Board, and the appropriate fee as determined by the fee schedule adopted by Town Board resolution shall be paid to the Town Clerk. The application shall include two original stamped plans and eight(8) copies thereof. A complete application shall include the following:

1) Name and address of applicant and owner, if different, and of the person responsible for preparation of drawings;

2) Date, north point, written and graphic scale;

3) Boundaries of the site plotted to scale, including distances, bearings, and areas;

4) Location map showing the site in relationship to the town;

5) Location and ownership of all adjacent lands as shown on the latest tax records;

6) Location of all zone district boundaries;

7) Location, name, and existing width of adjacent roads;

8) Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use or adjoining the property;

9) Complete outline of existing or proposed deed restrictions or covenants applying to the property;

10) Existing hydrologic features together with a grading and drainage plan or report as recommended by the Town Engineer and this Law;

11) Topography – maps provided to the Town for review shall include:

- All planimetric features on and adjacent to the property;

- Existing public utilities along adjacent roadway and on property (well, septic, etc.)
- Existing easements and rights-of-way;
- Existing and proposed contours at an accuracy of two foot intervals in areas to be disturbed by the project. Spot elevations shall be shown in level areas to indicate direction of slope. The Approving Board or Town Engineer may request one foot interval accuracy if the project is such that two ft. contours do not indicate slope of the land.;
- Five ft. contour accuracy may be used to show general topography on the remainder of the property unaffected by the proposed use.

12) Location, proposed use, and height and dimensions of all existing and proposed structures including the number and distribution by type of all proposed dwelling units, and the designation of the amount of gross floor area and gross leasable area proposed for retail sales and services, office and other commercial or industrial activities;

13) Location and design of all parking and loading areas including access and egress drives and fire lanes and emergency access areas;

14) Provision for pedestrian access, including public and private sidewalks;

15) Location of outdoor storage;

16) Location and design of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences;

17) Description of the method of securing public water supply and disposing of sewage, and the location and design of such facilities;

18) Location and design of all energy distribution facilities, including electrical, gas, and solar energy;

19) Location, size and design of all proposed signs;

20) Location and design of outdoor lighting facilities;

21) General landscaping plan and planting schedule, including the location and proposed development of all buffer areas;

22) Erosion and sediment control plan conforming to the standards and practices contained in the USDA Soil Conservation Service *Engineering Field Manual* (EFM) and New York *Guidelines for Urban Erosion and Sediment Control*, or other erosion and sediment control manual recognized by the Planning Board;

23) An agricultural data statement pursuant to Town Law Section 283-a, when the site is located within 500 feet of an agricultural district;

24) A statement of the nature and extent of the interest of any state employee, or officer or employee of the town in the applicant pursuant to General Municipal Law Section 809, when applicable;

25) An environmental assessment form (EAF) and, when applicable, a draft environmental impact statement (EIS) pursuant to 6 NYCRR Part 617;

26) Fees as required by Town Board resolution.

27) Other elements integral to the proposed development as considered necessary by the Planning Board.

28) All site plans shall be submitted on 22" x 34" prints for review. The applicant may also submit half size prints (reduced from the full 22" x 34" prints), on 11" x 17" paper if allowed by the Approving Board. Other size prints may be considered on a case by case basis by the Approving Board.

Section 1125. Waiver of Submission Requirements

The Planning Board may waive by written resolution any of the submission requirements listed in Section 1120 above where it deems that the information is either not applicable or is unnecessary to a particular site plan review.

Section 1130. Environmental Impact Review

The applicant shall be responsible for the completion of the environmental assessment form (EAF) submitted with each application for site plan review. The Planning Board shall be responsible for compliance with 6 NYCRR Part 617 (State Environmental Quality Review Act regulations) in cooperation with other involved agencies in the review of any site plan.

Section 1135. Review of Application

Upon a determination by the Planning Board that the application for a site plan review is complete, the board shall review the site plan taking into consideration the objectives for site plan review as outlined in Section 1115 above, and all other requirements of this law. As necessary, the Planning Board will refer the site plan to the Town Engineer for review.

Section 1140. Area Variance

If during the course of the review, the Planning Board determines that a site plan approval requires an area variance as defined by Town Law Section 267-a, the Planning Board may refer the application and site plan to the Zoning Board of Appeals for the consideration of such variance.

Section 1145. Public Hearing

The Planning Board shall conduct a public hearing for all site plan reviews. Such public hearing shall be conducted within 62 days of the receipt of the completed application for a site plan review and shall be advertised at least five days before the hearing in a newspaper in general circulation in the town. A notice of the hearing shall be mailed to the applicant at least 10 days before the hearing.

Section 1150. Waiver of Public Hearing

The Planning Board may waive, by written resolution, the public hearing. Such waiver shall not be allowed in any one of the following circumstances:

1) the use or structure is over 10,000 square feet of floor or ground area;

2) the structure is over 40 feet in height;

3) the use requires an increase or change in public water supply facilities, sewerage facilities, drainage facilities, sidewalks, roads, curbs, gutters, or other public improvements;

4) the use is determined by the Planning Board to be of a controversial nature; or

5) the applicant has requested a public hearing.

Section 1155. Final Action by Planning Board

1) Within 62 days of the public hearing, or within 62 days of the acceptance of a complete application by the Planning Board where such hearing has been waived pursuant to Section 1150 above, the Planning Board shall act on the site plan. The time within which the Planning Board must render its decision may be extended upon mutual consent of the applicant and the Planning Board. The action of the Planning Board shall be in the form of a written resolution stating whether the site plan is approved, approved with modifications, or disapproved. In its approval, the Planning Board shall have the authority to impose such reasonable conditions and restrictions on the issuance of a zoning permit for the application as are directly related to and incidental to a proposed site plan. The decision of the Planning Board shall be filed in the office of the town clerk within five business days of the written resolution, and a copy shall be mailed to the applicant.

2) If the site plan is approved, and upon payment by the applicant of all fees and reimbursable costs due the town, the Planning Board shall endorse its approval on a copy of the application and site plans.

3) If the site plans are approved with modifications, the Planning Board shall specify in the written resolution all modifications to be made. Upon payment by the applicant of all fees and reimbursable costs due to town, and upon approval of the modified application and site

plans, the Planning Board shall endorse its approval on a copy of the application and site plans.

4) If the site plans are disapproved, the written resolution shall contain the reasons for such findings.

Section 1160. Modifications for Approved Site Plans

1. An approved Site Plan is related to the property location, not the property owner. If the ownership of a property changes hand, a new Site Plan is not required. The new property owner will be noted in the Town's Code Enforcement records.

2. Proposed modifications of site features (buildings, parking, driveways, etc.) on properties having an approved Site Plan shall proceed under the following guidelines:

a. A revised Site Plan and Site Plan Modification Application shall be submitted to the Town Code Enforcement Office.

b. The applicant shall meet with the Code Enforcement Officer to explain the requested modifications.

c. The Code Enforcement Officer, and as required the Town Engineer, shall review the Site Plan Modification Application, along with the original Site Plan application file, to determine whether there are any potential significant impacts related to the proposed modification, or whether the modification changes any previous condition of approval.

d. The Code Enforcement Officer or Town Engineer will prepare a summary memo that explains the modification requested, the results of the Town's review and recommendation for decision on the application. The memo will be filed in the Site Plan file for the property, with copies to the Town Supervisor and Planning Board Chairman.

e. Applications that would not result in significant impacts or change previous conditions of Site Plan approval, as determined by the Codes Enforcement Officer and/or Town Engineer, may be approved administratively by the Codes Enforcement Officer.

f. Application which, upon review, could result in significant impacts, that change previous conditions of approval, or change the original SEQR finding for the Site Plan will be referred for review and final action on the application per Article 11 of this Law.

ARTICLE 12. SITE PLAN REVIEW STANDARDS

Section 1210. Site Review Standards

All site plans reviewed by the Planning Board pursuant to Article 11 shall conform to the standards established below .

Section 1220. Access

Access to all sites shall be consistent with the standards set forth in *Policy and Standards for Entrances to State Highways*, as revised, published by the New York State Department of Transportation.

Section 1230. Site Lighting

1. Exterior site lighting shall be planned, erected, shield. And maintained so the light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way.

2. Light levels at lot lines or road lines adjoining either residentially developed land or H, W, R-1, R-2, or CR zones shall not exceed 0.6 foot-candles, measured at ground level. High intensity lighting shall not be permitted.

3. No illumination source (lamp) shall be placed higher than 15 feet off the ground in H, W, R-1 or R-2. No illumination source (lamp) shall be directly visible from adjacent properties or public rights-of-way. All illumination sources shall be appropriately shielded.

4. Architectural lighting shall be shielded and developed as necessary to adequately promote business operation and public safety. Flood lighting and dramatic landscape lighting shall be minimized and used only for specific effects as noted by the developer on the lighting plan.

Section 1240. Screening of Storage and Collection Areas

1. Open storage areas, exposed machinery, and outdoor areas used for the storage and collection of rubbish, shall be visually screened from roads and surrounding land uses. The Planning Board may relax or modify the visual screening requirement in appropriate cases, such as between adjacent industrial or manufacturing uses.

2. Suitable types of screening include opaque and semi-opaque wood fences (such as board on board) and dense, mixed evergreen and deciduous hedges of a height necessary to screen the intended use. The screening shall be sufficient to screen the site in all seasons.

3. In locations where potential health or safety hazards may arise, such as rubbish storage/collection areas, a solid wooden fence, 6 feet in height is required to deter children and animals from entering the premises. Where new fencing would create a continuous surface greater than 10 feet in length, the visual expanse of bare fence shall be alleviated by plant groupings, consisting of mixed evergreen and deciduous shrubs and trees.

Section 1250. Continuation of Streetscape

In H, W, R-2, and C zones, all multiple-family uses and nonresidential uses shall provide sidewalks, street trees and planted areas along roads in keeping with the pattern established for the road and neighboring properties. Upon request of the applicant to waive one, some or all of these features, the Approving Board will determine which, if any, of these features could be waived.

Section 1260. Buffer Area Requirements

1. Side and rear yard buffer areas shall be required as a landscape and utility area in the following circumstances:

    a. Where a nonresidential use in a C or CI zone abuts any land in an H, W, R-1, R-2 or CR zone.

    b. Where a nonresidential use in an H, W, R-1, R-2, or CR zone abuts a residential use in an H, W, R-1, R-2, or CR zone.

2. Buffer areas shall be of a width and landscaping as is determined by the Planning Board to be required to mitigate the impacts of objectionable lights, noise, smoke, odor, and aesthetics. The buffer area between a non-residential use and a residential use shall be at least 5 feet.

3. Buffer area landscaping shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grassed areas and ground cover. At a minimum, one shade tree at least 8 feet in height and at least 2 inches in diameter measured at a point 6 inches above finished grade level shall be planted no nearer than 3 feet to any lot line, for each 500 square feet of required landscaped area; and one deciduous shrub or evergreen shall be planted for each 200 square feet of required landscaped area.

Section 1270. General Landscaping and Screening Requirements

1. Landscaping and screening plans shall specify the types of vegetative materials, planting schedule and minimum sizes, and shall be designed to provide suitable cover within 3 years of time of installation. Material will be selected to provide year-round coverage suitable to the climate.

2. All vegetation shall be maintained in a healthy state and condition by the owner, with ground cover or grassed areas, and damaged and dead shrubs and trees shall be removed and replaced at the property owner's expense.

Section 1280. Storm Water and Erosion Control

1) Storm Water Control: While the Town reserves the right to establish particular parameters for each individual application, the general approach to storm water control desired by the Town is that no proposed development shall discharge more storm water into adjacent culverts and channels than would occur under the natural, undeveloped condition. In addition, the proposed development shall not block or impede the storm water from upstream areas that naturally drain to the developed area. The following are guidelines for the design of storm drainage facilities to be included, if requested by the Town Board or Planning Board, as part of a special use permit or site plan application:

Design Frequencies: Storm sewer system: 5-yr storm.

Detention system: 50-yr storm with provisions for control of the 2-yr storm, and overflow of the 100-yr storm.

The control of storm water to prevent the increase in drainage to downstream properties and facilities shall be done by providing sufficient detention of the storm water on site. Alternate methods of controlling water may be used, and are subject to the approval of the appropriate Board.

Calculations shall be based on any of the recognized methods commonly used for storm drainage calculations

Calculations for existing and developed conditions shall account for all existing storm water from off-site areas that drains to the proposed development.

For calculation of storm water drainage that affects existing or proposed Town-owned drainage facilities, refer to the Town Highway Construction Specifications for more information.

If required by the Town Board or Planning Board, a drainage report, consisting of text that describes the drainage design, calculation for the design and a map showing drainage areas, existing drainage facilities and proposed drainage facilities shall be submitted with the application for development.

2) Ownership of Stormwater Management Facilities: All onsite stormwater management facilities (catch basins, pipes, ponds, etc.) located outside the public right-of-way shall be owned and maintained in operating condition by the property owner. Alternative plans for ownership and maintenance of stormwater facilities may be considered by the Town Board.

3) Erosion Control: Applications for special use permit or site plan approval shall address the requirement for the potential of soil erosion. For significant development, development near environmentally sensitive areas, or as ordered by the Town Board or Planning Board, erosion and sediment control measures will be required. All erosion and sediment control measures shall be in

accordance with the New York Guidelines for Urban Erosion and Sediment Control (10/91, and as amended), and shall be shown on the site plan.

ARTICLE 13. SPECIAL USE PERMIT

Section 1305. Authority

The Town Board is hereby authorized to review and approve, approve with modifications, or disapprove special uses in accordance with the standards and procedures set forth in this law.

Section 1310. Applicability

All uses designated as requiring a special use permit shall be approved by the Town Board prior to the issuance of a zoning permit or a certificate of compliance by the Code Enforcement Officer.

Section 1315. Special Use Objectives

1. In considering and acting on special uses, the Town Board shall consider whether or not the use is in the best interests of the public health, safety, welfare, and comfort and convenience of the public in general, the residents of proposed development, and the residents of the immediate surrounding area.

2. The Town Board may attach to the approval of a special use permit such conditions and safeguards as it deems necessary or appropriate to further the following objectives:

    a. *Compatibility:* That the proposed use is of a character compatible with the surrounding neighborhood and in harmony with the comprehensive plan for the community, and will have no undue adverse impact upon the natural environment or the character or integrity of any unique culturally, historically, or architecturally significant land use.

    b. *Public Facilities:* That the public facilities required to service the proposed use, including water supply, sewage disposal, drainage facilities, and road facilities, and any other utilities and public services are adequate for the intended level of use; and

    c. *Other Requirements:* That the proposed use complies with all requirements of this law.

Section 1320. Application

Applications for special use permit shall comply with the same provisions as have been set forth in Section 1120 of this law for site plan reviews.

Section 1325. Waiver of Submission Requirements

The Town Board may waive, by written resolution any of the submission requirements listed in Section 1120 of this law where it deems that the information is either not applicable or is unnecessary to a particular special use review.

Section 1330. Environmental Impact Review

The applicant shall be responsible for the completion of an environmental assessment form (EAF) submitted with each application for a special use permit. The Town Board shall be responsible for compliance with 6 NYCRR Part 617 (State Environmental Quality Review Act regulations) in cooperation with other involved agencies in the review of any special use.

Section 1335. Referral to Town Planning Board

Upon a determination by the Town Board that the application for a special use permit is complete, the board shall refer the application to the Town Planning Board for its consideration. The Town Planning Board shall make its recommendation on the approval, approval with modifications, or disapproval of the special use permit to the Town Board within 45 days of the Town Board referral.

Section 1340. Town Planning Board Recommendation

The Planning Board recommendation on the special use permit may include, but shall not be limited to means of compliance with the criteria for site plan review as outlined in Section 1115 of this law, the special use objectives of Section 1315 of this law, and any other requirements of this law. The Planning Board may recommend such conditions or restrictions as it deems necessary or appropriate to ensure compliance the comprehensive plan and the provisions of this law.

Section 1345. Town Board Review

Upon a determination by the Town Board that the application for a special use permit is complete, the board shall review the application taking into consideration compliance with the criteria for site plan review as outlined in Section 1115 of this law, the special use objectives of Section 1315 of this law, and all other requirements of this law.

Section 1350. Area Variance

If during the course of the review, the Town Board determines that a site plan approval requires a area variance as defined by Town Law Section 267-a, the Town Board may refer the application and site plans to the Town Zoning Board of Appeals for the consideration of such variance.

Section 1355. Public Hearing

The Town Board shall conduct a public hearing on each special use permit application before making a final determination. Such public hearing shall be conducted within 62 days of the receipt of the completed application for a special use review and shall be advertised at least five days before the hearing in a newspaper in general circulation in the town. A notice of the hearing shall be mailed to the applicant at least 10 days before the hearing.

Section 1360. Final Action

1. Within 62 days of the public hearing the Town Board shall act on the application. The time within which the Town Board must render its decision may be extended upon mutual consent of the applicant and the Town Board. The action of the Town Board shall be in the form of a written resolution stating whether the application was approved, approved with conditions or modifications, or disapproved. In its approval, the Town Board may impose such reasonable conditions and restrictions on the issuance of a zoning permit for the application as are directly related to and incidental to a proposed use. The decision of the Town Board shall be filed in the office of the town clerk within five business days of the written resolution, and a copy shall be mailed to the applicant.

2. If the application is approved, and upon payment by the applicant of all fees and reimbursable costs due the town, the Town Board shall endorse its approval on a copy of the application.

3. If the application is approved with conditions or modifications, the Town Board shall specify in the written resolution all conditions or modifications imposed. Upon payment by the applicant of all fees and reimbursable costs due the town, and upon approval of the modified application, the Town Board shall endorse its approval on a copy of the application.

4. If the application is disapproved, the written resolution shall contain the reasons for the Town Boards determination.

Section 1365. Modifications for Approved Special Use Permits

1. An approved Special Use Permit is related to the property location, not the property owner. If the ownership of a property changes hand, a new special use permit is not required. The new property owner will be noted in the Town's Code Enforcement records, and the existing or ongoing site requirements stemming from the original Special Use Permit will be discussed with the new owner.

2. When a new primary use for the property is proposed, either by the existing property owner or a new owner, which requires a Special Use Permit under this law, new Special Use Permit application will be required. The application will be processed in accordance with Article 13 – Special Use Permit.

3. Proposed modifications of site features (buildings, parking, driveways, etc.) on properties having an approved Special Use Permit shall proceed under the following guidelines:

a. A revised Site Plan and Site Plan Modification Application shall be submitted to the Town Code Enforcement Office.

b. The applicant shall meet with the Code Enforcement Officer to explain the requested modifications.

c. The Code Enforcement Officer, and as required the Town Engineer, shall review the Site Plan Modification Application, along with the original Site Plan application file, to determine whether there are any potential significant impacts related to the proposed modification or change to previous conditions of approval.

d. The Code Enforcement Officer or Town Engineer will prepare a summary memo that explains the modification requested, the results of the Town's review and recommendation for decision on the application. The memo will be filed in the Special Use Permit file for the property, with copies to the Town Supervisor and Planning Board Chairman.

e. Applications that would not result in significant impacts or changes to previous conditions of approvals, as determined by the Codes Enforcement Officer and/or Town Engineer, may be approved administratively by the Codes Enforcement Officer.

f. Application which, upon review, could result in significant impacts, changes to previous conditions of approval, or change the original SEQR finding for the Special Use Permit will be referred to the Town Planning Board for review, and then to the Town Board for review and final action on the application.

ARTICLE 14. COMMUNICATION TOWERS

Section 1410. Intent

The Town of Hastings recognizes the increased demand for wireless communications transmitting facilities and the need for the services they provide. Often these facilities require the construction of communications towers. The intent of this Article is to protect the Town's interest in siting towers in a manner consistent with sound land use planning by:

1. Minimizing visual effects of towers through careful design, siting and vegetative screening;

2. Avoiding potential damage to adjacent properties from tower failure or falling debris through engineering and careful siting of tower structures; and

3. Maximizing use of any new or existing tower and encouraging the use of existing buildings and/or structures to reduce the number of towers needed;

While also allowing wireless service providers to meet their technological and service objectives for the benefit of the public.

Section 1420. Approvals Required for Telecommunications Facilities

1. **Co-Located Antennas**- Telecommunications Facilities comprised of Co-located Antennas (and Accessory Structures) shall be permitted in any district upon the issuance of a building permit in accordance with the standards set forth in this Law.

2. **New Towers**- Telecommunications Facilities requiring construction of a new Tower also shall be deemed a permitted use in any district, but shall require the following permits and/or approvals:

(a) On municipal or government owned property at any height, a Tower shall be permitted upon the issuance of a building permit in accordance with the standards set forth in this Law.

(b) In CR, C and CI districts where the proposed Tower location is more than 500 feet from any adjoining residential use and the proposed Tower is 150 feet or less in height, Site Plan approval from the Planning Board shall be required in accordance with the standards set forth in Section 1115 and Section 1440 of this Law.

(c) In all other districts, locations and heights greater than 150 feet in CR, C and CI districts, Telecommunications Facilities requiring construction of a new Tower shall require approval of a Special Use Permit from the Town Board in accordance with the standards set forth in Section 1315 and Section 1440 of this Law.

Section 1430. Application Materials and Supporting Documentation

1. For each Telecommunications Facility requiring only a building permit, the applicant shall submit a written application and such other supporting materials as generally required for such permit in this Law.

2. For each Telecommunications Facility requiring a Site Plan approval or Special Use Permit, the applicant shall submit a written application for such permit to the appropriate Board on a form prescribed by that Board.

3. Each applicant for Telecommunications Facility, other than a Telecommunications Facility requiring only the issuance of a building permit, shall submit a full Environmental Assessment Form, with Visual Addendum, and an analysis demonstrating that location of the Telecommunications Facility as proposed is necessary to meet the frequency reuse and spacing

needs of the applicant's telecommunications system and to provide adequate service and coverage to the intended area. In addition, each applicant shall submit a site plan prepared to scale and in sufficient detail and accuracy showing at a minimum:

(a) The exact location of the proposed Telecommunications Facility and/or Tower, together with any guy wires and guy anchors, if applicable;

(b) The maximum height of the proposed Telecommunications Facility and/or Tower;

(c) A detail of Tower type (mono-pole, guyed, free-standing or other);

(d) The location, type and intensity of any lighting on the Tower;

(e) Property boundaries and names of adjacent land owners;

(f) Proof of the landowner's consent if the applicant does not own the property;

(g) The location of all other structures on the property and all structures on any adjacent property within ten (10) feet of the property lines, together with the distance of those structures to any proposed Tower;

(h) The location, nature and extent of any proposed fencing, landscaping and/or screening; and

(i) The location and nature of proposed utility easements and access road, if applicable.

Section 1440. Additional Requirements and Standards

1. The following criteria and additional requirements shall apply to each application for site plan and special use permit approval for a Telecommunications Facility:

   (a) **Setbacks-** All towers shall be setback from all adjacent property lines a sufficient distance to safeguard the general public and/or adjacent property. In the absence of any evidence supporting a greater or lesser setback distance, a setback of a Tower equal to **(1)** from any adjacent residential property line the Tower Height and **(2)** at least fifty (50) feet from any other adjacent property line, shall be deemed adequate. The required setbacks may be decreased in those instances when the applicant has submitted plans for a Tower designed to minimize damage to adjacent properties in the event of a structural failure. Accessory structures and guy anchors must comply with the minimum setback requirements of the underlying district.

(b) **Future Shared Use of Towers-** In the interest of minimizing the number of new Towers, the Planning Board or Town Board may require, as a condition of the respective Boards approval, that the applicant indicate in writing its commitment to co-location of Telecommunications Facilities and that the applicant will design the Tower to have a minimum height and carrying capacity needed to provide future shared usage. The condition for co-location may not be required if the applicant demonstrates that the provision of future shared usage is not feasible or imposes an unnecessary burden based upon (1) the number of Federal Communications Commission (FCC) licenses foreseeably available for the area; (2) the kind of Tower site and structure proposed; (3) the number of existing and potential licensees without Tower space; (4) available spaces on other existing and approved Towers; and (5) potential adverse visual impacts of Towers designed for shared usage.

(c) **Aesthetics-** Telecommunications Facilities shall be located and buffered to the maximum extent which is practical and technologically feasible to help insure compatibility with surrounding land uses. In order to minimize adverse aesthetic effects on neighboring residences to the extent possible, the Planning Board and Town Board may impose reasonable conditions on the applicant, including the following:

(1) The Planning Board and Town Board may require reasonable landscaping consisting of trees or shrubs to screen the base of the Tower and Accessory Structure to the extent possible from adjacent residential property. Existing on-site trees and vegetation shall be preserved to the maximum extent possible.

(2) The Planning Board and Town Board may require that the Tower be designed and sited so as to avoid, if possible, application of Federal Aviation Administration (FAA) lighting and painting requirements, its being generally understood that Towers should not be artificially lighted, except as required by the FAA;

(3) The Tower shall be of a galvanized finish or painted matte gray unless otherwise required by the FAA, and accessory facilities should maximize use of building materials, colors and textures designed to blend with the natural surroundings; and

(4) No Tower shall contain any signs or advertising devices.

(d) **Traffic, Access and Safety**

(1) A road turnaround and two (2) parking spaces shall be provided to assure adequate emergency and service access to the tower site. Maximum use of existing roads, public or private, shall be made. Road construction shall, at all times, minimize ground disturbance and vegetation cutting and road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

(2) All Towers and guy anchors, if applicable, shall be enclosed by a fence not less than six (6) feet in height or otherwise sufficiently secured to protect them from trespassing or vandalism.

(3) The applicant must comply with all applicable State and Federal regulations including, but not limited to, FAA and FCC regulations.

(4) Upon written request from the Town, the applicant shall provide a certification from a qualified, licensed engineer, certifying that the Tower or Telecommunications Facility meets applicable structural safety standards.

(e) **Removal of Obsolete/Unused Facilities-** The applicant shall agree, in writing, to remove the Tower or Antennas if the Telecommunications Facility becomes obsolete or ceases to be used for its intended purpose for twelve (12) consecutive months. Removal of such obsolete and/or unused Tower or Antennas shall take place within twelve (12) months of cessation of use. Such agreement shall also include a commitment by the applicant to impose a similar obligation to remove any unused and/or obsolete Tower or Antennas upon any person subsequently securing rights to co-locate on the Tower or Telecommunication Facility.

2. The following criteria and additional requirements shall apply to each application :

(a) **Height-** the building height regulations established in Section 615 shall not apply to Towers, provided that the applicant submits sufficient information to justify the proposed height as the minimum necessary to achieve its coverage objectives. In no event, however, shall any Tower exceed a height of 250 feet without first obtaining a height variance from the Zoning Board of Appeals.

(b) **Shared Use of Existing Towers and/or Structures-** At all times, shared use of existing Towers and/or structures shall be preferred to the construction of new Towers. An applicant for a Tower approval shall present a report inventorying existing Towers within a reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities as an alternative to a proposed new Tower. The applicant shall submit documentation demonstrating good faith efforts to secure shared use on existing Towers or structures as well as documentation of the technical, physical and/or financial reasons why shared usage is not proposed. Written requests for shared use shall be provided where applicable. The applicant shall also demonstrate efforts to locate a new Tower on the same site as an existing Tower or structure, if it is not co-locating on the existing Tower or structure.

Section 1450. Exemptions

The following types of Telecommunication Facilities are not subject to the provisions of the Article.

1. Antennas used solely for residential household television and radio reception.

2. Satellite antennas measuring two (2) meters or less in diameter.

Section 1455. Repair and Maintenance

Telecommunication Facilities may be repaired and maintained without restrictions.

ARTICLE 15. NONCONFORMITIES

Section 1510. Intent

The intent of this article is to recognize lots, structures and uses of land and structures which legally existed prior to the enactment or subsequent amendment of this law which would be prohibited or unreasonably restricted by the requirements herein. All rights of nonconformity shall continue regardless of the transfer of ownership of non-conforming lots, structures or uses. The person claiming the right to a legal non-conformity, shall have the burden of proving entitlement to legal non-conforming status.

Section 1520. Non-conforming Lots

Any lot legally existing and held under separate ownership prior to the enactment or amendment of this law, and having a width, depth or area less than the minimum requirements set forth in this law, may be developed in conformity with the provisions of this law.

Section 1530. Non-conforming Structures

No structure which by the enactment or amendment of this law is made non-conforming or placed in a non-conforming situation with regard to yard sizes, setbacks, lot coverage, height or any other requirement of this law, other than the use to which it is put, shall be altered so as to increase its nonconformity. If a structure is non-conforming as to use, see Section 1540 below. Any such non--conforming structure may be used for any compatible use listed for the zone in which it is located as designated in this law.

Section 1540. Non-conforming Uses of Land or Structures

Any legal use of land or structures which by the enactment or amendment of this law is made non-conforming may be continued on the premises and to the extent preexisting provided that:

1. no non-conforming use shall be increased in size so as to occupy a greater area of land or floor area than existed at the time of such enactment or amendment;

2. no non-conforming use which has for any reason been abandoned for a period of one year or more shall be re-established; and

3. a special use permit shall be required for any alteration or reconstruction in which a legal non-conforming multi-family residential or nonresidential use is conducted.

Section 1550. Non-conforming Structures Damaged or Destroyed

Any legal non-conforming use or structure, which is damaged or destroyed by fire or other hazard, may be repaired, restored or reconstructed provided that such work is undertaken within one year of the date on which the damage or destruction occurred. No such work shall increase the nonconformity of the use or structure.

Section 1560. Certificate of Legal Nonconformity

The Code Enforcement Officer may issue a certificate of legal nonconformity to the owner of any non-conforming property upon the request of the owner certifying the legal non-conforming status of the property. Such certificate may be issued by the zoning officer upon the owner providing acceptable proof of such legal non-conforming status to the Code Enforcement Officer.

ARTICLE 16. ADMINISTRATION AND ENFORCEMENT

Section 1605. Zoning Permits Required

No land-use activity as listed below shall be carried out until a zoning permit has been issued by the Code Enforcement Officer stating that the proposed building, structure, use of land, or development activity complies with the requirements of this law:

1. Erection, re-erection or movement of a building or structure;

2. Change of the exterior structural dimensions of a building or structure;

3. Change in use of land, buildings or structures through the establishment of a new use, or through the expansion or enlargement of an existing use;

4. The resumption of any use which has been discontinued for a period of 12 months or longer;

5. Establishment or change in dimensions of a parking area for nonresidential or multi-family residential uses;

6. Placement of a sign as regulated in **Article 10** of this law.

Section 1610. Zoning Permit Exemptions

A zoning permit shall not be required for:

1. Accessory structures with less than 140 square feet of ground coverage;

2. Exempt signs listed in **Article 10** of this law;

3. Fences or walls complying with Section 610 of this law;

4. Interior structural alterations or routine maintenance and improvement that does not expand the exterior dimensions of the structure (e.g., roofing, window replacement, siding replacement, etc.);

5. Minor accessory structures such as posts, sidewalks, driveways, flagpoles, playground equipment, etc.;

7. Non-structural agricultural and forest management uses.

Section 1615. Temporary Zoning Permits

Temporary zoning permits may be issued upon approval of the Planning Board for a period not to exceed 6 months for temporary uses and structures incidental to a construction project. Such temporary zoning permit shall be conditioned upon agreement by the applicant to remove any non-conforming uses or structures upon expiration of the permit. The Planning Board may place such appropriate conditions such as posting financial security on the temporary use so as to protect the character of the surrounding area.

Section 1620. Application Procedure for Zoning Permits

1. Applications for zoning permits shall be submitted to the Code Enforcement Officer and shall include one copy of a layout or plot plan showing the actual dimensions of the lot to be used; the size and location on the lot of existing and proposed structures and accessory structures; the setbacks of structures from all lot lines, road lines, mean high water lines of lakes, streams, ponds and wetlands, and any other features of the lot; and such other information as may be necessary to provide for the enforcement of this law. This information, and other relevant application data, shall be provided on forms issued by the Code Enforcement Officer.

2. When establishing measurements to meet the required setbacks and yard sizes, the measurements shall be taken from the lot line, road line, or nearest mean high water line to the nearest part of the structure, including such projecting features as porches, decks, carports, attached garages, etc.

3. The Code Enforcement Officer shall take action to approve or disapprove the application within 10 days of the receipt of a completed application and the payment of all fees.

4. A zoning permit shall expire one year from the date of issue if construction is not substantially started or the use has not commenced. Such permit may be renewed upon payment of all fees.

Section 1625. Permit Fees

1. A fee as determined by Town Board resolution shall be paid for each application for a zoning permit, site plan review, special use permit, temporary zoning permits, temporary certificate of zoning compliance, certificate of zoning compliance, etc.. No permit shall be issued until full payment has been received by the Town Clerk.

2. The Town Board and Planning Board may retain consulting services from engineers, architects, landscape architects, lawyers, planners, or other professional services during the course of site plan reviews, special use approval reviews, and site inspections conducted pursuant to this law. The applicant shall pay any actual costs incurred by the Town, attributable to a consultant's review of an application. The Town may require the applicant to deposit such funds as may be necessary to pay for these services with the Town in advance. Any funds not used for the review shall be returned to the applicant.

Section 1630. Certificate of Compliance

No use or structure requiring a zoning permit shall be occupied, used, or changed in use until a certificate of compliance has been issued by the Code Enforcement Officer stating that the use or structure complies with the provisions of this law. All certificates of compliance shall be applied for coincidentally with the application for a zoning permit and shall be issued within 10 days after the use or structure has been approved as complying with the provisions of this law.

Section 1635. Temporary Certificate of Compliance

A temporary certificate of compliance for not more than six months for a part of a use or structure may be issued by the Code Enforcement Officer. Such temporary certificate may be renewed upon request.

Section 1640. Unapproved Lots

No zoning permit or certificate of compliance shall be issued for any use or structure on any lot which has not been filed in the office of the County Clerk after the effective date of the Town of Hastings Subdivision Regulations, unless such lot is included in a plat which has been approved by the Planning Board and filed with the office of the County Clerk, or was exempt from said law at the time of filing.

Section 1645. Code Enforcement Officer

This law shall be enforced by the Code Enforcement Officer, who shall be appointed by the Town Board. The duties of the Code Enforcement Officer shall be to:

1. Approve and disapprove zoning permits and certificates of compliance;

2. Scale and interpret zone boundaries on the Zoning Map;

3. Refer appropriate matters to the Board of Appeals, Planning Board, or Town Board; and offer information to the Boards that the Code Enforcement Officer feels is pertinent to the matter;

4. Make such inspections as are necessary to insure compliance with this law upon giving the owner reasonable notice of the intent to inspect a use or structure and after securing the permission of the owner of any use or structure being inspected;

5. Revoke zoning permits or certificates of compliance where there is false, misleading or insufficient information or where the applicant has varied from the terms of the application;

6. Investigate violations, issue stop work orders and appearance tickets, and refer violations to the town justice or the Town Board;

7. Issue certificates of legal nonconformity.

Section 1650. Zoning Board of Appeals

A seven-member Zoning Board of Appeals is hereby created pursuant to Town Law Section 267. The Board of Appeals shall have all the power and duties prescribed by Town Law Section 267-b and by this law, which are more particularly specified as follows:

1. ***Interpretations:*** Upon appeal from a decision by the Code Enforcement Officer, to decide any question involving the interpretation of any provision of this law, including determination of the exact location of any zone boundary.

2. ***Variances:*** Upon appeal from a decision by the Code Enforcement Officer, or upon referral by the Planning Board or Town Board, to vary the strict application of any of the requirements of this law.

All applications for interpretations and variances shall be made and reviewed in compliance with the administrative regulations established by the Zoning Board of Appeals.

Section 1652. Procedures Before Zoning Board of Appeals

The Zoning Board of Appeals' jurisdiction shall be appellate only and shall by limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation or determination made by the administrative official charge with the enforcement of this law. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of such administrative official, or to grant a use variance or area variance. Such appeal may be taken by any person aggrieved or by an officer, department, board or bureau of the Town.

1. **Time to Appeal** - Such appeal shall be taken within 60 days after the filing of any order, requirement, decision, interpretation or determination of the administrative official charged with the enforcement of this law by filing with such administrative official and with the Zoning Board of Appeals a notice of appeal specifying the grounds thereof and the relief sought. The administrative official from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

2. **Stay Upon Appeal** - An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of this law, from whom the appeal is taken, certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with the administrative official, that by reason of facts stated in the certificate a stay, would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise by a restraining order which may be granted by the Zoning Board of Appeals or by a Court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

3. **Public Hearing on Appeal** - The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matters referred to it and give public notice of such hearing by publication in a paper of general circulation in the Town at least five days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the board prior to the hearing of such appeal. Upon the hearing, any party may appear in person or by agent or attorney.

4. **Time of Decision** - The Zoning Board of Appeals shall decide upon the appeal within 62 days after the close of said hearing. The time within which the Zoning Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board.

5. **Filing of Decision and Notice** - The decision of the Zoning Board of Appeals on the appeal shall be filed in the office of the Town Clerk within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

6. **Compliance With Town Law** - In all the respects, the Zoning Board of Appeals shall comply with the procedural requirements of Town Law Section 267-a in hearing appeals.

Section 1655. Planning Board

The Planning Board shall have the following powers and duties with respect to this law:

1. Review, approval, approval with modification and denial of site plans.

2. Approval and denial of temporary zoning permits.

3. Make recommendations to the Town Board and Zoning Board of Appeals.

Section 1660. Town Board

The Town Board shall have the following powers and duties with respect to this law:

1. Adoption and amendment of this law;

2. Review, approval, approval with modification and denial of special uses permits.

3. Determine fees applicable to this law.

4. Approval and denial of Plan Development Zones (PD) and site plans within PD zones.

Section 1665. Violations

1. Any person may file a complaint concerning an alleged violation of this law. All such complaints shall be in writing and shall be filed with the Code Enforcement Officer. The Code Enforcement Officer shall properly record and immediately investigate such complaint. If the complaint is found to be valid, the Code Enforcement Officer shall issue a written notice of violation and may issue an order to stop work to the owner or occupant of the premises. Such notice shall require all work to cease until the violation is corrected.

2. The notice of violation shall contain the following:

   a. the nature and details of such violation;

   b. the recommended remedial action to be taken to effect compliance with the provisions of this law; and

   c. the date by which compliance must be remedied.

3. If the violation is not corrected within the specified time the Code Enforcement Officer shall take action to compel compliance. Pursuant to Criminal Procedure Law Section 150.20 (3), the Code Enforcement Officer is hereby authorized to issue an appearance ticket to any person causing a violation of this law, and shall cause such person to appear before the town justice.

Section 1670. Penalties

A. Notices and Orders; Service; Extension of Time; Appeal

a. Whenever the Code Enforcement Officer determines that there has been a violation or; that there are reasonable grounds to believe that there has been a violation of any provision of this Local Law, said Officer shall give written notice of such violation or alleged violation to the person or persons responsible for such violation. Such persons shall include bot the owner and occupant in the event that the occupant is not the owner, if known.

b. Such notice shall:

   1) Specify in detail the factual basis for the alleged violation;

2) Provide fifteen (15) days for compliance, measured from the date of posting said notice as hereafter described or such lessor periods of time when an emergency exists as may be determined by the Codes Enforcement Officer;

3) The Code Enforcement Officer may, for good cause, shown in said discretion, extend the compliance time specified in any notice or order issued under the provisions of this Local Law;

4) It shall be sufficient service of a notice and order of the Code Enforcement Officer if said notice is posted in a conspicuous place upon the premises affected and copy thereof mailed to the person to whom it is directed at the address filed by such person with the Town Clerk, and if such person's address is not so filed in the office of the Town Clerk, then in such case such notice shall be sent by certified mail to such person's last known address or place of residence.

c. The owner or the occupant shall have the right of appeal from the decision or actions of the Code Enforcement Officer pursuant to Subdivision B herein by filing a written notice of appeal specifying the grounds for the appeal with both the Town Clerk and the Code Enforcement Officer. Such notice of appeal must be filed within ten (10) days of the posting of such notice as heretofore required. Such appeal shall be heard and determined by the Town Board at its next scheduled public meeting when both the Code Enforcement Officer and the owner or occupant shall present their respective positions with evidentiary proof. Further proceedings under this Local Law shall be stayed from the filing of the notice of appeal hereunder until a determination by the Town Board as herein is provided for.

d. Proceedings initiated by the Code Enforcement Officer pursuant to this Section shall not preclude the Code Enforcement Officer from utilizing the provisions for the imposition of fines and other relief set forth hereafter in Subdivision C of this Local Law.

B. Discharge of Owner's Duties by Town

a. If the owner, or occupant in the event such person is not the owner, fails to comply with the notice of violation within twenty (20) days after the notice is sent, the Code Enforcement Officer may have the owner's compliance duties discharged b town employees or contractors. It shall be the personal obligation of the owner to reimburse the Town for its expenses incurred in discharging said owner's responsibilities regardless of whether the owner is the occupant of said premises.

b. The expense incurred by the Town hereunder, plus fifteen percent (15%) of such amount, shall be charged to and paid by the person(s) responsible for such violation. The Code Enforcement Officer shall file with the Town Assessor a statement of the items of expense, including the surcharge authorized hereunder, and the date of execution of actions authorized hereunder. The Town Assessor shall proceed to collect said sums owing to the Town by adding them to the next year's property tax of such property and in any manner provided by law, if in the meantime said amount is not paid by the person(s) responsible.

C. Penalties for Offenses

a. The owner or occupant of any such place of business or residence, or any person who commits or permits any acts in violation of any of the provisions of this Local Law, or fails to comply with the provisions thereof, shall be deemed to have committed an offense against such Local Law, and also be liable for any such violation or the penalty therefore. Each day such violation shall continue or be permitted to exist shall constitute a separate violation.

b. For every violation of any provision of this Local Law, the person violating the same shall be subject to a fine of not less than One Hundred Dollars ($100.00) nor more than Two Hundred Dollars ($200.00) per day for each offense. Each day that such violation continues shall constitute a separate violation.

c. The notice of violation shall specify the last date when each violation shall be corrected, but not more than thirty (30) days after posting of the required notice. The Code Enforcement Officer may postpone the last day when a violation shall be corrected upon a showing by the owner or other responsible person that said person has begun to correct the violation, but full correction of the violation cannot be completed within the time provided because of technical difficulties, inability to obtain necessary materials or labor, or inability to gain access to the premises where the violation occurs.

d. The Town Attorney or Code Enforcement Officer may maintain an action or special proceeding in a court of competent jurisdiction for the recovery of civil penalties as herein described in Subdivision C, together with costs and disbursements.

e. The defendant or respondent in any action or proceeding for civil penalties may show, in mitigation of his or her liability:

1) That the violation giving rise to the action was caused by the willful act, or gross negligence, neglect, or abuse of another; or

2) That he or she has begun to correct the violation properly upon receipt of notice thereof, but that full correction could not be completed within the time provided because of technical difficulties, inability to obtain necessary materials or labor, or inability to gain access to the premises where the violation occurs.

f. In addition to the above provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such Local Law.

ARTICLE 17. MISCELLANEOUS PROVISIONS

Section 1710. Amendments

The Town Board may amend the provisions of this law pursuant to Town Law Section 265 and Municipal Home Rule Law Article 3 after public notice, public hearing, compliance with the State Environmental Quality Review Act regulations (6 NYCRR Part 617), and following appropriate referral to the county Planning Board pursuant to General Municipal Law Section 239-m.

Section 1720. Interpretation

Interpretation and application of the provisions of this law shall be held to be minimal requirements, adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this law differ from the requirements of any other lawfully adopted statute, law, rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

Section 1730. Severability

Should any article, section, subsection, sentence or clause of this law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 1740. Effective Date

The provisions of this law shall take effect upon filing with the Secretary of State of New York.

ARTICLE 18. SOLAR ENERGY LAW

Section 1805. Legislative Findings

The Town Board of the Town of Hastings finds and determines that the regulations contained in this Local Law will serve the community by facilitating the development and operation of renewable energy systems based on sunlight while simultaneously minimizing adverse impacts on neighboring properties and protecting the public health, safety, and welfare.

Section 1810. Definitions

Agricultural Districts: *The purpose of the New York State Certified Agricultural* District Program is to encourage the use of land for farming. It affords legal protections and some tax benefits for viable agricultural land. To be considered viable, tax parcels can have an active farm, but they can also have agricultural operations early in the planning stages. Land that helps keep the region's agricultural industry viable, even if there are no plans to farm it, can be eligible for inclusion into an agricultural district, too.

Building Integrated Photovoltaic System: A combination of photovoltaic building components integrated into any building envelope System such as vertical facades including glass and other façade material, semitransparent skylight systems, roofing materials, and shading over windows. Also known and classified as a Small-Scale Solar Farm Energy System.

Courtesy Split: The municipal tax system may include a courtesy split feature. This is a split or a combination that occurs in the Tax system in the current year database; however the assessor does not consider it an active parcel in the Assessing database until the following tax cycle. Treasurers will split properties in order to provide the new owners of the property with their own individual tax bill. This is usually a "courtesy" to the taxpayer.

Ground-Mounted Solar Energy System: A Solar Energy System that is anchored to the ground and attached to a pole or other mounting system, detached from any other structure for the primary purpose of producing electricity for onsite or offsite consumption. Also known and classified as a Small-Scale Solar Farm Energy System.

Minor Subdivision: A subdivision containing fewer then (5) lots, where all lots front on an existing dedicated public road.

Roof-Mounted Solar Energy System: A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for onsite or offsite consumption. For purposes of these regulations, Roof-Mounted Systems shall be deemed a Small-Scale Solar Energy System.

Screw Piles: A pile that is used for the foundations of solar panels, bridges, lighthouses, etc., and has a screwlike lower end for drilling through and taking firm hold in compacted material.

Small-Scale and Large-Scale Solar Farm Energy System: A small solar energy system for residential use shall be no larger than 15 kWh. A Large-Scale Solar Farm Energy System can produce up to 25 kWh of energy which primarily serves buildings or structures to which the system is not attached. The maximum amounts of electric generated by the system and the maximum area of land upon which the System shall be erected are as follows:

A. Residential use up to fifteen (15) Kwh on a parcel of land no less than twenty thousand square feet (20000) square feet for ground mounted systems, excluding any easement for accessing the parcel; and

B. Large-Scale Solar Farm Energy Systems: 20 acres or more of land with less than 50% of wetland including the required buffer and all setback requirements noted in this section (20 acres after all restrictions) and not having soils classified identified as prime farmland.

Nothing contained in this provision shall be construed to prohibit the sale of excess power through a "net billing" or "net metering" arrangement made in accordance with New York Public Service Law (Section 66-j) or similar state or federal statute.

Solar Access: Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

Solar Collector: A solar photovoltaic cell, module, panel or array or a solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

Solar Easement: An easement recorded in the Oswego County Clerk's Office, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a Solar Collector.

Solar Energy Equipment: The assembly of devices, material, hardware, electrical equipment and conduit associated with the production of electrical energy which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

Solar Energy System: Solar Collectors, controls, energy storage devices, heat pumps, heat exchangers and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed.

Solar Farm: A large-scale Solar Energy System.

Solar Panel: A solar photovoltaic cell or panel device capable of collecting and converting solar energy into electrical energy.

Solar Storage Battery: A device that reserves energy for later consumption that is charged by a connected solar system. The stored electricity is consumed after sundown, during energy demand peaks, or during a power outage. Most common on residential or commercial buildings.

Section 1820. Legislative Intent

A. Purpose and intent. The purpose of this section is to permit and regulate the construction of solar energy systems in the Town of Hastings in a manner that preserves the health, safety and welfare of the Town while also facilitating the production of renewable energy. The Town recognizes that solar energy is a clean, readily available and renewable energy source. Development of solar energy systems offers an energy source that can prevent fossil fuel emissions, reduce the Town's energy demands and attract and promote green business development within the Town. The Town has determined that comprehensive regulations regarding the development of solar energy systems are necessary to protect the interests of the Town, its residents and businesses. This section is intended to promote the effective and efficient use of solar energy systems; establish provisions for the placement, design, construction, operation and removal of such systems in order to uphold the public health, safety and welfare; and to ensure that such systems will not have a significant adverse impact on the aesthetic qualities and character of the Town.

Section 1830. Authority

A. Authority. This section is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law § 10.

Section 1840. General Rules

A. Applicability. This section shall apply to all solar energy systems in the Town of Hastings which are installed or modified after the effective date of the local law which initially established these regulations. All solar energy systems which are installed or modified after that date shall be in compliance with all of the provisions hereof.

B. Building-integrated solar energy systems.

(1) Districts where allowed. Building-integrated solar energy systems shall be permitted in all zoning districts within the Town, subject to the submission of, application for and review and issuance of an applicable building permit.

(2) Building-integrated solar energy systems shall be subject to the general requirements set forth in Subsection **E** of this section.

C. Rooftop-mounted solar energy systems.

(1) Districts where allowed. Rooftop-mounted solar energy systems shall be permitted in all zoning districts within the Town, subject to the following requirements:

(a) A building permit shall be required for installation of all rooftop-mounted solar energy systems.

[1] An applicant shall submit the following application materials to the Code Enforcement Officer:

[a] A site plan showing location of major components of the solar energy system and other equipment on the roof or legal accessory structure. This plan should represent relative locations of components at the site, including, but not limited to, location of arrays, existing electrical service locations, utility meters, inverter locations, system orientation and tilt angles. This plan should show access and pathways that are compliant with the New York State Uniform Fire Prevention and Building Code and the National Fire Protection Association codes, if applicable.

[b] One-line or three-line electrical diagram. The electrical diagram required by NYSERDA for an incentive application and/or utilities for an interconnection agreement may also be provided here.

[c] Specification sheets for all manufactured components. If these sheets are available electronically, a web address will be accepted in place of an attachment, at the discretion of the Town.

[2] All diagrams and plans must be prepared by a professional engineer or registered architect and contain the applicable professional's stamp, mark and/or signature as required by New York State law and include the following:

[a] Project address, section, block and lot number of the property;

[b] Owner's name, address and phone number;

[c] Name, address and phone number of the person preparing the plans; and

[d] System capacity in kW-DC.

(b) Rooftop-mounted solar energy systems shall not exceed the maximum allowed height of the principal use in the zoning district in which the system is located.

(c) Rooftop-mounted solar energy systems shall be mounted parallel to the roof plane on which they are mounted. However, in the case of commercial buildings which have a flat roof, a tilted mount may be allowed, provided the panels are not visibly objectionable from the property line.

(d) In order to ensure firefighter and other emergency responder safety, except in the case of accessory buildings under 1,000 square feet in area, there shall be a minimum perimeter area around the edge of the roof and structurally supported pathways to provide space on the roof for walking around all rooftop-mounted solar energy systems.

[1] Additionally, installations shall provide for adequate access and spacing in order to:

[a] Ensure access to the roof.

[b] Provide pathways to specific areas of the roof.

[c] Provide for smoke ventilation opportunity areas.

[d] Provide for emergency egress from the roof.

[2] Exceptions to these requirements may be requested where access, pathway or ventilation requirements are reduced due to:

[a] Unique site-specific limitations;

[b] Alternative access opportunities (such as from adjoining roofs);

[c] Ground-level access to the roof area in question;

[d] Other adequate ventilation opportunities when approved by the Code Office;

[e] Adequate ventilation opportunities afforded by panel setback from other rooftop equipment (for example: shading or structural constraints may leave significant areas open for ventilation near HVAC equipment);

[f] Automatic ventilation devices; or

[g] New technology, methods or other innovations that ensure adequate emergency responder access, pathways and ventilation opportunities.

(2) In addition to the requirements set forth in this subsection, rooftop-mounted solar energy systems shall be subject to the general requirements set forth in Subsection **E** of this section.

(3) Permit review and inspection time line. Permit determinations will be issued within 14 days upon receipt of complete and accurate applications.

D. Ground-mounted solar energy systems.

(1) Districts where allowed. Ground-mounted solar energy systems are permitted as accessory uses in the Agricultural-Residential (R-1) District, Residential (R-2), Commercial-Industrial (CI), Commercial-Residential (CR), Planned Development (PD), Waterfront (W), Hamlet (H) District of the Town, and further subject to the following requirements:

(a) A building permit and special use permit approval shall be required for installation of all ground-mounted solar energy systems.

(b) Ground-mounted solar energy systems shall be permitted in front yards, provided said systems are properly screened from neighboring properties and streets.

(c) Ground-mounted solar energy systems shall not be placed or installed on a septic field.

(d) Ground-mounted solar energy systems shall comply with the most restrictive area, yard and bulk regulations in each applicable zoning district in which the ground-mounted solar energy system is constructed. However, ground-mounted solar energy systems shall only be permitted in the Residential Planned Cluster (RPC) District and the Hamlet (H) District on lots which are 20,000 square feet or larger and only in rear yards.

(e) Setbacks. Further setbacks, area and yard requirements and bulk restrictions may be required by the code enforcement in addition to those set forth in Subsection **D(1)(d)** above in order to protect the public's safety, health and welfare.

(f) The height of the solar collector/panel and any mounts shall not exceed 15 feet in height when oriented at maximum tilt measured from the ground and including any base.

(g) As part of the permit review process, a ground-mounted solar energy system shall be screened when possible and practicable from adjoining lots and street rights-of-way through the use of architectural features, earth berms, landscaping, fencing or other screening which will harmonize with the character of the property and the surrounding area. The proposed screening shall not interfere with the normal operation of the solar collectors/panels.

(h) The ground-mounted solar energy system shall be located in a manner to reasonably minimize view blockage for surrounding properties.

(i) Neither the ground-mounted solar energy system, nor any component thereof, shall be sited within any required buffer area.

(j) The total surface area of all ground-mounted solar energy system components shall not exceed the area of the ground covered by the building structure of the largest building on the lot measured from the exterior walls, excluding patios, decks, balconies, screened and open porches and attached garages.

(k) The area beneath the ground-mounted solar energy system shall not be included as impervious surface coverage in calculating whether the lot meets any maximum permitted lot coverage requirements for the applicable

zoning district. Such uses shall also not be counted toward the limitation on the number of accessory buildings or uses permitted on a parcel.

(l) Reserved.

(m) Fees. Fees for applications and permits under this section shall be established by resolution of the Town Board of the Town of Hastings. In accordance with the requirements of Chapter **160**, Fees, Article **I**, it shall be the applicant's responsibility to reimburse the Town for any and all reasonable and necessary legal, engineering and other professional fees incurred by the Town in reviewing and administering an application for a special use permit under this section.

(2) Districts where prohibited. Ground-mounted solar energy systems shall not be permitted in the Floodplain (F) District.

E. General requirements applicable to building-integrated, rooftop-mounted and ground-mounted solar energy systems.

(1) All solar energy system installations must be performed by a qualified solar installer.

(2) Solar energy systems, unless part of a solar farm, shall be permitted only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit the sale of excess power through a net-metering arrangement in accordance with New York Public Service Law § 66-j or similar state or federal statute. However, solar energy system applications in a residential setting and serving a residential use on a single parcel or lot shall be limited to 15 kW or less. Solar energy system applications in nonresidential settings, including active farm operations, may be permitted up to 25 kW or less.

(3) Prior to operation, electrical connections must be inspected by a Town Code Enforcement Officer and/or by an appropriate electrical inspection person or agency, as determined by the Town.

(4) Any connection to the public utility grid must be inspected by the appropriate public utility, and proof of inspection shall be provided to the Town.

(5) Solar energy systems shall be maintained in good working order.

(6) Solar energy systems shall be permitted only if they are determined by the Town to be consistent in size and use with the character of the surrounding neighborhood.

(7) Solar energy systems shall be permitted only if they are determined by the Town not to present any unreasonable safety risks, including, but not limited to:

(a) Weight load;

(b) Wind resistance; and

(c) Ingress or egress in the event of fire or other emergency.

(8) All solar energy systems described in this section shall meet and comply with all relevant and applicable provisions of the New York State Uniform Fire Prevention and Building Code standards, the National Electrical Code and National Fire Protection Association codes. To the extent the provisions of the New York State Uniform Fire Prevention, National Electrical Code and Building Code and the National Fire Protection Association codes are more restrictive than the provisions set forth in this section, the provisions of the New York State Uniform Fire Prevention and Building Code, National Electrical Code and the National Fire Protection Association codes shall control.

(9) If solar storage batteries are included as part of the solar energy system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Uniform Fire Prevention and Building Code and/or the National Fire Protection Association codes when in use, and when no longer used shall be disposed of in accordance with the laws and regulations of the Town and other applicable laws and regulations.

(10) All utility services and electrical wiring/lines shall be placed underground and otherwise be placed within the walls or unobtrusive conduit. Conduits or feeds which are laid on the roof shall be camouflaged to blend in with the roof and reduce aesthetically objectionable impacts.

(11) If a solar energy system or any part thereof ceases to perform its originally intended function or is in a state of malfunction for more than 12 consecutive months, the property owner shall completely remove or replace such system or part, mount and all other associated equipment and components by no later than 90 days after the

end of the twelve-month period or within 10 days of written notice from the Town. Failure to do so will result in the Town removing the solar energy system and assessing the cost of removal on the property, which shall constitute a lien on said property and be collected in the same manner as property taxes. The Code Enforcement Officer and/or Town Engineer shall have the right at any reasonable time to enter, in the company of the owner or his agent, to ensure that the solar energy system remains operational.

(12) To the extent practicable, solar energy systems shall have neutral paint colors, materials and textures to achieve visual harmony with the surrounding area. Solar energy systems shall be composed of panels which are the same or similar in composition and color.

(13) The design, construction, operation and maintenance of the solar energy system shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks and public buildings.

(14) Marking of equipment.

(a) Solar energy systems and components shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the solar electric system. Materials used for marking shall be weather-resistant. For residential applications, the marking may be placed within the main service disconnect. If the main service disconnect is operable with the service panel closed, then the marking should be placed on the outside cover.

(b) In the event any of the standards in this subsection for markings are more stringent than applicable provisions of the New York State Uniform Fire Prevention and Building Code or National Fire Protection Association codes, they shall be deemed to be guidelines only and the standards of the New York State Uniform Fire Prevention and Building Code or National Fire Protection Association codes shall apply.

(15) Prior to the time of the issuance of a building permit, the applicant/owner shall demonstrate to the Code Enforcement Officer a reliable and safe method for de-energizing the solar energy system in the event of an emergency. The method and location to de-energize the solar energy system, once approved by the Code

Enforcement Officer, shall be provided by the applicant to all applicable emergency services and first responders.

(16) Minor Subdivisions and/or Courtesy Splits will be required for larger parcels where Large Scale Solar Facilities are to be placed in order to remain in common ownership yet provide for an existing residential use to remain on a separate tax parcel.

F. Solar farms.

(1) Districts where allowed. Subject to the issuance of site plan approval and a special use permit approval and other requirements as set forth herein, solar farms shall not be a permitted use in any zoning district other than the Agricultural (AG) District within the Town.

(2) Districts where prohibited. Solar farms shall be prohibited in the Residential District (R-2), Planned Development, (PD), Commercial - Residential (CI) District, Commercial -Residential (CR) District, Hamlet (H) District and Waterfront (W) District.

(3) Lot area and yard regulations. The following lot area and yard regulations shall apply to solar farms located in the Agricultural (AG) District within the Town:

(a) Minimum street frontage: 100 feet.

(b) Minimum lot area: 20 acres defined below.

(c) Minimum front yard setback: 250 feet.

(d) Minimum rear yard setback: 250 feet.

(e) Minimum side yard setback: 250 feet.

(f) Minimum 20 acres or more with less than 50% of wetlands and having usable land after all wetlands, setbacks and buffers being accounted for and reduced from the overall acreage.

(g) Solar farm to be on one lot.

(4) Permits required. No person, firm or corporation, or other entity being the owner, occupant or lessee of any land or premises within the Town of Hastings shall use or permit the use of land or premises for the construction or installation of a solar farm without obtaining a building permit, a special use permit approval issued by the Zoning Board of Appeals and a site plan approval issued by the Town Board as hereinafter provided.

(5) Special use permit approval.

(a) In addition to the criteria established in this chapter, the following criteria are hereby established for purposes of the granting of special use permit approval for a solar farm:

[1] Scenic viewsheds. A solar farm shall not be installed in any location that would substantially detract from or block the view(s) of all or a portion of a recognized scenic viewshed, as viewed from any public/private lands, right-of-way or publicly owned land within the Town of Hastings or that extends beyond the border of the Town of Hastings. Such viewsheds are specially identified as significant views as shown on the Open Space Map and Potential Conservation Areas, found in the Town's 2023 Solar Farm Plan appendix.

[2] Areas of potential environmental sensitivity. A solar farm shall not be installed in any location that have areas of potential environmental sensitivity including unique natural areas, floodplains, historic sites, state-owned lands, conservation easements, trails, parklands, prime soils, and wetlands as identified by Open Space Map and Potential Conservation Lands, found in the Town's 2021 Comprehensive Plan appendix.

[a] The development and operation of the solar farm shall not have a significant impact on water quality, fish, wildlife, animal or plant species or their critical habitats, or other significant habitats identified by the Town, federal or state regulatory agencies.

[3] Prime farmland. Solar farms shall not be installed in any location that contains soils identified as prime farmland or farmland of statewide importance identified in Map 6: Agricultural Soils in the Town's 2021 Comprehensive Plan.

[4] Emergency shutdown/safety. The applicant shall demonstrate the existence of adequate emergency/safety measures. The applicant shall post an emergency telephone number so that the appropriate entities may be contacted should any solar panel or other component of the solar farm need immediate repair or attention. This emergency telephone number should be clearly visible and in a location which is convenient and readily noticeable to someone likely to detect a problem. Further, the applicant shall arrange for the filing of site plans and any emergency shutdown procedures with the Town Code Enforcement Officer and local first responders with training provided by the applicant.

[5] Security. All solar farms shall be secured to the extent practicable to restrict unauthorized access. See Subsection **F(6)(a)[19]** of this section.

[6] Access road. To the greatest extent possible, existing roadways shall be used for access to the site and its improvements. In the case of constructing any roadways necessary to access the solar farm, they shall be constructed in a way that allows for the passage of any emergency vehicles in the event of an emergency. Each application shall be accompanied by correspondence from the responding fire department and emergency care provider as to the acceptability of the proposed ingress to and egress from the solar farm site.

[7] The development and operation of the solar farm shall not have a significant impact on fish, wildlife, animal or plant species or their critical habitats, or other significant habitats identified by the Town or federal or state regulatory agencies.

[8] Setbacks. Additional setbacks may be required in addition to those set forth in Subsection **F(3)** by the Town Board in order to provide for the public's safety, health and welfare.

(b) Waiver. The Town Board may, upon exercise of its reasonable discretion, waive one or more of the submission requirements imposed herein. Relief from all other requirements must be made by way of an area or use variance from the Town Board.

(6) Site plan approval.

(a) The following submission requirements must be observed regarding a site plan/special permit approval application for a solar farm. The Town Board may also require any of the requirements of this chapter as part of the submission.

[1] A completed application form as supplied by the Town for site plan approval for a solar farm.

[2] Proof of ownership of the premises involved or proof that the applicant has written permission of the owner to make such application, along with contact information of involved parties. Any transfer of ownership or operating/maintenance responsibility of a solar farm either during the pendency of an application or any time after approval of an application shall require the prior written approval of the Town Attorney.

[3] Plans and drawings of the proposed solar farm installation signed, marked and/or stamped by a professional engineer registered in New York State showing the proposed layout of the entire solar farm along with a description of all components, whether on-site or off-site, existing vegetation and proposed clearing and grading of all sites involved. Clearing and/or grading activities are subject to review by the Planning Board and shall not commence until the issuance of site plan approval. The plans and development plan shall be drawn in sufficient detail and shall further describe:

[a] Property lines and physical dimensions of the proposed site, including contours at five-foot intervals.

[b] Location, approximate dimensions and types of all existing structures and uses on the site.

[c] Location and elevation of the proposed solar farm and all components thereof.

[d] Location of all existing aboveground utility lines within 1,200 linear feet of the site.

[e] Where applicable, the location of all transmission facilities proposed for installation. All transmission lines and wiring associated with a solar farm shall be buried underground and include necessary encasements in accordance with the National Electrical Code, National Fire Protection Association codes and Town requirements. The Town Board may recommend waiving this requirement if sufficient engineering data is submitted by the applicant demonstrating that underground transmission lines are not feasible or practical. The applicant is required to show the locations of all proposed overhead electric utility/transmission lines (if permitted) and underground electric utility/transmission lines, including substations and junction boxes and other electrical components for the project on the site plan. All transmission lines and electrical wiring shall be in compliance with the public utility company's requirements for interconnection. Any connection to the public utility grid must be inspected by the appropriate public utility.

[f] Location of all service structures proposed as part of the installation.

[g] Documentation of utility company notification and approval, including the electric service order number. No solar farm shall be constructed until evidence has been provided to the Town Board that the utility company operating the electrical grid where the installation is to be located has been informed of the construction of the solar farm and has agreed to an interconnection.

[h] Landscape plan showing all existing natural land features, trees, forest cover and all proposed changes to these features, including size and type of plant material. The plan shall show any trees and/or vegetation which is proposed to be removed

for purposes of providing greater solar access. Topsoil stripping and removal from the site is prohibited.

[i] A berm, landscape screen or any other combination acceptable to the Town capable of screening the site shall be provided along any property line.

[4] Photographic simulations shall be included showing the proposed solar farm along with elevation views and dimensions and manufacturer's specifications and photos of the proposed solar energy systems, solar collectors, solar panels and all other components comprising the solar farm from vantage points selected by the Town Board.

[5] If applicable, certification from a professional engineer or architect registered in New York State indicating that the building or structure to which a solar panel or solar energy system is affixed is capable of handling the loading requirements of the solar panel or solar energy system and various components.

[6] One- or three-line electrical diagram detailing the solar energy system installation, associated components and electrical interconnection methods, with all disconnects and over-current devices.

[7] Documentation of access to the project site(s), including location of all access roads, gates, parking area, etc.

[8] A plan for clearing and/or grading of the site and a stormwater pollution prevention plan (SWPPP) for the site certified by professional engineers demonstrating that storm water runoff will infiltrate into the ground beneath at a rate equal to or less than that of the prior infiltration rate.

[9] (Reserved)

[10] Sunchart. Where deemed appropriate, the Town Board may require that the applicant submit a sunchart for the proposed site indicating the sun angle for the southern boundary of the site for a minimum four-hour continuous period during the time of the highest sun angle

on December 21, along with the potential for existing buildings, structures and/or vegetation on the site or on adjacent sites to obstruct the solar skyspace of the proposed solar farm. The sunchart shall also indicate the potential for obstructions to the solar skyspace of the proposed solar farm under a scenario where an adjacent site is developed as otherwise permitted by applicable provisions of this chapter with a building/structure built to maximum bulk and height at the minimum setback. Where no standards for setback are established, this scenario shall assume a maximum setback of five feet from the property line. The sunchart shall be kept on file at the Town Code Enforcement Office and determine the minimum setback required for any solar collectors from the south property line as well as the solar skyspace that should be considered when development of neighboring properties occurs. This section in no way places responsibility on the Town for guaranteeing the solar skyspace of a solar energy system in the event setbacks are waived at the applicant's request.

[11] Lightning protection plan. To be installed via internal lightning arrestors, surge protectors, or adequate ground.

[12] The manufacturer's or installer's identification and appropriate warning signage shall be posted at the site and be clearly visible.

[13] Solar energy systems shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the electric systems. Materials used for marking shall be weather-resistant. The marking shall be placed adjacent to the main service disconnect location clearly visible from the location where the lever is operated.

[14] The average height of the solar panel array shall not exceed 20 feet measured from the ground and including any base or supporting materials.

[15] Color. Neutral paint colors, materials and textures may be required for solar farm components, buildings and structures to achieve visual harmony with the surrounding area as approved by the Planning Board.

[16] Glare. The design, construction, operation and maintenance of the solar energy system shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks and public buildings. All photovoltaic modules used in the solar farm shall be coated with antireflection materials to prevent solar panel glare.

[17] Artificial lighting of solar farms shall be limited to lighting required for safety and operational purposes and shall be shielded from all neighboring properties and public roads.

[18] Solar farms shall be enclosed by perimeter fencing to restrict unauthorized access as approved by the Planning Board. The style and type of fence shall be approved by the Town Board as part of the site plan approval process.

[19] The Town Board may place reasonable hours restrictions during the construction phase of the solar farm. However, construction shall begin no earlier than 7:30 a.m. and shall cease no later than 8:30 p.m., Monday through Saturday.

[20] Only signage used to identify the location of the solar farm shall be allowed, and such signage shall otherwise comply with the Town's sign regulations and requirements.

[21] To the extent practicable, equipment that produces noise above ambient levels during normal operation shall be placed in the center of the solar array or at a minimum of 1,000 feet from the nearest property line.

[22] All applications shall be accompanied by a full environmental assessment form for purposes of environmental review under the New York State Environmental Quality Review Act (SEQRA). A visual impact assessment (VIA), performed by a qualified consultant following generally accepted guidelines (e.g., Guide to Evaluating Visual Impact Assessments for Renewable Energy Projects, US Department of Interior, 2014), shall be reported and submitted to the Town Board, including but not limited to:

[a] The qualifications of the consultant including list of VIAs completed for other solar farms. The VIA report will describe guidelines and methods used.

[b] Photo simulations (i.e., computer generated photomontages) of the proposed solar farm components and surrounding landscape (including how setback areas will be maintained) from key observation points (KOPs). KOPs are points on a travel route within a three-mile radius and other likely observations points on private property within a one-mile radius from the center of the project. KOPs will be selected in consultation with and approval of the Town Board.

[c] The visual impact from each KOP will be assessed and rated for contrast, sensitivity, and scenic quality of view, by an independent panel of three. An overall impact rating for each KOP will be presented and discussed. Visual impact mitigation techniques, planned and available, will be described, including photo simulations with and without mitigation.

[d] The Planning Board will review and comment on the VIA, and may accept the report as is or ask for additional analysis, visual mitigation, and/or a revised VIA. As an agricultural town that values its natural resources, the following visual mitigation techniques are encouraged: (1) agrophotovoltaics (i.e., sharing land use with agriculture such as crops, beehives, sheep pasturing, greenhouses), (2) plantings that encourage wildlife habitats (e.g., pollinators, wild flowers).

(b) Site plan approval criteria. In addition to the above and subject to the criteria of this chapter, no site plan approval shall be given unless the Town Board determines that the proposed solar farm complies with the following additional requirements:

[1] The use is oriented in its location upon the site as to layout, coverage, screening, means of access and aesthetics so that:

[a] The flow control and safety of traffic and human beings shall not be adversely affected to an unreasonable degree;

[b] There is sufficient accessibility for any fire and other emergency vehicles and responders to the site; the applicant shall provide down-shielded lighting at the entrance points to the site and which shall be on file with the Town Codes Office and applicable fire department and first responders;

[c] There is reasonable compatibility in all respects with any structure or use in the surrounding area, actual or permitted, which may be directly substantially affected;

[d] There shall not be any unreasonable detriment to any structure or use, actual or permitted, in the surrounding area;

[e] There is a reasonable provision for open space and yard areas as appropriate to the surrounding area.

[f] Saturation. In deciding whether to issue a special use permit, the Town Board shall consider the proximity of similar large solar energy systems (i.e., greater than one MW) to the one being proposed. In no event shall a solar farm be placed within one mile (as measured as the distance between the property lines nearest each solar farm) of an existing solar farm, without specific findings by the Planning Board that such placement does not adversely affect the community character of the surrounding properties.

(7) Public hearing. No action shall be taken by the Town Board to issue special use permit approval, or by the Town Board to issue site plan approval, nor the Town Board of Appeals to grant a use or area variance in relation to an application for a solar farm until after public notice and a public hearing by each board for each such approval. Proper notice of a hearing before a board shall be given, as the responsibility of the applicant, by legal notice published in the official newspaper of the Town of Hastings at least 10 days before the date set for such public hearing(s). The applicant shall be responsible for notifying, by certified mail, all property owners of record within three miles of the outside perimeter of the boundary line of the property involved in the application of the time, date and place of such public

hearing at least 10 days prior to such hearing. Notice shall be deemed to have been given if mailed to the property owner at the tax billing address listed on the property tax records of the Town Assessor or at the property address. At least seven days prior to such hearing, the applicant shall file with the Board his/her affidavit verifying the mailing of such notices. Failure of the property owners to receive such notice shall not be deemed a jurisdictional defect.

(8) Compliance with New York State Uniform Fire Prevention and Building Code and National Fire Protection Association codes.

(a) Building permit applications shall be accompanied by standard drawings of structural components of the solar farm and all its components (including but not limited to solar panel, solar collector, solar energy system, etc.). Drawings and any necessary calculations shall be certified, in writing, by a New York State registered professional engineer, that the system complies with the New York State Uniform Fire Prevention and Building Code and any applicable National Fire Protection Association codes. This certification would normally be supplied by the manufacturer.

(b) Where the structure, components or installation vary from the standard design or specification, the proposed modification shall be certified by a New York State registered professional engineer for compliance with the structural design provisions of the New York State Uniform Fire Prevention and Building Code and any applicable National Fire Protection Association codes.

(9) Compliance with state, local and national electric codes.

(a) Building permit applications shall be accompanied by a line drawing identifying the electrical components of the solar farm to be installed in sufficient detail to allow for a determination that the manner of installation conforms with the National Electrical Code. The application shall include a statement from a New York State registered professional engineer indicating that the electrical system conforms with good engineering practices and complies with the National Electrical Code, as well as applicable state and local electrical codes. This certification would normally be supplied by the manufacturer. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.

(b) Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a New York State registered professional engineer for compliance with the requirements of the National Electrical Code and good engineering practices.

(10) USA made content. The applicant shall ensure that materials used in the solar farm be manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States.

(11) Following construction/installation of the solar farm, all disturbed areas where soil has been exposed shall be reseeded with grass and/or planted with low-level vegetation capable of preventing soil erosion and airborne dust.

(12) Post-construction/post-installation certification. Following the construction/installation of the solar farm, the applicant shall provide a post-construction/post-installation certification from a professional engineer registered in New York State that the project complies with any and all applicable codes and industry practices and has been constructed and is operating according to the drawings and development plan(s) submitted to the Town and this section.

(13) Insurance. The applicant, owner, lessee or assignee shall maintain a current insurance policy which will cover installation and operation of the solar farm at all times. Said policy shall provide a minimum of $5,000,000 property and personal liability coverage.

(14) Inspections. The Code Enforcement Officer and/or Town Engineer shall have the right at any reasonable time to enter, in the company of the owner or his agent, the premises on which a solar farm is being or is constructed, to inspect all parts of said solar farm installation and require that repairs or alterations be made if, in his judgment, there exists a deficiency in the operation or the structural stability of the solar farm or any component thereof. If necessary, the Code Enforcement Officer or Town Engineer may order the system corrected, secured or to otherwise cease operation. It shall not be required that the owner or agent be present in the event of an emergency situation involving danger to life, limb or property.

(15) Power to impose conditions. In granting any site plan approval, special use permit approval or variance for a solar farm, the Town Board, as the case may be, may impose reasonable conditions to the extent that such Board finds that such

conditions are necessary to minimize any adverse effect or impacts of the proposed use on neighboring properties and to protect the general health, safety and welfare of the Town.

(16) Decommissioning and removal of solar farm facilities.

(a) The applicant shall agree, in writing to the Town Town Board, to remove the entirety of the solar farm and all accessory structures and components thereof if the solar farm ceases to be used for its intended purpose for 12 consecutive months. Removal of such obsolete and/or unused solar farm components shall take place within 90 days thereafter. Such agreement shall also include a commitment by the applicant to impose a similar obligation to remove any unused and/or obsolete solar panels upon any person subsequently securing rights to relocate the solar panels. The applicant agreement shall also include its obligation to prepare, no less than 60 days prior to decommissioning commencement, a written decommissioning plan, to be approved by the Town Planning Board. The plan will include among other items, the applicant methods to control soil erosion and stormwater run off during and after decommissioning.

(b) Bond/security. The applicant shall be required to execute and file with the Town Clerk a bond, or other form of security for an initial term of up to and including the entire useful life of the solar farm as determined by and acceptable to the Town Attorney and Engineer, in an amount sufficient for the faithful performance of the terms and conditions of the permit issued under this section, and to provide the decommissioning, removal and restoration of the site subsequent to the removal of the solar farm. The amount of the bond or security shall be no less than 150% of the cost of the removal of the solar panels and restoration of the site and shall be reviewed and adjusted at five-year intervals. The applicant shall submit, initially and every five years, documented justification, acceptable to the Town Attorney and Engineer, for the bond amount. In the event of a default upon performance of such condition or any of them, the bond or security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The bond or security shall remain in full force and effect until the complete removal of the solar panels and site restoration is finished acceptable to the Town Attorney and Engineer. The Town Attorney may also require a corporate guarantee to assure compliance with this section.

(c) If the applicant fails to decommission and/or remove the solar farm as provided herein, the failure to do so will result in the Town removing the solar farm and assessing the cost of removal on the property in excess of the forfeited bond, if any, which shall constitute a lien on said property and be collected in the same manner as property taxes.

(17) Fees. Fees for applications and permits under this section shall be established by resolution of the Town Board of the Town of Hastings and their fee schedule. In accordance with the requirements of the Town Code, it shall be the applicant's responsibility to reimburse the Town for any and all reasonable and necessary legal, engineering and other professional fees incurred by the Town in reviewing and administering an application for a solar farm under this section.

(18) Waiver. The Town Board may, under appropriate circumstances, waive one or more of the submission requirements contained herein.

Section 1850. PILOT

Purpose and intent

A. It is in the public interest to provide for and encourage renewable energy systems and a sustainable quality of life, and to facilitate the development and operation of renewable energy systems based upon sunlight while minimizing the adverse impacts of neighboring properties so as to protect the public health, safety and welfare. A PILOT will be required by a solar developer. A PILOT refers to "Payment In Lieu of Taxes" structure.

B. Section 487(2) of the Real Property Tax Law (RPTL) provides, in relevant part, that real property which includes a solar energy system in accordance with the provisions of said section, shall be exempt from taxation to the extent of any increase in the value thereof by reason of the inclusion of such solar system for a period of 15 years. Such exemption shall be granted only upon the application by the owner of real property on a form prescribed and made available by the Agency authorized by the Oswego County Legislature for PILOTs. Currently this authority is delegated to the Oswego County IDA.

C. Authority; supersession of state law. This article is hereby adopted pursuant to the provisions of RPTL § 487, § 10 of the New York State Municipal Home Rule Law and § 10 of the New York State Statute of Local Governments. It is the Town of Hastings Zoning Law Page 80 intent of the Town Board to supersede any provisions of the New York State Law to the extent that they may be inconsistent with the provisions of this article.

Section 1860 Adoption of Solar Farm Zoning Map

The boundaries of the zoning districts listed in this Local Law are fixed and defined as shown on a map entitled "Town of Hastings Solar Farm Zoning Map", a true copy of which is attached hereto as Schedule "A" of this Local Law.

Section 1870 Enforcement
Any violation of this Solar Energy Law shall be deemed a zoning violation and shall be subject to the same civil and criminal penalties as provided in the Town of Hastings Zoning Law, as it now exists or may be amended from time to time.

Section 1880 Severability
If a court of competent jurisdiction determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, it is the intent of the Town Board of the Town of Hastings that the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered; and that the balance of this Local Law shall remain in full force and effect notwithstanding such court.

Section 1890 Judicial Review.

Review of decisions of the Town Board with respect to any portion of this Local Law may be had by a proceeding pursuant to Article 78 of the New York Civil Procedure Law commenced in Supreme Court of the State of New York, County of Oswego, within thirty (30) days after such determination is filed in the Office of the Town Clerk.

ARTICLE 19. BATTERY ENERGY STORAGE

Section 1905. Authority

This local law is adopted pursuant to Article IX of the New York State Constitution, §2(c)(6) and (10), New York Statute of Local Governments, § 10 (1) and (7); Sections 261-263 of the Town Law; and Section 10 of the Municipal Home Rule Law of the State of New York, which authorize the Town of Hastings to adopt zoning provisions that advance and protect the health, safety and welfare of the community.

Section 1910. Statement of Purpose.

This local law is adopted to advance and protect the public health, safety, welfare, and quality of life of Town of Hastings by creating regulations for the installation and use of battery energy storage systems, with the following objectives:

A. To provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of battery energy storage systems;

B. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems;

C. To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources; and

D. To create synergy between battery energy storage system development and the Town of Hasting's Comprehensive Plan.

Section 1915. Definitions.

As used in Article 19, the following terms shall have the meanings indicated:

ANSI: American National Standards Institute

BATTERY(IES): A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM: An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

BATTERY ENERGY STORAGE SYSTEM: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

E. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.

F. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

CELL: The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

COMMISSIONING: A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

DEDICATED-USE BUILDING: A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the International Building Code, and complies with the following:

1) The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.

2) No other occupancy types are permitted in the building.

3) Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.

4) Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:

   a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.

   b. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

ENERGY CODE: The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

FIRE CODE: The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL): A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC: National Electric Code.

NFPA: National Fire Protection Association.

NON-DEDICATED-USE BUILDING: All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements.

NON-PARTICIPATING PROPERTY: Any property that is not a participating property.

NON-PARTICIPATING RESIDENCE: Any residence located on non-participating property.

OCCUPIED COMMUNITY BUILDING: Any building in Occupancy Group A, B, E, I, R, as defined in the International Building Code, including but not limited to schools, colleges, daycare facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

PARTICIPATING PROPERTY: A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary

compensation to the landowner from the battery energy storage system owner (or affiliate) regardless of whether any part of a battery energy storage system is constructed on the property.

UNIFORM CODE: the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

Section 1920. Applicability.

A. The requirements of this Local Law shall apply to all battery energy storage systems permitted, installed, or modified in the Town of Hastings after the effective date of this Local Law, excluding general maintenance and repair.

B. Battery energy storage systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.

C. Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this Local Law.

Section 1925. General Requirements.

A. A building permit and an electrical permit shall be required for installation of all battery energy storage systems.

B. Issuance of permits and approvals by the Town Board shall include review pursuant to the State Environmental Quality Review Act.

C. All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (1) contain or are otherwise associated with a battery energy storage system and (2) subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the Town of Hastings Zoning Law.

Section 1930. Permitting Requirements for Tier 1 Battery Energy Systems.

Tier 1 Battery Energy Storage Systems shall be permitted in all zoning districts, subject to the Uniform Code and the "Battery Energy Storage System Permit," and exempt from site plan review.

Tier 1 Battery Energy Storage Containers. All Tier 1 Battery Energy Storage containers must be stick-built or comply with New York State Building Code. No portable containers shall be permitted

Section 1935. Permitting Requirements for Tier 2 Battery Energy Systems.

Tier 2 Battery Energy Storage Systems are permitted through the issuance of a Special Use Permit within _____C/I_____ zoning districts and shall be subject to the Uniform Code and the Special Permit Application requirements set forth in this Section.

A. Applications for the installation of Tier 2 Battery Energy Storage System shall be:

1) reviewed by the Code Enforcement Office for completeness. An application shall be complete when it addresses all matters listed in this Article 19, including, but not necessarily limited to, (i) compliance with all applicable provisions of the Uniform Code and all applicable provisions of the Energy Code and (ii) matters relating to the proposed battery energy storage system and Floodplain, Utility Lines and Electrical Circuitry, Signage, Lighting, Vegetation and Tree-cutting, Noise, Decommissioning, Site Plan and Development, Special Use and Development, Ownership Changes, Safety, and Permit Time Frame and Abandonment. Applicants shall be advised within 10 business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.

2) subject to a public hearing to hear all comments for and against the application. The Town Board of the Town of Hastings shall have a notice printed in a newspaper of general circulation in Town at least 5 days in advance of such hearing. Applicants shall have delivered the notice by first class mail to adjoining landowners or landowners within 500 feet of the property at least 10 days prior to such a hearing. Proof of mailing shall be provided to the Town Board at the public hearing.

3) referred to the County Planning Department pursuant to General Municipal Law § 239-m if required.

4) upon closing of the public hearing, the Town Board shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the Town Board and Applicant.

B. Tier 2 Battery Energy Storage Containers. All Tier 2 Battery Energy Storage containers must be stick-built or comply with New York State Building Code. No portable containers shall be permitted.

C. Utility Lines and Electrical Circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new

easements and right-of-way.

D. Signage.

1) The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.

2) As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

E. Lighting. Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

F. Vegetation and tree-cutting. Areas within 10 feet on each side of Tier 2 Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

G. Noise. The 1-hour average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA as measured at the outside wall of any non-participating residence or occupied community building. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

H. Decommissioning.

1) Decommissioning Plan. The applicant shall submit a decommissioning plan, developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from the facility. The decommissioning plan shall include:

a. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy

storage system components, structures, equipment, security barriers, and transmission lines from the site;

b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;

c. The anticipated life of the battery energy storagesystem;

d. The estimated decommissioning costs and how said estimate was determined;

e. The method of ensuring that funds will be available for decommissioning and restoration;

f. The method by which the decommissioning cost will be kept current;

g. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and

h. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

2) Decommissioning Fund. The owner and/or operator of the energy storage system, shall continuously maintain a fund or bond payable to Town of Hastings, in a form approved by the Town for the removal of the battery energy storage system, in an amount to be determined by the Town, for the period of the life of the facility. This fund may consist of a letter of credit from a State of New York licensed-financial institution. All costs of the financial security shall be borne by the applicant.

I. Site plan application. For a Tier 2 Battery Energy Storage System requiring a Special Use Permit, site plan approval shall be required. Any site plan application shall include the following information:

1) Property lines and physical features, including roads, for the project site.

2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or

structures.

3) A one- or three-line electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.

4) A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.

5) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit.

6) Name, address, phone number, and signature of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.

7) Zoning district designation for the parcel(s) of land comprising the project site.

8) Commissioning Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, Battery energy storage system commissioning shall be conducted by a New York State (NYS) Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to Code Enforcement Office prior to final inspection and approval and maintained at an approved on-site location.

9) Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.

10) Operation and Maintenance Manual. Such plan shall describe continuing battery energy storage system maintenance and

property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code.

11) Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.

12) Prior to the issuance of the building permit or final approval by the Town Board, but not required as part of the application, engineering documents must be signed and sealed by a NYS Licensed Professional Engineer.

13) Emergency Operations Plan. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:

    a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

    b. Procedures for inspection and testing of associated alarms, interlocks, and controls.

    c. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

    d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.

    e. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

    f. Procedures for dealing with battery energy storage system

equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.

g. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.

h. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

J. Special Use Permit Standards.

1)Setbacks. Tier 2 Battery Energy Storage Systems shall comply with the setback requirements of the underlying zoning district for principal structures.

2)Height. Tier 2 Battery Energy Storage Systems shall comply with the building height limitations for principal structures of the underlying zoning district.

3)Fencing Requirements. Tier 2 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a 7-foot-high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.

4)Screening and Visibility. Tier 2 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports.

K. Ownership Changes. If the owner of the battery energy storage system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Code Enforcement Department of such change in ownership or operator within 30 days of the ownership change. A new owner or operator must provide such notification to the Code Enforcement Department] in writing. The special use permit and all other local approvals for the battery energy storage system would be void if a new owner or operator fails to provide written notification to Code Enforcement Department in the required timeframe. Reinstatement of a void special use permit will be subject

to the same review and approval processes for new applications under this Local Law.

Section 1940. Safety.

A. System Certification. Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:

1) UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
2) UL 1642 (Standard for Lithium Batteries),
3) UL 1741 or UL 62109 (Inverters and Power Converters),
4) Certified under the applicable electrical, building, and fire prevention codes as required.
5) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.

B. Site Access. Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 2 Battery Energy Storage System is located in an ambulance district, the local ambulance corps.

C. Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

Section 1945. Permit Time Frame and Abandonment.

A. The Special Use Permit and site plan approval for a battery energy storage system shall be valid for a period of 24 months, provided that a building permit is issued for construction and/or construction is commenced. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Town Board, within 24 months after approval, the Town may extend the time to complete construction for 180 days. If the owner and/or operator fails to perform substantial construction after 36 months, the approvals shall expire.

B. The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than one year. If the owner and/or operator fails to comply

with decommissioning upon any abandonment, the Town may, at its discretion, enter the property and utilize the available bond and/or security for the removal of a Tier 2 Battery Energy Storage System and restoration of the site in accordance with the decommissioning plan.

Section 1950. Enforcement.

Any violation of this local law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of the Town.