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# TOWN OF AMBOY ZONING LAW

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## **ARTICLE 1. INTRODUCTION**

### **Section 110. Enacting Clause**

Pursuant to the authority conferred by Article 16, sections 261-263, 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 Amboy, NY hereby adopts and enacts this local law.

### **Section 120. Title**

This law shall be known as the "Town of Amboy Zoning Law".

### **Section 130. Purpose**

The purpose of this law is to provide for orderly growth; to lessen congestion on the roads; to secure safety from fire, flood, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to protect historical and recreational attributes; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to promote the effective and efficient use of solar and wind energy resources; to set provisions for the placement, design, construction and operation of solar energy, wind energy, and battery energy storage systems; to ensure that solar energy, wind energy, and battery energy storage systems will not have a significant adverse impact on the ecological, environmental, agricultural, economic, or aesthetic qualities and character of the town; and to promote the health, safety, and general welfare of the public.

Based on the Town of Amboy Comprehensive Plan, adopted in 2003 as amended, this law has been made with reasonable consideration as to the character of the Town of Amboy and its suitability for properly developed uses, while conserving the town's rural character and encouraging the appropriate use of land throughout the town.

### **Section 140. Uses and Structures Existing Prior to Law**

This law does not apply to uses and structures that are lawfully in existence as of the date this law becomes effective. Any use that would otherwise be subject to this law, which has been discontinued for a period of one year or more, shall be subject to review pursuant to the terms of this law before such use is resumed. Any use or structure shall be considered to be in existence provided such use or structure has been substantially constructed prior to the effective date of this law.

## **ARTICLE 2. DEFINITIONS**

**Access:** An entranceway for vehicles to leave or enter a property or lot from a public road or private road.

**Accessory Apartment:** A dwelling unit located on the same lot as a one-family dwelling that is secondary and subordinate to the dwelling unit and located within an accessory building. Such a dwelling is an accessory use to the one-family dwelling.

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

the main structure. This shall include but not be limited to garages, storage sheds, or similar structures.

**Accessory Use:** A use incidental and subordinate to the principal use and located on the same lot with such principal use.

**Agricultural Use:** A use which is directly related to the raising of livestock, or the growing of crops for the sale of agricultural produce, including farm structures, storage of agricultural equipment, horticultural and fruit operations, riding and boarding stables, and the like, or other commonly accepted agricultural operations, and as an accessory use the sale of agricultural or forest products raised on the property.

**Antenna:** A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include but not be limited to radio navigation, radio, television, and microwave communications. The frequency of these waves generally ranges from 10 hertz to 300,000 megahertz.

**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 small or large battery energy storage system as follows:

- a. Small 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.
- b. Large 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.

**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.

**Buffer Area:** An undeveloped part of a lot or an entire lot specifically intended to separate and thus minimize the effects of a land use activity (e.g., noise, dust, visibility, glare, etc.) on adjacent properties.

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

**Building Height:** The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip, and gambrel roofs, measured from the curb level if the building is not more than ten feet from the front lot line or from the grade in all other cases. Building height in the Waterfront Zone is measured from the first floor.

**Building Coverage:** See *Lot Coverage*.

**Building, Principal:** The building on a lot that houses the primary use on a parcel of land.

**Campgrounds:** Land on which are located three or more cabins, travel trailers, tents, campsites, shelters, or other accommodations suitable for seasonal or temporary living purposes, excluding mobile homes, manufactured housing.

**Commercial Use:** This shall include but not be limited to the following; all wholesale and retail sales and services, and also including sales and service for new and used automobiles, trucks, manufactured homes, boats, recreational vehicles, farm machinery, and other large items; businesses, providers of overnight accommodations; institutional residences, care or confinement facilities; tree nurseries, storage and parking facilities, Laundromats, restaurants, wholesale and retail gasoline outlets, animal hospitals, airports, essential facilities, slaughterhouses, motor vehicle repair/paint shops, personal and professional services, professional offices, warehouses, etc.

**Driveway:** The established or traveled way leading to a particular building from the margin of a public or private road.

**Dwelling:** A building or part thereof used as family living quarters. The terms "dwelling", "one-family dwelling", "two-family dwelling", or "multiple-family dwelling" shall not include a motel, hotel, boarding house, or tourist home.

**Dwelling, Multiple-Family:** A building containing three dwelling units or more.

**Dwelling, One-Family:** A principal dwelling containing one dwelling unit.

**Dwelling, Two-Family:** A principal dwelling containing two dwelling units.

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

**Energy Generation Facility:** A generator that uses a variety of sources and/or products for the production of power for sale as a primary use. Types of generating facilities may include, but are not limited to, petroleum, methane, ethanol, thermal, wind, solar, hydro-electric, and other energy generation systems.

**Enforcement Officer:** An individual designated by resolution of the town board to assume, undertake, and exercise the duties and responsibilities as provided for this office in this law.

**Erosion Control:** The use of reseeded, revegetation, placement of mulch, or artificial matting or rip rap, or other methods to prevent soil erosion.

**Essential Facilities:** The operation or maintenance by municipal agencies or public/private utilities of telephone dial equipment centers; electrical or gas substations; water treatment, storage and transmission facilities and lines; pumping stations; power generation facilities; and similar facilities, operated or maintained by municipal agencies or public/private utilities.

**Excavation, Major:** An excavation which is intended for the extraction of over 1,000 tons of material from the earth within one calendar year.

**Floor Area:** The total interior floor area of a building, multiplied by the number of floors.

**Frontage:** The side of a lot abutting on a public road or private road.

**Grading:** The leveling of land for site development purposes including construction of roads, building construction, drainage areas, and parking.

**Home-Based Business:** A nonresidential activity conducted for financial gain within a dwelling unit or in a building or structure accessory to a dwelling unit; and is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and meets one or more of the following criteria:

1. one or more nonresidents are employed;
2. total floor area devoted to the business exceeds 400 square feet;
3. the business is open to off-road customer or client traffic;
4. two or more customers, clients or delivery people are present on the site at one time.

Nonresidential activities below the thresholds of this definition are not considered “home-based businesses,” and are exempt from the provisions of this law.

**Industrial Use:** The utilization of a building, or of land to manufacture, process, store, or generate products or goods for commercial use or sale, or to store, treat, or dispose of a by-product of such an activity, including utility facilities, incinerators, and contaminated soils recycling facilities.

**Junk Vehicles:** A "junk vehicle" is any motor vehicle whether automobile, bus, trailer, truck, tractor, recreational vehicle, motorcycle, motor bicycle, mini bicycle; ATV's or snowmobile, or any other contraption originally intended for travel on the public highways, or any motorboat, rowboat or sailboat which:

- a. is unlicensed, old, wrecked, stored, discarded, abandoned or dismantled or partly dismantled, which is not intended or in any condition for legal use upon the public highway or waterways, or
- b. is being held or used for the purpose of resale, reclamation, storage or disposal of parts, or
- c. is in such condition as to cost more to repair and place in operating condition than its reasonable market value at the time before such repair.

With respect to any motor vehicle not required to be licensed or motor vehicle not usually used on public highways, the fact that such motor vehicle has remained unused for more than six (6) months and is not in condition to be removed under its own power shall be presumptive evidence that such motor vehicle is a "Junked motor vehicle". The fact that a motor vehicle may be licensed or registered with the State of New York, but does not display a current license plate, shall be presumptive evidence that such motor vehicle is unlicensed. This definition does not include trailers or recreational vehicles during the time that a probate court is supervising the transfer of title of the property to the decedent's beneficiaries. Once the title has been transferred, however, if the trailer or recreational vehicle remains unused for more than six (6) months thereafter and is not in condition to be removed under its own power, it shall be presumptive evidence that such item is a "Junked motor vehicle".

**Junkyard:** The outdoor storage or deposit of any of the following:

- a. Two or more junk vehicles;
- b. Two or more abandoned manufactured home or recreational camping vehicles;
- c. Two or more abandoned all-terrain vehicles or snowmobiles (as defined in the New York State Vehicle and Traffic Law);
- d. Five or more inoperable appliances including, but not limited to, lawn and garden machines, washers, dryers, dishwashers, stoves, refrigerators, freezers and televisions;



- e. Five or more inoperable pieces of equipment;
- f. Any combination of the above that totals five items.

**Landfill:** A site for hazardous or solid waste disposal.

**Lot:** A parcel of land that consists of one or more contiguous lots of record. If a public or private road right-of-way or a municipal boundary divides a parcel of land otherwise characterized as a lot by this definition, then the land on either side of this division shall constitute a separate lot.

**Lot Coverage:** That portion of the lot that is covered by buildings and structures including solar or wind energy systems..

**Lot Depth:** The average distance measured from the front lot line to the rear lot line.

**Lot Line, Front:** The lot line separating a lot from a public road or private road. On a flag lot, the interior lot line most parallel to and nearest the road from which access is obtained. Where a road right-of-way is not established or is irregularly shaped, the front lot line shall be considered to be a line parallel to and 25 feet from the centerline or the road pavement of county, town and private roads or 35 feet from the centerline of the road pavement of state roads.

**Lot Line, Rear:** The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

**Lot Line, Side:** Any lot line other than a front or rear lot line.

**Lot Line:** A line bounding a lot that divides one lot from another lot.

**Lot of Record:** A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

**Lot Width:** The average distance measured between side lot lines.

**Manufactured Home:** Manufactured housing built on a chassis bearing a seal issued by the Federal Department of Housing and Urban Development. A manufactured home shall be construed to remain a manufactured home, subject to all regulations applying thereto, whether or not wheels, axles, hitch or other appurtenances of mobility are removed and regardless of nature of the foundation provided. A manufactured home shall not be construed to be a travel trailer or other form of recreation vehicle.

**Mobile Home:** A factory-manufactured dwelling unit built prior to June 15, 1976, with or without a label certifying compliance with NFPA, ANSI or a specific state standard, transportable in one or more sections, which in the traveling mode, is 8 feet (2438 mm) or more in width or 40 feet (12192 mm) or more in length, or, when erected on site, is 320 square feet (29.7 m<sup>2</sup>) minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "mobile home" shall not include travel trailers or any self-propelled recreational vehicle.

**Manufactured Home Park:** A lot consisting of three or more manufactured homes and buildings or other structures that may be pertinent to their use, any part of which may be occupied by persons for residential purposes other than recreation, traveling, or vacationing, and who are provided services or facilities necessary for their use of the property.

**Manufactured Home Site:** A designated parcel of land in a manufactured home park designated for accommodating one manufactured home or mobile home, its accessory buildings or structures, and accessory equipment for the use of the occupants.

**Native Perennial Vegetation:** Native flowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

**Not-for-Profit Organization (NFPO):** An organization that does not earn a profit for owners. All earned money is through business activities and donations, and is contributed back to running the organization. Examples of NFPOs include Girls/Boy Scout Camps, Elks Lodge Camp, etc.

**Not-for-Profit Uses:** A use that serves the good of its members, established by NFPOs, such as sports clubs, campgrounds, etc.

**Owner/Operator:** The owner of equipment and appurtenances comprising a solar or wind energy system or battery energy storage system; said entity may also be the energy system or storage system operator.

**Parking Space:** An area reserved for the parking of a motor vehicle, 10'x 20' size.

**Person:** Any individual, group of individuals, partnership, firm, corporation, association, or other legal entity.

**Photovoltaic Systems:** A solar energy system that produces electricity using semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.

**Pollinator:** Bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

**Prime Farmland:** Land, designated as “Prime Farmland” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

**Recreational Camping Vehicle:** A vehicle or portable structure built on a chassis, designed to be used as a temporary dwelling for travel or recreational use, excluding mobile homes.

**Recreational Area:** an area used for recreational activity for the refreshment of health or spirits by relaxation and enjoyment.

**Residential Use:** One-family dwelling, two-family dwelling, multiple-family dwelling, accessory apartment and mobile home.

**Road, Private:** A deeded, established or proposed route, other than a public road, which affords vehicular access to multiple lots.

**Road, Public:** An established route for vehicular traffic which, under applicable law, constitutes a municipal, state, or federal highway.

**Road Right-of-Way:** The extreme margins of potential development of a road, as determined by deed, dedication, or other public record. In the absence of a definitive public record, a road's margins shall be deemed to be 25 feet from its centerline.

**Screening:** Vegetation, fencing, or earthen materials used to block, in part or whole, visibility toward and/or away from a site. Screening may also be used to lessen noise impacts from a particular site or from adjacent land uses.

**Short-Term Rental:** A dwelling unit, which may or may not be inhabited by the owner of record or their immediate family, that is rented, in whole or in part for a period of less than thirty (30) consecutive days to any person(s) or entity; but shall not include motels, hotels, bed & breakfasts, inns, and campgrounds.

**Short-Term Rental Owner:** All persons or entities having an ownership interest in a dwelling unit which is used as a short-term rental.

**Sign:** A name, identification, description, display, or illustration, or any other visual display, which is affixed to, or painted, or represented directly or indirectly upon a building, structure, or piece of land, which directs attention to an object, product, place, activity, person, institution, organization, industry, or business.

**Sign, Free-Standing:** A sign that is attached to, erected on or supported by some structure such as a pole, mast, frame, or other structure that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of the sign.

**Site Plan:** Maps, drawings, supportive data describing the project proposal or development plan on which are shown the existing or proposed conditions of the lot.

**Solar Collector:** A solar photovoltaic cell, panel, or array or 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 Energy Equipment:** Solar collectors, controls, energy storage devices, heat pumps, heat exchangers/inverters, 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 systems include solar thermal, photovoltaic, and passive solar.

**Solar Energy System:** An electrical generating system composed of a combination of both solar panels and solar energy equipment.

**Solar Energy System, Building-Integrated Photovoltaic System (BIPV):** A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade, which does not alter relief of the roof. Some examples of BIPV systems include glass and other façade material, semitransparent skylight systems, roofing materials, and shading over windows.

**Solar Energy System, Building-Mounted:** A solar energy system that is affixed to the roof or side(s) of a building or other structure, either directly or by means of support structures or other mounting devices. Solar energy systems constructed over a parking lot are considered building-mounted solar energy systems.

**Solar Energy System, Ground-Mounted (Free Standing):** A solar energy system that is affixed to the ground either directly or by support structures or other mounting devices and that is not attached or affixed to an existing structure. Each contiguous structure is considered an

accessory structure within this law. Pole-mounted solar energy systems shall be considered ground-mounted solar energy systems.

**Solar Energy System, Large:** Any solar energy system that cumulatively on a lot meets one of the following provisions:

- a. Is intended to supply energy principally into a utility grid for the purpose of off-site sale or consumption, or
- b. Has a total ground surface area of greater than 4,000 square feet.

**Solar Energy System, Small:** Any solar energy system that has an accessory use and cumulatively on a lot meets all of the following provisions:

- a. Is an accessory use or structure designed and intended to generate energy primarily for a principal use located on site.
- b. Has a total ground surface area no larger than 4,000 square feet.

**Storage Vehicle:** Any bus, van, travel trailer, semi-trailer, truck trailer, manufactured home, mobile home or trailer of any kind used for non-vehicular storage purposes.

**Structure:** Anything constructed or built; or building of any kind, which requires location on the ground, or is attached to something having a location on the ground, including but without limitation, mobile homes, and manufactured housing, swimming pools, covered patios, towers, poles, sheds, signs, tanks, etc. excepting outdoor areas, such as paved areas and walkways.

**Telecommunications Tower:** A structure on which transmitting and/or receiving antenna(e) are located.

**Use, Principal:** The specific purpose for which land or a building is designed, arranged, or intended, or for which it is principally utilized.

**Use, Temporary:** An activity conducted for a specified limited period of time. Examples of such uses are buildings incidental to new construction which are removed after the completion of the construction work.

**Wetlands:** Any lands or water that are defined as wetlands according to the NYS Freshwater Wetlands Act, Section 24-0107(1), and are mapped pursuant to 6 NYCRR 664, and filed with the State, County, or Town Clerk.

**Wind Energy System:** Facilities, including windmills, energy storage devices, and related materials, hardware, or equipment necessary to the process by which wind is converted into another form of energy, and such energy is stored, protected from unnecessary dissipation and distributed for private purposes.

**Wind Energy System, Major:** Wind generating facilities which generate 25 megawatts or more original power on site to be transferred to a transmission system for distribution to customers. The definition of major wind power generating facilities shall not include minor wind power generating facilities.

**Wind Energy System, Minor:** Wind generating facilities which generate original power on site that are designed to meet energy needs on premises.

**Yard, Front:** The space within and extending the full width of the lot from the road center to a line, parallel to the road center, that passes through the point of a principal structure nearest the front lot line.

**Yard, Rear:** The space within and extending the full width of the lot from the rear lot line to a line, parallel to the rear lot line, that passes through the point of a principal structure nearest the 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 Permit:** A permit issued under this law allowing the alteration, or construction or use after approval.

## **ARTICLE 3. ZONING DISTRICTS AND ZONING MAP**

### **Section 310. Establishment of Zoning Districts**

For the purpose of this law, the Town of Amboy is hereby composed of the following zoning districts:

**R** Rural

The purpose of the Rural (R) zoning district is to conserve agriculture and working lands, preserve rural character, protect sensitive lands and natural resources, preserve the critical road network, and promote appropriate residential development.

**WF** Waterfront

The Waterfront district includes lots with direct water access around Panther Lake, North Pond, and Coan Pond. The purpose of this district is to promote appropriate residential development, preserve rural character, protect natural resources, control development, and protect the district's surface water quality and natural scenic views.

### **Section 320. Zoning District Map**

The zoning districts are shown, defined and bounded on the map accompanying this law entitled "Zoning District Map," dated \_\_\_\_\_. This zoning district 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 Zoning District 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.

**Section 340. Metes-and-Bounds Descriptions**

In the event that a metes-and-bounds description has been filed for a zoning district 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.

**ARTICLE 4. ZONING DISTRICT REGULATIONS**

**Section 410. General**

All uses and structures requiring a zoning permit shall conform to the regulations of this article which correspond to the zone in which the activity is situated.

**Section 420. Schedule A: Dimensional Requirements for Zones**

ZONE:	R	WF
Lot size minimum:		
acres	2	0.11
square feet	87,120	5,000
Lot frontage minimum, feet:	200	50
depth, feet	n/a	100

ZONE:	R	WF
Principle Structure Setbacks minimum, feet:		
front, from centerline of town/county/private roads:	75	n/a
front, from centerline of state highways:	100	n/a
front, from edge of right-of-way:	n/a	30
side	40	10
Rear	40	30
Accessory Structure Setbacks minimum, feet:		
side	20	5
Building height maximum, ft	n/a	30
Dwellings per lot:	1	1
Maximum building coverage per lot	n/a	35%
Fencing	6	3*

\* Any fencing higher than three feet will require a Special Use Permit (at no cost).

Zones:

R =Rural

WF =Waterfront

**Section 430: Schedule B: Permitted Uses in Zones**

ZONE:	RR	WF
Accessory Apartment	Z	Z
Accessory Structure	See section 520	
Agricultural Use	Z	--
Campgrounds	SP	SUP
Commercial Use	SP	SUP
Dump	--	--
Dwelling, Multi-Family	Z	Z
Dwelling, Single-Family	Z	Z
Dwelling, Two-Family	Z	Z
Essential Facilities	SUP	
Home-Based Business	See section 640	
Industrial Use	SP	--
Junkyard	--	--
Large Battery Energy Storage System	SP	--
Major Excavation		
Manufactured Home	Z	Z
Manufactured Home Park	SP	
Not-for-Profit Uses	SP	
Recreational Area	SP	SUP
Sign, Free-Standing	Z	
Sign, Home-Based Business	See section 640	
Small Battery Energy Storage System	Z	Z
Solar Energy System, Large	SP	--
Solar Energy System, Small	Z	Z
Telecommunications Tower	SUP**	--
Wind Energy System, Major	SP	--
Wind Energy System, Minor	Z	--

Z= Permitted use with zoning permit required

from Zoning Officer

SP= Site Plan required prior to issuance of zoning permit

SUP= Permitted use with special use permit required from Planning Board

SUP\*\*= Temporary special use permit required from Planning Board

Zones:

R= Rural

WF= Waterfront



## **ARTICLE 5. PERMITS REQUIRED**

### **Section 510. Zoning Permits Required**

No land use activity as listed below shall be carried out until a zoning permit has been issued by the 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 multifamily dwelling uses;
6. Placement of a sign as regulated in Section 560 of this law;
7. Change in the contours of land over 1 acre of disturbance;
8. Erection of a wall or fence greater than 6' in height and within 25' of the property line or road right-of-way; and
9. Erection of an energy generation facility or a battery energy storage system.

### **Section 515. Other Requirements**

No construction as described in section 510 shall be commenced without a Zoning Permit and compliance with all other applicable local, State, and/or Federal requirements.

### **Section 520. Zoning Permit Exceptions**

A zoning permit shall not be required for the following development activities, and such activities shall not be subject to the requirements of this law:

1. Accessory structures with less than 144 square feet of ground coverage, unless over 20 feet in height;
2. Alterations of less than 144 square feet of ground coverage;
3. 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.);
4. Minor accessory structures such as posts, sidewalks, driveways, flagpoles, playground equipment, etc.;
5. Nonstructural agriculture and forest management uses;
6. Home occupations not falling under the definition of "home based businesses" are exempt from all permits and regulations.

### **Section 530. Activities Exempt from Site Plan Approval**

The following land use activities are exempted from site plan approval. However, this law does not supersede, modify, or replace procedural or substantive requirements of other local, state, or federal laws or regulations which may apply to the development, or the necessity that the applicant comply with those laws and regulations and obtain all necessary permits and certificates thereunder, including those of New York's Uniform Fire Prevention and Building Code.

1. Home based businesses as defined by this law.

2. Exterior alterations or additions to a commercial or industrial structure, which does not increase the gross floor area of the existing structure by more than 25% within a five-year period.
3. Interior alterations that do not substantially change the nature or use of a commercial or industrial structure.
4. Agricultural structures.

## **ARTICLE 6. GENERAL REGULATIONS**

### **Section 610. Dwellings per Lot**

There shall be no more than one dwelling unit on a single lot except upon special use permit approval, except where two dwelling units are contained within the same structure. Such site plan approval may be issued where it can be demonstrated that any future subdivision of the lot which would result in the dwellings being located on separate lots, can be accomplished in such a way that the resulting dwellings will have front and side yards in accordance with this law, the resulting lots will have areas in accordance with this law, and all sewage disposal and wastewater systems will be in accordance with the NYS Sanitary Code. The replacement of structures which existed prior to the effective date of this law shall not require a special use permit.

### **Section 620. Signs**

Signs shall conform to the following standards:

1. There shall be no more than one sign per entrance that identifies the development.
2. Signs shall be compatible with the general environment of the project site.
3. No moving parts, flashing lights or exposed neon tubing shall be allowed, without prior authorization of the town board.
4. Maximum height for a free-standing entrance sign, from base elevation, shall be no greater than 15 feet.
5. Signs may not be positioned within the road right-of-way. Locating the sign on a building would be preferred.
6. Maximum area of a sign unless otherwise authorized, shall not exceed 24 square feet.

### **Section 630. Prohibited Uses**

The following list includes, but is not limited to, the following examples of prohibited uses within the town:

1. Establishment of any solid waste of any solid waste management facility or hazardous waste treatment, storage, or disposal facility, including but not limited to solid waste storage area or facility;
2. transfer station;
3. rail-haul facility;
4. pyrolysis facility;
5. rendering facility;
6. construction and debris processing facility;
7. land application facility;
8. composting facility;
9. surface impoundment;
10. used oil storage, reprocessing, and refining facility;
11. recyclables handling and recovery facility;

12. waste tire storage facility;
13. junkyard;
14. salvage yard;
15. impoundment yard;
16. dump;
17. radiological waste facility;
18. pathological or medical waste facility;
19. hazardous waste treatment, storage, or disposal facility; and
20. storage vehicles.

#### **Section 640. Home Based Businesses**

1. Home-based businesses that operate inside buildings shall require a zoning permit.
2. Home-based businesses that operate outside buildings shall require special use permit review.
3. All home businesses shall be subject to the following standards:
  - a. total floor area devoted to the business shall not exceed 40% of the total floor area of the principal residential use located on the lot;
  - b. no exterior changes to structures to accommodate the business are allowed;
  - c. signs shall be flush with buildings, and shall not exceed 2 square feet;
  - d. noise, glare, vibration limited – electronic and microwave interference with radios, TVs and other household appliances is prohibited;
  - e. operations shall be limited to the hours of 6 a.m. to 9 p.m.;
  - f. all parking shall be provided on-site in accordance with Section 840.
4. Businesses not meeting the above standards may be reclassified as a commercial use, and subject to the commercial use standards of the law, if a commercial use is permitted in the zone.

#### **Section 650: Short-Term Rentals**

1. Any lawfully existing dwelling that is rented, leased or occupied by a person or group of people other than the owner and/or his or her family for any period of time, less than thirty (30) consecutive days shall require a short-term rental permit issued by the Enforcement Officer. An approved rental permit is valid for a period of twenty-four (24) months from the date of issue and may be renewed pursuant to the terms of this section for each successive twenty-four (24) month period during which rentals take place if no violations have occurred within the previous twenty-four (24) month rental period.
2. The form and content of a short-term rental permit application shall be as determined by the Town of Amboy Enforcement Officer and/or the Town Board and shall contain such information as the Enforcement Officer and/or Town Board deems necessary to determine the sufficiency of the application. Such application shall contain, at a minimum:
  - a. The property address and tax map parcel number;
  - b. The total number of dwelling units located on the property;
  - c. The size and number of bedrooms inside each building, and the number of occupants that can stay at each building proposed to be rented;
  - d. The number of vehicles and parking spaces that will be used by renters;
  - e. The establishment of reasonable quiet hours for renters;

- f. A plan showing the location of parking spaces, emergency evacuation routes, and designated emergency response and egress routes.
3. Prior to the issuance of any permit or renewal thereof issued under this section, the Enforcement Officer shall inspect each rental unit to verify compliance with all local laws, the NYS Uniform Fire Prevention and Building Code, proper sanitary disposal, the availability of sufficient lawful parking areas and compliance with the terms and conditions of any current permit. A failure of any of the above requirements shall stay the issuance of a permit until compliance is demonstrated to the Enforcement Officer.
4. A copy of the valid permit, a copy of the inspection report and the maximum number of occupants allowed in the residence shall be conspicuously posted in the dwelling at all times. The names and phone numbers of the responsible property representative or manager of the property shall be always posted in a conspicuous location inside the building.
5. Upon application for an initial permit as of the date of enactment hereof, there will be no fee for any rental unit. The Town Board is authorized to adjust the permit fee from time to time as it deems reasonable.

### **Section 660: Flag Lots**

Flag lots are 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, shall meet the following standards:

1. Flag lots shall be permitted in the Rural Zoning District only.
2. Flag lots shall contain at least two (2) acres minimum of lot area (including the narrow strip providing road frontage for the flag lot).
3. Flag lots must have a minimum road frontage of 50 feet on a public right-of-way. The following minimum setbacks are required: front yard setback of 75 feet from the centerline of the driveway, rear yard setback of 40 feet, and side yard setbacks of 40 feet, but in no case shall any structure be located closer than 100 feet from the road line.
4. There shall be not more than one flag lot created from a single lot existing as of the effective date of this law within a five (5) year period.
5. Any principle building on a flag lot must be oriented so that it faces the driveway and not the back of the principle building between it and the road.
6. Flag lot driveways/entrances must be at least 1/4 mile from any road intersection and 1/4 mile from any other flag lot driveway/entrance.

## **ARTICLE 7. SITE PLAN REVIEWS**

### **Section 705. Authority**

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

## **Section 710. General Review Criteria**

The planning board shall require that all site plans 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 as well as the town road system;
5. that the internal circulation of the site is arranged so as to minimize impacts on the town road system;
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 has no negative impacts on adjacent property;
10. that erosion and sediment control measures are properly utilized;
11. that proposed water supply and sewage disposal facilities are adequate;
12. that development activity complies with all other standards and requirements of this law.

## **Section 715. Application**

The 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 site plan shall be prepared by a licensed architect, landscape architect, engineer, or land surveyor. Three copies of the application and site plans shall be provided which 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. Locator 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, name, and existing width of adjacent roads;
7. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use or adjoining the property;
8. Complete outline of existing or proposed deed restrictions or covenants applying to the property;

9. Existing hydrologic features, including wetlands, together with a grading and drainage plan showing existing and proposed contours at a maximum of five-foot intervals;
10. Location, proposed use, and height and dimensions of all buildings 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;
11. Location and design of all parking and loading areas including access and egress drives and fire lanes and emergency access areas;
12. Provision for pedestrian access, including public and private sidewalks;
13. Location of outdoor storage;
14. Location and design of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences;
15. Description of the method of securing public water supply and disposing of sewage, and the location and design of such facilities;
16. Location and design of all energy distribution facilities, including electrical, gas, and solar energy;
17. Location, size and design of all proposed signs;
18. Location and design of outdoor lighting facilities;
19. General landscaping plan including a planting schedule using native species with the sizes and types of plants proposed at time of installation, and the location and proposed development of all buffer areas;
20. 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 town board;
21. A statement of the nature and extent of the interest of any state employee, or officer of employee of
22. the town in the applicant pursuant to General Municipal Law Section 809.
23. An environmental assessment form (EAF) and, where required, a draft environmental impact statement (EIS);
24. A SPDES General Permit for Storm water Discharges for Construction Activities requirements for
25. applications disturbing 1 acre of land or more.
26. Other elements integral to the proposed development as considered necessary by the planning board.

### **Section 720. Waiver of Submission Requirements**

The planning board may waive any of the submission requirements listed in Section 715 above where it deems that the information is either not applicable or is unnecessary to a particular site plan review.

### **Section 730. Environmental Impact Review**

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

### **Section 735. Review**

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 710 above, the general standards for all uses as outlined in Article 5 of this law, and any special standards for the use found in this law.

### **Section 740. Variance**

During the course of the review, should the planning board determine that a site plan does not meet dimensional requirements feasible without the granting of a variance as defined by sections 420 and 640 of this law, the planning board may at any time refer the application and site plans to the zoning board of appeals for the consideration of such variance.

### **Section 745. Public Hearing**

A public hearing shall be held by the planning board. Such public hearing shall be conducted within 62 days of receipt of the completed application 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. Where required under General Municipal Law Section 239-nn, notice must be made to the Clerk of the adjacent town at least 10 days in advance of the hearing. When concluded, the Planning Board shall act by motion to close the public hearing. The Planning Board shall approve, approve with conditions, or disapprove the application within 62 days after such hearing.

### **Section 750. County Review**

The planning board shall refer all site plan review matters that fall within those areas specified under General Municipal Law Section 239m to the Oswego County Community Development, Tourism & Planning staff by mail or electronic submission for the county's recommendation thereon prior to final action. Such referral shall be made at least 10 days before the hearing, should the hearing be held. This includes any use that falls within 500 feet of the following: the boundary of the town; a state or county park or recreation area; the right of way of a state or county highway or expressway; a state or county owned drainage channel; a state or county land where a public building or institution is located; or the boundary of a farm operation in an agricultural district as defined by Article 25-AA of the Agriculture and Markets Law of the State of New York. If the Oswego County Community Development, Tourism & Planning staff does not respond within 30 days from the time it received a full statement on the referral matter, then the planning board may act without such report.

### **Section 755. Waiver of Public Hearing**

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

1. the use is over 1000 square feet of floor or ground area;
2. the use is over 20 feet in height;
3. the use is determined by the planning board to be of a publicly controversial nature;
- or
4. the applicant has requested the public hearing.

### **Section 760. Final Action**

1. Within 62 days of the public hearing, or within 62 days of the acceptance of a complete application where such hearing has not been required, the planning board

- shall act on the site plans. 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 statement to the applicant stating whether or not the site plans are approved, approved with modifications, or disapproved. The decision of the planning board shall be filed in the office of the town clerk within five business days and a copy mailed to the applicant.
2. If the site plans are 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 statement 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 statement shall contain the reasons for such findings. In such case, the planning board may recommend further study of the application and resubmission after it has been revised or redesigned.
  5. The planning board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed site plan. Upon the approval of a site plan, any such conditions must be met prior to, or in connection with, the issuance of permits by the enforcement officer.

### **Section 765. Report to County Planning Department**

The planning board shall report to the Oswego County Planning Department on its final action within 30 days of that event and set forth the reasons for any contrary actions.

## **ARTICLE 8. SITE PLAN REVIEW DESIGN STANDARDS**

### **Section 810. Application of Design Standards**

1. An application for site plan approval shall not be approved unless the proposed use meets the standards of this article.
2. The planning board may waive and/or modify, subject to appropriate conditions, the provisions of any or all standards and/or requirements set forth in this article if in the special circumstances of a particular application such standards are not in the interest of the public health, safety, and general welfare or strict adherence to such standards and/or requirements would cause unnecessary hardship for the applicant without achieving public benefit objectives. The planning board shall state its reasons for granting any waivers or modifications in writing and file the same along with the site plan application and supporting documents.

### **Section 820. Sewer, Water, and Public Facilities**

Sewer, water, and other utilities shall be provided in accordance with the requirements of Chapter 1, Part 7, NYS Sanitary Code, and subject to any other town requirements.

### **Section 830. Access/Traffic Standards**

Site plan approval shall be conditional upon the applicant obtaining any necessary approvals from the jurisdictional permitting authority, e.g., county, or town highway departments. In



addition, the following access requirements shall apply to the extent the planning board determines their appropriateness to the proposed use:

1. Private roads and driveways shall be constructed and maintained so as to provide for year-round access.
2. There shall be a minimum distance of 35 feet between proposed and existing driveways on public roads.
3. Driveways shall be combined wherever possible to minimize the number of access points onto public roadways.
4. No driveway centerline shall intersect a road line less than 70 feet from the intersection of any two roadways.
5. Driveway grade and width shall be such that adequate and safe access is provided for emergency and service vehicles during all seasons.
6. The minimum maintained width of driveways shall be 20 feet which allows for incoming and outgoing vehicles to pass one another safely.
7. The additional traffic generated, together with existing traffic, shall not exceed the capacity of the highway(s) that serve the development.
8. In situations where the proposed additional traffic is likely to result in a significant decrease in traffic safety conditions, the planning board may require the applicant to provide traffic improvements as a condition of site plan approval, or to reduce the size or density of the proposed development.

#### **Section 840. Parking/Loading Standards**

The following off-street loading standards shall be met by the applicant unless otherwise waived or modified by the planning board:

1. On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
2. Minimum dimensions of parking spaces shall be 10 x 20 feet. Car loading spaces shall be at least 15 feet in width and at least 25 feet in length, exclusive of access and turning areas. Truck loading spaces shall be at least 15 feet in width and at least 60 feet in length, exclusive of access and turning areas.
3. Curbing may be required along frontage to delineate access points.
4. Where possible, parking/loading areas should be located to the sides or rear of the use.
5. Any loading dock facing a road front shall be sufficiently far back from the road to enable the largest permitted tractor trailer to maneuver into said loading dock without obstructing traffic.

#### **Section 850. Landscaping and Screening**

Landscaping and screening shall be provided as follows:

1. Existing vegetation shall be used to the greatest extent possible.
2. Along a property line facing a residential property, a 20 feet wide buffer strip of evergreen planting shall be provided to effectively screen the commercial or industrial buildings from view.
3. Along road frontage, a 20 feet wide buffer of landscaping shall be provided where appropriate and designed so as not to obstruct sight distance at points of access.
4. Where appropriate, a wall, fence, or earthen berm of location, height, and design approved by the planning board, may be substituted for the required planting.

5. Where the existing topography and/or landscaping provides adequate screening, the planning board may modify the planting and/or buffer area requirements.

### **Section 860. Lighting**

Adequate lighting shall be provided on a site to ensure safe movement of persons and vehicles and for security purposes. All lighting shall be designed and arranged so as to minimize glare and reflection on adjacent properties and roadways.

1. The style of light and light standard should be consistent with the architectural style of the principal building.
2. The maximum height of free-standing lights should be the same as the principal building but not exceeding 25 feet.
3. Where lights along the property lines will be visible to adjacent residents, the lights should be appropriately shielded.
4. Spotlight-type fixtures attached to buildings should be avoided.
5. Free-standing lights should be so located and protected to avoid being easily damaged by vehicles.

### **Section 870. Drainage**

On site drainage shall conform to the following requirements:

1. To the extent practicable, all development shall conform to the natural contours of the land, and pre-existing manmade drainage ways shall remain undisturbed.
2. Wherever practicable, the drainage system of a development shall be coordinated with the connections to the drainage systems or drainage ways on surrounding properties or roads.
3. The natural state of watercourses, swales, or rights-of-way shall be maintained as nearly as possible. All drainage facilities shall be designed for a 25-year storm, minimum. The planning board may require facilities sized for more intensive storms should development conditions in the vicinity of the site warrant a greater degree of protection
4. Surface water runoff shall be minimized and detained on-site as long as possible and practicable to facilitate groundwater recharge.
5. All developments shall be constructed and maintained so that adjacent properties are not substantially impacted by surface waters as a result of such developments. No development shall be constructed or maintained so that such development impedes the natural flow of water thereby causing damage to any adjacent properties, or unreasonably collects and channels surface water onto adjacent properties at such locations or at such volume as to cause substantial damage to such lower adjacent properties.

### **Section 880. Erosion Control**

Erosion control plan shall be submitted where required by the planning board as follows:

1. Such plan may be required where development activities:
  - a. Disturbs one acre or more of land. For purposes of this section, disturbed land shall mean any use of the land by any use requiring site plan approval, that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or

organic, is transported by water, air, gravity, wind, or ice from the site of its origin.

- b. Is to be conducted on a site which has a slope anywhere on the site that averages 15 percent or more over a horizontal distance of at least 100 feet.
2. All measures necessary to minimize soil erosion and to control sedimentation in the disturbed land area shall be provided. Every effort shall be made by the applicant to minimize velocities of water runoff and retain sedimentation within the development site as early as possible following disturbances.

### **Section 890. Manufactured Home Parks**

All manufactured home sites shall be a minimum of two acres in size. The following requirement shall apply to any manufactured home, whether it is located on an individual lot or on a site within a manufactured home park:

1. **Manufactured Home Skirting**
  - a. Each manufactured home shall be provided with a skirt to screen space between the manufactured home and the ground. Such skirts shall be of permanent material and provide a finished exterior appearance.
2. The material used shall be fire-resistant.
3. **Manufactured Home Stands**
  - a. Each manufactured home site shall be provided with a stand which will give a firm base and adequate support for the manufactured home. Such stand shall have a dimension approximating the width and length of the manufactured home and any expansions or extensions thereto. Well-anchored tie downs shall be provided per manufacturer's directions.
4. A manufactured home being set up in the Town of Amboy (either inside or outside a manufactured home park) shall bear a HUD label, which certifies that the home is in compliance with all applicable federal construction and safety standards.
  - a. The home shall not have been modified structurally without certification.
  - b. Every manufactured home shall bear a date plate (affixed in the manufacturing facility) bearing not less than the following standards:
    - (1) The statement: "This mobile home (manufactured home) is designed to comply with the federal mobile home (manufactured home) construction and safety standards in force at the time of manufacture."
    - (2) Reference to the structural zone and wind zone for which the home is designed
  - c. A manufactured home being set up in the Town of Amboy (either inside or outside a manufactured home park) shall meet HUD standards.

### **Section 895. Campgrounds**

1. Each campground shall have adequate access to a public highway, and each recreational camping vehicle site shall be serviced from interior roadways.
2. All buildings and recreational camping vehicle sites shall have a front yard setback of 150 feet from the centerline of all roads with the setback area being seeded and adequately landscaped to provide screening from the road.
3. An overnight recreational camping vehicle site shall be a minimum 2,000 square feet in size and 4,000 square feet shall be provided for longer term vacation camping sites.

4. The owner or manager of a campground shall maintain an office in the immediate vicinity of the park and shall maintain accurate records of the names of park residents; home address; and make, description, year, and license or identification number of the trailer. These records shall be available to any law enforcement official or the enforcement officer.
5. 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.
6. Recreational camping vehicle sites shall be located on generally level terrain, not to exceed eight percent slope, that is well drained, free of flood hazard.
7. The corners of each recreational camping vehicle lot shall be clearly and permanently marked, and each lot numbered for identification.
8. Where the park terrain is adequate, "pull-through" lots will be provided.
9. Sewer, water, and other utilities shall be provided in accordance with the requirements of Chapter 1, Part 7, of the New York State Sanitary Code, which is adopted herein by reference, and subject to any other town requirements.
10. All campgrounds shall provide a building containing at least one automatic washing machine, and unless admission to the park is restricted to recreational camping vehicles equipped with these facilities, one toilet, lavatory and shower for each sex, for each 20 recreational camping vehicle lots. At least one public telephone shall be provided in each recreational camping vehicle park.
11. No person in the Town of Amboy shall occupy a recreational camping vehicle on an overnight basis, except in a campground which has been approved by the planning board or on private land with the consent of the owner for a period not to exceed 120 days per calendar year. On site disposal of sewage only by health department approval means.

## **ARTICLE 9. SPECIAL USE PERMITS**

### **Section 910. Authority**

The planning board is hereby authorized to review and approve, approve with modifications, or disapprove special use permits pursuant to Town Law Section 274-b. and in accordance with the standards and procedures set forth in this law.

### **Section 920. Applicability**

All uses that meet one or more of the following conditions shall have a special use permit and site plan approved by the planning board prior to the issuance of a zoning permit or a certificate of compliance by the zoning officer.

1. the use is over 10,000 square feet in floor or ground area;
2. the use is located greater than 500' from a public road right-of-way;
3. the use includes a structure over 40' feet in height;
4. the use is within 100' of a DEC designated wetland area, within 100' of a DEC classified stream or open water, or in a FEMA designated floodplain area;
5. the use results in the alteration or development of three or more acres (excluding customary agricultural and forestry uses); or

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

### **Section 930. General Special Use Permit Criteria**

1. In considering and acting on special use permits, the planning board shall consider the public health, safety, welfare, and comfort and convenience of the public in general, the residents of proposed developments, and the residents of the immediate surrounding area.
2. The planning board may prescribe such appropriate conditions and safeguards as may be required in order that the results of its action shall, to the maximum extent possible, further the accomplishment of the following objectives:
  - a. That the proposed use is of a character compatible with the surrounding neighborhood and in harmony with the comprehensive plan for the community.
  - b. That the public facilities 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.
  - c. That the proposed use complies with all requirements for site plans as specified in this law and any other special requirements as may be set forth for the use in this law.
3. Additional standards must be satisfied for Telecommunication Towers.
4. The planning board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed special use permit. Upon the approval of a special use permit, any such conditions must be met in connection with the issuance of permits by the enforcement officer.

### **Section 940. Application and Review Procedure**

All applications for special use permits shall be submitted and reviewed in compliance with the submission requirements and review procedures for site plan reviews as provided in Articles 7 and 8 of this law. The public hearing as provided for in Section 740 of this law may not be waived.

## **ARTICLE 10. TELECOMMUNICATION TOWERS**

### **Section 1005. Temporary Special Use Permit Required**

Telecommunication towers shall be sited only upon approval of temporary special use permit issued for a maximum period of five years. Such permit application shall be reviewed by the planning board pursuant to the authority of New York State Town Law Section 274-b, and pursuant to the procedures of Article 4 of this law. Such permit may be issued or extended upon proof by the owner or operator that 1) the facility is in use as a transmission facility, and 2) that there is a necessity for the tower at the particular location for which application is made. Where such temporary special permit is not renewed, the tower shall be removed from the premises within 60 days.

### **Section 1010. Shared Use**

Shared use of existing towers shall be preferred to the construction of new towers. Where such shared use is unavailable, location of antennae on pre-existing structures shall be sought. An applicant shall be required to present an adequate report inventorying existing towers within a

reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities and use of other pre-existing structures as an alternative to new construction. An applicant proposing to share use of an existing tower shall be required to document intent from an existing tower owner to share use. In the case of new towers, the applicant shall be required to submit a report demonstrating good faith efforts to secure shared use from existing towers and to secure location of antennae on pre-existing structures, as well as documenting capacity for future shared use of the proposed tower. Written requests and responses for shared use shall be provided.

### **Section 1015. Setbacks**

Towers and antennae shall be setback from all lot lines a distance equal to the height of the tower plus 25 feet. Additional setbacks may be required to contain icefall or debris from tower failure on-site, and/or to preserve privacy of adjoining residential and public property. The normal setbacks for the district shall apply to all ancillary tower parts, including guy wire anchors and accessory facilities.

### **Section 1020. General Aesthetics**

All towers and accessory facilities shall be sited to have the least practical adverse visual effect on the environment. Accessory structures shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.

### **Section 1025. Lighting**

Towers shall not be artificially lighted except for 1) a single red aviation warning light on the top, or 2) as required by the Federal Aviation Administration (FAA). Towers shall be a galvanized finish or painted gray above the surrounding tree line and painted gray, green or black below the surrounding tree line unless other standards are required by the FM. Towers should be designed and sited so as to avoid, whenever possible, application of FM lighting and painting requirements.

### **Section 1030. Tower Design**

Whenever feasible, tower construction shall be of a "monopole" design. Guyed towers shall be preferable to free-standing structures. All towers shall be fitted with anti-climb devices. Towers shall be designed to provide colocation by at least three providers or designed so that they can be retrofitted to accommodate at least three providers unless such colocation is not feasible as demonstrated by competent engineering or technical proof.

### **Section 1035. Signs**

Signs shall not be permitted on towers except for signs displaying owner contact information and safety instructions. Such signs shall not exceed five square feet in surface area.

### **Section 1040. Vegetation**

Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four inches in diameter (measured at a height of four feet off the ground) shall take place. Clearcutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited.

### **Section 1045. Screening**

Deciduous or evergreen tree plantings may be required to screen portions of the tower from nearby residential property as well as from public sites known to include important views or

vistas. The base of any tower and anchors on guyed towers shall be surrounded by an opaque security fence eight feet in height. Such fence shall enclose the base of the tower as well as any and all accessory equipment and structures.

### **Section 1050. Fencing**

The base of any tower and anchors on guyed towers shall be surrounded by an opaque security fence eight feet in height. Such fence shall enclose the base of the tower as well as any and all accessory equipment and structures.

### **Section 1055. Access and Parking**

A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall be consistent with standards for private roads and shall at all times minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than ten feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential. Public road standards may be waived in meeting the objectives of this section.

### **Section 1060. Utility and System Connections**

All utility connections shall be installed beneath the ground surface. Where technologically feasible, connections between telecommunications towers and the system of which they are a part shall be made by use of land line cable rather than parabolic or dish antennas. When such antenna links are technologically necessary, they shall be located, painted and otherwise situated so as to minimize visual impacts. In no case shall the diameter of such an antenna exceed six feet.

### **Section 1065. Financial Security for Demolition**

The owner/operator shall provide a demolition bond or other security acceptable to the town for the purpose of removing the facility in case the applicant fails to do so upon the revocation, expiration or the non-renewal of the special use permit.

### **Section 1070. Annual Inspection**

Towers shall be inspected annually on behalf of the tower owner/operator by a New York State licensed professional engineer for structural integrity and continued compliance with these regulations. A copy of such inspection report, including findings and conclusions, shall be submitted to the enforcement officer no later than December 31 of each calendar year.

### **Section 1075. Annual Radiation Emission Certification**

The owner/operator shall submit certification on an annual basis, signed by a New York State licensed professional engineer, verifying that such facility is in compliance with all applicable federal, state and local radio frequency radiation emission standards. Such annual certification shall be delivered to the enforcement officer during the month of December of each calendar year. This requirement shall be considered an implied condition to any site plan, special use permit and/ or use variance granted for the facility.

### **Section 1080. Maintenance**

All facilities shall be maintained in good order and repair. Routine maintenance and repair shall be conducted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, except for

emergency repairs which may be undertaken at any time with prior notice to the enforcement officer.

## **ARTICLE 11. RENEWABLE ENERGY AND BATTERY ENERGY STORAGE PROVISIONS**

### **Section 1110. Applicability**

1. The requirements of this Article shall apply to all solar or wind energy systems and battery energy storage systems permitted, installed, or modified after its effective date, excluding general maintenance and repair.
2. A zoning permit application shall be required for the installation of all solar energy systems. The zoning permit application shall be reviewed by the Enforcement Officer and referred to the Planning Board for its review and action, in applicable, which can include approval, approval with conditions, and disapproval. A valid zoning permit shall be obtained through the town of Amboy Enforcement Officer prior to installation, with the exception of:
  - a. Building-integrated photovoltaic systems that are integrated directly into building materials, such as roof shingles, and that are a permanent and integral part of, and not mounted on the building or structure;
  - b. Small solar collectors of less than one square yard used individually for charging of batteries and powering small equipment or devices (such as lighting); and
  - c. Photovoltaic systems that meet the requirements of the New York State Unified Solar Permit (systems with a rated direct current (DC) capacity of 25 kW or less that meet other requirements).
3. A zoning permit application shall be required for the installation of all wind energy systems. The zoning permit application shall be reviewed by the Enforcement Officer and referred to the Planning Board for its review and action, if applicable, which can include approval, approval with conditions, and disapproval. A valid zoning permit shall be obtained through the town of Amboy Enforcement Officer, prior to installation.
4. A zoning permit shall be required for the installation of all battery energy storage systems. The zoning permit application shall be reviewed by the Enforcement Officer and referred to the Planning Board for its review and action, if applicable, which can include approval, approval with conditions, and disapproval. A valid zoning permit shall be obtained through the town of Amboy Enforcement Officer, prior to installation.

### **Section 1120. Solar Energy System Design Standards**

1. Any proposed solar energy system including those subject to review by the Office of Renewable Energy Siting pursuant to Article 94-c of Executive Law, shall be subject to all substantive provisions of this Article and any other applicable local law.
2. The following standards shall apply to all solar energy systems:
  - a. All solar energy systems shall be designed, erected, and installed by a licensed architect or licensed engineer registered in New York State in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code (“Building Code”), International Building Code,



International Fire Prevention Code and National Fire Protection Association (NFPA) 70 Standards, and the NYS Energy Conservation Code (“Energy Code”).

- b. All on-site electrical wires associated with solar energy systems shall be installed underground, except for “tie-ins” to a public utility company and public utility company utility poles, towers, and lines. This standard may be modified by the town if the project terrain is determined to be unsuitable due to reasons of excessive grade, biological impacts, or similar factors.
- c. All solar energy systems shall be operated such that no damage is caused by stray voltage. If it has been demonstrated that a system is causing stray voltage, the system operator shall promptly mitigate the damage or cease operation of the system.
- d. All solar collectors shall have anti-reflective coatings.
- e. All solar collectors and related equipment shall be surfaced, designed, and sited to minimize glare on adjacent properties and roadways.
- f. All solar collectors and their associated support elements shall, at the time of installation, be designed according to generally accepted engineering practice to withstand wind pressures applied to exposed areas by wind from any direction, to minimize the migration of light or sound from the installation and to minimize the development of sight obstructions for adjacent structures or land parcels.
- g. All solar energy systems, solar collectors, and solar panels shall be maintained in good condition and in accordance with all requirements of this law and all applicable state laws.
- h. All solar energy systems shall be located in a manner to reasonably minimize view blockage for surrounding properties, while still providing adequate solar access for collectors.
- i. Solar energy systems and equipment shall be permitted only if they are determined by the town of Amboy not to present safety risks, including, but not limited to, weight load on structures, ingress or egress to property in the event of an emergency, traffic site lines, and wildlife habitat.

### **Section 1130. Small Solar Energy Systems**

#### **1. Procedural Requirements**

- a. Small solar energy systems are permitted through the issuance of a zoning permit and are subject to the requirements set forth in this Section
- b. Any solar energy systems attached to a structure shall be required to submit a structural report to address all load impacts.

#### **2. Building-Mounted Small Solar Energy Systems**

- a. Building-mounted solar energy systems that use the electricity onsite are permitted as an accessory use when attached to any lawfully permitted building or structure.
- b. Building-mounted solar energy systems shall incorporate the following design requirements:

- 2.b.1. Solar collectors on pitched roofs shall be mounted at an appropriate distance between the roof surface and the highest edge of the system and approved by a New York State (NYS) Licensed Professional Engineer or NYS Registered Architect.

- 2.b.2. Solar collectors on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
  - 2.b.3. Solar collectors on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
  - 2.b.4. Solar collectors on flat roofs shall not extend above the top of the surrounding parapet, or more than 24 inches above the flat surface of the roof, whichever is higher.
  - 2.b.5. Solar collectors shall not restrict chimney function in any way.
  - 2.b.6. Solar collectors shall not create unsafe structural loads on roofs or walls.
  - 2.b.7. Solar collectors shall not be located near any flammable materials.
  - 2.b.8. Signage displaying disconnection and other emergency shutoff information shall be clearly displayed on a light reflective surface.
3. Ground-Mounted Small Solar Energy Systems
- a. Ground-mounted solar energy systems that use the electricity primarily onsite are permitted as an accessory use.
  - b. Height and Setback. Ground-mounted solar energy systems shall not exceed eight feet in height when oriented at maximum tilt. All solar collectors must be located in compliance with NYS Department of Environmental Conservation (DEC) and Federal Flood Plain regulations and specifications as they pertain to waterways, waterbodies, and designated wetlands.
  - c. Lot Coverage. Systems are limited to a maximum lot coverage of 50%.
  - d. Installation in front yards is prohibited.

### **Section 1140. Large Solar Energy Systems**

1. Procedural Requirements. Large solar energy systems are permitted through the issuance of a zoning permit and site plan review, subject to the requirements set forth in this Section. Large solar energy systems in the town of Amboy are subject to the following requirements.
- a. Any solar energy system attached to a structure shall be required to submit a structural report to address all load impacts.
  - b. The Planning Board may impose conditions on its permit approval under this Section in order to enforce the standards referred to in this Section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).
  - c. Any zoning permit application shall include the following information:
    - 1.c.1. A complete Full Environmental Assessment Form Part 1, Project and Setting.
    - 1.c.2. Property lines and physical features, including roads, for the project site.
    - 1.c.3. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
    - 1.c.4. A one- or three-line electrical diagram detailing the solar energy system layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
    - 1.c.5. A preliminary equipment specification sheet that documents all proposed solar panels, significant components, mounting systems, and inverters that are to be

installed. A final equipment specification sheet shall be submitted prior to the issuance of a zoning permit.

- 1.c.6. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the solar energy system shall be submitted prior to the issuance of a zoning permit.
  - 1.c.7. Name, address, phone number, and signature of the project applicant, as well as all property owners, demonstrating their consent to the application and the use of the property for the solar energy system. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted in the application.
  - 1.c.8. A Property Operation and Maintenance Plan that describes continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
  - 1.c.9. 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.
  - 1.c.10. A Vegetation Management Plan that describes how the large solar energy system owners will develop, implement, and maintain native vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators.
  - 1.c.11. Identification of wildlife species that may use the parcel, including potential wildlife travel corridors, migration paths, or critical habitats.
  - 1.c.12. A Mitigation Plan, if part of the project is located on prime farmland or farmland of statewide importance.
  - 1.c.13. A Decommissioning Plan shall be submitted as part of the application to ensure proper removal after being considered abandoned. Compliance with this plan shall be made a condition of the issuance of zoning permit approval under this Section. The decommissioning plan must specify that after the large solar energy system can no longer be used, it shall be removed and disposed of by the applicant or any subsequent owner in a lawful and environmentally proper manner. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a professional engineer or contractor. Cost estimations shall take inflation into account.
- d. Prior to the issuance of the zoning permit or final approval by the Planning Board, but not required as part of the application, engineering documents must be signed and sealed by a New York State (NYS) Licensed Professional Engineer or NYS Registered Architect.
2. Location. Large solar energy systems shall not be located in the following areas to the maximum extent practicable:
    - a. Prime farmland or farmland of statewide importance. Large solar energy systems shall not result in conversion of more than 10% of all prime farmland within the project area

to the extent practicable, which includes all facility components, such as solar collectors, mechanical equipment, and support facilities. Any development on prime farmland or farmland of statewide importance shall include a mitigation plan with the permit application. Large solar energy systems located on prime farmland shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.

- b. Areas including flood plains, historic sites, airports, government lands, conservation easements, trails, parklands, and wetlands as identified by the New York State Department of Environmental Conservation, the United States Army Corps of Engineers, or Federal Flood Plain regulations and specifications.
3. Design Standards. All large solar energy system shall incorporate the following design standards:
- a. Lot Coverage. Large solar energy systems shall be located on lots with a minimum size of 10 acres. A large solar energy system that is ground-mounted shall not exceed 50% of the total size of the lots or parcels on which it is installed. The surface area covered by a large solar energy system includes all facility components, such as solar collectors, mechanical equipment, and support facilities.
  - b. Height and Setbacks. Large solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt. Minimum setback from road right-of-way lines: 100 feet. Minimum setback from side lot lines: 300 feet. Minimum setback from rear lot lines: 200 feet. Minimum setback from any existing residential structures: 400 feet. The Planning Board may require greater setbacks if deemed necessary to lessen the impacts of the project on neighboring properties. The side and rear lot line setbacks for contiguous parcels that include facility components within one proposed project may be waived. Fencing, access roads and landscaping may occur within the setback.
  - c. Fencing and Screening. All large solar energy systems shall be enclosed by fencing at least seven feet high with a self-locking gate to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The fencing and the system may be required to be screened by landscaping as needed to avoid adverse aesthetic impacts. Based on site specific conditions, including topography, adjacent structures, and roadways, reasonable efforts shall be made to minimize visual impacts by preserving natural vegetation, and providing berms or landscape screening consisting of native species to abutting residential properties, public roads, public sites, and known areas of important views or vistas, but screening should minimize the shading of solar collectors.
  - d. Signage. Signage shall include and be limited to:
    - 3.d.1. The manufacturer's name, equipment specific information, safety information, and 24-hour emergency contact information. Said information shall be depicted within an area no more than eight square feet.
    - 3.d.2. Disconnection 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. Tree-Cutting. Removal of existing trees larger than six inches in diameter should be minimized to the extent possible.
  - f. Vegetation.
    - 3.f.1. All large solar energy systems on Prime Farmland or Farmland of Statewide Importance shall be required to seed 20% of the total surface area of all solar panels on the lot with native perennial vegetation designed to attract pollinators.
    - 3.f.2. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the large solar energy system owners shall use native plant species and seed mixes.
    - 3.f.3. Vegetation shall be maintained below solar collectors. The ground within the fenced perimeter shall not be tamped, compressed, or otherwise conditioned with herbicides or similar other treatment to inhibit the growth of natural vegetation.
    - 3.f.4. The Planning Board may allow for or require co-usage of the lands under and around installed solar collectors for grazing or growing of crops that could be grown or harvested without damaging or interfering with solar facilities.
  - g. Temporary and Access Roads. All access, construction, or project-related roads shall not be less than three rods in width pursuant to Article 8 Section 171 of New York State Highway Law so as to provide access for firetrucks and other service vehicles in case of an emergency.
4. Removal.
- a. Removal of large solar energy system must be completed in accordance with the decommissioning plan. If the large solar energy system is not decommissioned after being considered abandoned, the town may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality.
  - b. Large solar energy systems are considered abandoned when the Enforcement Officer determines the site and system has not been maintained, is a safety risk, or after one year without electrical energy generation and must be removed from the property. Applications for extensions may be reviewed by the Planning Board for a period of six months. If the solar energy system ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the system, mount and associated equipment and facilities by no later than 90 days after the end of the 12-month period. The site shall be restored to as natural a condition as possible within one year of removal of the system. Failure to comply with this section will result in enforcement action detailed in Article 12.
5. Sureties/Bond. The applicant may be required to provide financial sureties, as set forth, for the removal of a large solar energy system. Pursuant to the execution of the decommissioning plan, the applicant shall provide the town with a bond in an amount determined by the Planning Board, but in no case less than 20% of the component and material costs [adjusted for inflation 20 years into the future after installation] to cover the expense of removal of the system and remediation of the landscape, in the event the town must remove the facility. The bond shall be in a form acceptable to the town attorney, which includes, but is not limited to, an escrow account, a letter of credit, perpetual bond, or any combination thereof.

## **Section 1150. Wind Energy System Design Standards**

1. Any proposed wind energy system including those subject to review by the Office of Renewable Energy Siting pursuant to Article 94-c of Executive Law, shall be subject to all substantive provisions of this Article and any other applicable local law.
2. The following standards shall apply to all wind energy systems:
  - a. The proposed installation is located in an area that is necessary and convenient for the efficient distribution of power from the energy generation facility to the area to be serviced by such facility.
  - b. The design of any building constructed or used in connection with the energy generation facility shall conform to the general character of the area and will not adversely affect the usage and reasonable enjoyment of property rights in the town.
  - c. Reasonable landscaping shall be provided to create a visual and sound buffer between such facilities and adjoining properties.
  - d. All electrical generating equipment, electrical storage equipment, transformers, and related equipment shall be enclosed in a secure structure. All such structures shall be secured by a fence.
  - e. No wind power generating facility or related structure shall be located within 250 feet of any lot line.

## **Section 1160. Minor Wind Energy Systems**

1. Procedural Requirements. Minor wind energy systems are permitted through the issuance of a zoning permit and are subject to the requirements set forth in this Section.
2. Location. Minor wind power generating facilities and wind test towers are allowed in all areas of the town of Amboy.
3. Design Standards
  - a. Setbacks. Lot line setback of minor wind power generating facilities and wind test towers shall be at least 110% of the height of the structure including rotor radius.
  - b. Height. Maximum height of minor wind power generating facilities and wind test towers shall be 100 feet including rotor radius.
4. Removal. If a minor wind power generating facility or wind test tower ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the facility or tower and associated equipment no later than 90 days after the end of the 12-month period. The site shall be restored to as natural a condition as possible within one year of removal of the system. Failure to comply with this section will result in enforcement action detailed in Article 14.

## **Section 1170. Major Wind Energy Systems**

1. Procedural Requirements
  - a. Major wind energy systems are permitted through the issuance of a zoning permit and site plan review, subject to the requirements set forth in this Section.
  - b. Any zoning permit application shall include the following information:
    - 1.b.1. A complete Full Environmental Assessment Form Part 1, Project and Setting.
    - 1.b.2. Property lines and physical features, including roads, for the project site.

- 1.b.3. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
  - 1.b.4. A one- or three-line electrical diagram detailing the major wind energy system layout, turbine installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
  - 1.b.5. A preliminary equipment specification sheet that documents all proposed wind turbines, significant components, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of zoning permit.
  - 1.b.6. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the major wind energy system shall be submitted prior to the issuance of zoning permit.
  - 1.b.7. Name, address, phone number, and signature of the project applicant, as well as all property owners, demonstrating their consent to the application and the use of the property for the major wind energy system. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted in the application.
  - 1.b.8. A Property Operation and Maintenance Plan that describes continuing wind turbine maintenance and property upkeep, such as mowing and trimming.
  - 1.b.9. 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.
  - 1.b.10. Identification of wildlife species that may use the parcel, including potential wildlife travel corridors, migration paths, or critical habitats.
  - 1.b.11. A Mitigation Plan, if part of the project is located on prime farmland or farmland of statewide importance.
  - 1.b.12. A Decommissioning Plan shall be submitted as part of the application to ensure proper removal after being considered abandoned. Compliance with this plan shall be made a condition of the issuance of zoning permit approval under this Section. The decommissioning plan must specify that after the major wind energy system can no longer be used, it shall be removed and disposed of by the applicant or any subsequent owner in a lawful and environmentally proper manner. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a professional engineer or contractor. Cost estimations shall take inflation into account.
- c. Prior to the issuance of the zoning permit or final approval by the Planning Board, but not required as part of the application, engineering documents must be signed and sealed

by a New York State (NYS) Licensed Professional Engineer or NYS Registered Architect.

2. Location. Major wind energy systems shall not be located in the following areas to the maximum extent practicable:
  - a. Prime farmland or farmland of statewide importance. Any development on prime farmland or farmland of statewide importance shall include a mitigation plan with the permit application. Major wind energy systems located on prime farmland shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.
  - b. Areas including flood plains, historic sites, airports, government lands, conservation easements, trails, parklands, and wetlands as identified by the New York State Department of Environmental Conservation, the United States Army Corps of Engineers, or Federal Flood Plain regulations and specifications.
3. Design Standards. All major wind energy system shall incorporate the following design standards:
  - a. Setback from road right-of-way lines: 1000 feet plus the height of the structure including rotor radius, minimum on all state highways and 500 feet plus the height of the structure including rotor radius, minimum on all other roads.
  - b. Setback from side and rear lot lines: 300 feet minimum. The Planning Board may require greater setbacks if deemed necessary to lessen the impacts of the project on neighboring properties. The side and rear lot line setbacks for contiguous parcels that include facility components within one proposed project may be waived.
  - c. Setback from any existing residential structures: 1000 feet minimum.
  - d. Fencing, access roads, and landscaping may occur within required setbacks.
  - e. Landscaping and screening. Appropriate landscaping is required to keep the site in a neat and orderly fashion. Appropriate screening is required to screen accessory structures from adjacent residences.
  - f. Equipment on site. All electrical generating equipment, electrical storage equipment, transformers and related equipment shall be enclosed in a secure structure. All such structures shall be secured by a fence.
  - g. Compliance with other agency regulations. All major wind generating facilities shall comply with applicable state and federal regulations.
  - h. Lighting. Major wind generating facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
  - i. Temporary and Access Roads. All access, construction, or project-related roads shall not be less than three rods in width pursuant to Article 8 Section 171 of New York State Highway Law so as to provide access for firetrucks and other service vehicles in case of an emergency.
4. Removal.
  - a. Removal of major wind energy systems must be completed in accordance with the decommissioning plan. If the major wind energy system is not decommissioned after being considered abandoned, the town may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality.



- b. The applicant shall submit an agreement to remove all driveways, structures, buildings, equipment sheds, lighting, utilities, fencing, gates, accessory equipment or structures, as well as any tower dedicated solely for use as a major wind power generating facility if such facility becomes technologically obsolete or ceases to perform its originally intended function for more than 12 consecutive months. The site shall be restored to as natural a condition as possible within one year of removal of the system. Failure to comply with this section will result in enforcement action detailed in Article 12.
5. Sureties/Bond. The applicant may be required to provide financial sureties, as set forth, for the removal of a major wind energy system. Pursuant to the execution of the decommissioning plan, the applicant shall provide the town with a bond in an amount determined by the Planning Board, but in no case less than 20% of the component and material costs [adjusted for inflation 20 years into the future after installation] to cover the expense of removal of the system and remediation of the landscape, in the event the town must remove the facility. The bond shall be in a form acceptable to the town attorney, which includes, but is not limited to, an escrow account, a letter of credit, perpetual bond, or any combination thereof.

### **Section 1180. Battery Energy Storage Systems**

1. Permitting requirements for small battery energy storage systems. Small battery energy storage systems shall be allowed in the town and shall require a zoning permit, subject to the requirements set forth in this Section.
  - a. Small battery energy storage systems shall maintain a 100-foot minimum setback distance from any existing residential structure.
2. Permitting requirements for large battery energy storage systems. Large battery energy storage systems are permitted through the issuance of a zoning permit and site plan review and shall be subject to the following requirements and design standards.
  - a. Any zoning permit application shall include the following information:
    - 2.a.1. A complete Full Environmental Assessment Form Part 1, Project and Setting.
    - 2.a.2. Property lines and physical features, including roads, for the project site
    - 2.a.3. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, existing and proposed structures, exterior lighting, and screening and vegetation
    - 2.a.4. A preliminary specification sheet that documents all proposed storage equipment to be installed. A final equipment specification sheet shall be submitted prior to the issuance of zoning permit
    - 2.a.5. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system shall be submitted prior to the issuance of a zoning permit
    - 2.a.6. Name, address, phone number, and signature of the project applicant, as well as all property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the

land for the duration of the project, including easements and other agreements, shall be submitted in the application.

- b. Signage. Signage shall be in compliance with American National Standards Institute Z535 and shall include the type of technology associated with the battery energy storage system, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, 24-hour emergency contact information, and any information required by the National Electric Code. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
  - c. Vegetation and tree cutting. Areas within 10 feet on each side of large battery energy storage systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover shall be permitted if they cannot readily transmit fire. Removal of trees should be minimized to the extent possible outside the 10-foot radius of the large battery energy storage system.
  - d. Fencing and screening. Large battery energy storage systems, including all mechanical equipment, shall be enclosed by fencing at least seven feet high with a self-locking gate to prevent unauthorized access (unless housed in a dedicated-use building) and not interfering with ventilation or exhaust ports. Large battery energy storage systems shall be screened to minimize adverse visual impacts by preserving natural vegetation and providing earth berms and landscaped screening to abutting residential properties, public roads, public sites, and known areas of important views or vistas. Existing vegetation may be used to satisfy all or a portion of the required landscaped screening. Any unhealthy vegetation shall be removed and replaced, immediately. The Planning Board has the right to waive the landscaping requirements for large battery energy storage systems where an applicant can demonstrate no impact on adjacent parcels.
  - e. Setbacks. Minimum setback from road right-of-way lines: 100 feet. Minimum setback from side lot lines: 300 feet. Minimum setback from rear lot lines: 200 feet. Minimum setback from any existing residential structures: 400 feet. The Planning Board may require greater setbacks if deemed necessary to lessen the impacts of the project on neighboring properties. The side and rear lot line setbacks for contiguous parcels that include facility components within one proposed project can be waived. Fencing, access roads and landscaping may occur within the setback.
3. Safety.
- a. System Certification. Prior to the issuance of a zoning permit from the Enforcement Officer, the applicant must submit copies of all safety certifications to the Planning Board and Enforcement Officer.
  - b. Site Access. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and first responders in the area.
  - c. Clearances and Enclosures. Large 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 the most recent National Electric Code.

- d. Safety Training. The applicant must ensure that appropriate and acceptable training for first responders is available prior to commencing operations.
4. Decommissioning Plan and Fund. The applicant shall submit a decommissioning plan to be implemented upon abandonment and in conjunction with removal of the facility. The owner and operator of the energy storage system shall continuously maintain a fund or bond payable to the town, in a form approved by the town for the removal of the large battery energy storage system, in an amount acceptable to the Planning Board, for the period of the life of the facility.
5. Abandonment and Removal. Large battery energy storage systems shall be considered abandoned when they cease to operate consistently for more than 12 consecutive months. If the owner and operator fails to comply with decommissioning upon any abandonment, the town may enter the property and utilize the available bond or security for the removal of a large battery energy storage system and the restoration of the site in accordance with the decommissioning plan. Failure to comply with this section will result in enforcement action detailed in Article 14.

## **ARTICLE 12. BOND FOR INSTALLATION OF IMPROVEMENTS**

### **Section 1210. General**

In order that the town has the assurance that the construction and installation of such improvement as storm sewer, water supply, sewage disposal, landscaping, noise abatement equipment and facilities, road signs, sidewalks, parking, access facilities, and road surfacing will be constructed, the town board may require that the applicant enter into one of the following agreements with the town:

1. Furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the town board.
2. In lieu of the bond, the applicant may deposit cash, certified check, an irrevocable bank letter of credit, certificate of deposit, or other forms of financial security acceptable to the town. Acceptable substitutes, if furnished, shall be kept on deposit with the town for the duration of the bond period.
3. Construct all improvements required in any existing permit and any additional improvements required by the town board prior to issuance of the zoning permit.

### **Section 1220. Conditions**

Before a zoning permit is approved, the applicant shall have executed a contract with the town, if required, and a performance bond, certified check, or bank letter of credit shall have been deposited covering the estimated cost of the required improvements that have been designated by the town board. The performance bond, certified check, or bank letter shall be to the town and shall provide the applicant, his heirs, successors, and assigns, their agent or servants, will comply with all applicable terms, conditions, provisions, and requirements of this law; will faithfully perform and complete the work of constructing and installing such facilities or improvements in

accordance with the zoning permit. Any such bond shall require the approval of the town board and the town attorney as to form, sufficiency, manner of execution and surety. Wherever a certified check is made, the same shall be made payable to the town.

### **Section 1230. Extension of Time**

The construction or installation of any improvements or facilities, for which guarantee has been made by the applicant shall be completed within two years from the date of approval of the site plan. The applicant may request an extension of time, provided he can show reasonable cause for inability to perform said improvements within the required time, at the end of which time the town may use as much of the guarantee to construct the improvements as necessary. The same shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications.

### **Section 1240. Schedule of Improvements**

When any one of the guarantees is issued pursuant to the preceding sections, the town and applicant shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost is listed may be repaid to the applicant upon completion and approval after inspection of such improvement or installation. However, 10% of the guarantee shall not be repaid to the applicant until one year following the completion and inspection by the town of all construction and installation covered by the guarantee.

## **ARTICLE 13. PLANNED UNIT DEVELOPMENT**

### **Section 1310. 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) 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 2) where flexibility in design is desirable by allowing yard sizes, building coverages, and other requirements which would not otherwise be permitted through the other types of zones provided for in this law.

### **Section 1320. 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 1330 below. The submission of a development plan to the town board shall in no way bind the town board to holding a hearing upon, or acting upon a PD rezoning proposal.
2. The town board may request the recommendation of the planning board on the suitability of the development plan and the advisability of PD zone designation.
3. Upon acceptance of a development plan deemed necessary and appropriate by the town board, the board may hold a hearing on, and may amend the zoning map designating a PD zone. In making its determination, the town board shall be guided by the considerations as outlined in section 1340 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 1350 below, upon approval of a PD zone designation.

### **Section 1330. Development Plan Requirements**

The development plan shall be prepared by an architect, landscape architect, engineer, or land surveyor, and shall include the following information presented in drawn form and accompanied by 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. preliminary site plan, drawn to scale, showing proposed development and land uses;
3. traffic circulation, parking and loading spaces and pedestrian walks;
4. landscaping and grading plans;
5. any other information deemed necessary by the town board.

### **Section 1340. 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 comprehensive plan;
4. existing and proposed roads 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.

### **Section 1350. Development Conditions and 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 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;
5. pedestrian circulation;
6. the architectural design of buildings or structures;
7. the design and placement of accessory structures; and
8. specific site plans for either a portion of, or the entire zone.

## **ARTICLE 14. NONCONFORMITIES**

### **Section 1410. Intent**

The lawful use of any building or land existing at the time of the enactment of this chapter or any amendments thereto may be continued although such does not conform to the provisions of this chapter, subject to the following:

1. 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 nonconforming lots, structures or uses.

### **Section 1420. Nonconforming Lots**

Any lot 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 provided that such lot has sufficient width, depth and area to undertake development which will:

1. maintain the required minimum front yard;
2. maintain the required minimum side and rear yards;
3. provide sufficient area to comply with all on-site water supply and sewage disposal system requirements

### **Section 1430. Nonconforming Structures**

No structure which by the enactment or amendment of this law is made nonconforming or placed in a nonconforming situation with regard to yard sizes, lot coverage, height or any requirement of this law, shall be changed so as to increase its nonconformity.

### **Section 1440. Nonconforming uses of Land or Structures**

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

1. no nonconforming use shall be increased in size so as to occupy a greater area of land or floor area than was committed to the nonconforming use at the time of such enactment or amendment;
2. no nonconforming use which has been abandoned for a period of one year or more shall be reestablished; and
3. a special use permit shall be required for any alteration or reconstruction which is on the premises of a nonconforming multi-family residential or nonresidential use.

### **Section 1450. Expansions**

A nonconforming use shall not be expanded until such time as the owner of the lot of record has applied for and received a variance from the Zoning Board of Appeals. The expansion of a lawful use to any portion of any nonconforming building which existed prior to the enactment of this law shall be deemed an expansion of such nonconforming use and shall also require a variance.

### **Section 1460. Abandonment or Discontinuance**

When a nonconforming use of land or structures has ceased for a period of one year or more, it shall not thereafter be reestablished, and the future use of such land or structure shall be in conformity with the provisions of this law.

### **Section 1465. Replacement of Manufactured Homes and Mobile Homes**

A nonconforming manufactured home or a mobile home may be removed and replaced by another manufactured home or mobile home if application for the replacement is filed within one year of the removal or the original structure. Such replacement structure shall be on the same location, shall be no larger than the original structure and shall in no way increase the nonconformity of the site. Replacement structures which are larger than the original unit shall require an area variance.

### **Section 1470. Changes**

Once changed to a conforming use, no building or land shall be allowed to revert to a nonconforming use.

### **Section 1480. Destruction**

If a nonconforming building or structure is destroyed by any means to the extent of 50% or more of either its value or its bulk, the applicant will thereafter have six months from the date of approval of the site plan, or approval of the building permit by the Code Enforcement Officer if site plan approval is not necessary, to complete reconstruction without expanding the original use. If the six-month period expires prior to completion, the Code Enforcement Officer shall commence enforcement proceedings unless, prior to said expiration, the owner of the said lot of record has submitted an application for an extension of the permit for an additional six-month period. There shall be no fee charge for an extension permit.

### **Section 1490. Certificates.**

Existing nonconforming uses shall be certified, and a certificate of occupancy shall be issued within 120 days of adoption of this law.

## **ARTICLE 15. ADMINISTRATION/ENFORCEMENT**

### **Section 1510. Enforcement Officer**

The town board shall appoint an enforcement officer to carry out specific administrative functions as designated in this law, and to enforce this law. The duties of the enforcement officer shall include, but not limited to, the following:

1. Issue and deny zoning permits and certificates of compliance in accordance with this law;
2. Inspect and certify that the regulations of this law have been adhered to;
3. Refer appropriate matters to the zoning board of appeals or town board;
4. Revoke permits where there is false, misleading or insufficient information;
5. Revoke permits and certificates of compliance where the applicant has not complied with the provisions of the approved application;
6. Investigate violations and complaints of violations of this law, issue stop use/work orders and refer violations to the town justice, or the town board;
7. Assist in the prosecution of violators of this law.

### **Section 1520. Application Procedure for Zoning Permits**

1. Applications for zoning permits shall be submitted to the enforcement officer and shall include three copies 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; the locations of all on-site sewage disposal systems and wells; 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 town clerk or enforcement officer.
2. When establishing measurements to meet the required setbacks and yard sizes, the measurements shall be taken from the lot line, road centerline, or nearest mean high-water line to the furthest protruding part of the use or structure. This shall include such projecting facilities as porches, carports, attached garages, etc.
3. The enforcement officer shall take action to approve or disapprove the application within ten days of the receipt of a completed application by the enforcement officer 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 1530. Permit Fees**

A fee as determined by town board resolution shall be paid for each application for a zoning permit or special use approval. No permit shall be issued until full payment has been received by the town clerk.

### **Section 1540. Certificate of Compliance**

1. No use requiring site plan approval shall be used, or occupied, until a certificate of compliance has been issued by the enforcement officer stating that the building, structure, or proposed use complies with the provisions of this law.
2. All certificates of compliance shall be applied for coincidentally with the application for a zoning permit. The certificate shall be issued within ten days after the erection and alteration has been completed in accordance with the conditions of the approved permit, and state that the use complies with the provisions of this law.
3. The town clerk shall maintain a record of all certificates of compliance and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building and/or property affected.

### **Section 1550. Violations**

1. Whenever a violation of this law occurs, any person may initiate a complaint. All complaints shall be in writing. The enforcement officer shall accurately record the complaint, file it appropriately, and investigate it.
2. If the complaint is found to be valid, the enforcement officer shall then inform the owner of the premises that there is a violation of the law. The owner shall be notified by certified mail, or be personally served, as to the manner of the violation. The notice shall specify a reasonable amount of time to correct the violation.



3. Should the violation persist, an order to stop use/work may be issued by the enforcement officer to the owner in the same manner as a notice of violation. Such order shall require that all use or construction stop immediately.
4. If a violation persists, the enforcement officer may file an "information and complaint" with the town justice charging the owner with violating one or more sections of this law. The town justice may then issue a summons for the violator to appear in court.
5. Pursuant to Criminal Procedure Law Section 150.20 (3), the enforcement officer is hereby authorized to issue an appearance ticket to any person causing a violation of this law, and, if a violation persists, may cause such person to appear before the town justice.

### **Section 1560. Penalties**

A violation of this law shall be punishable by a fine not exceeding \$350, or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350, nor more than \$700, or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less \$700, nor more than \$1,000, or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation. The town board may maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law.

### **Section 1570. Zoning Board of Appeals**

1. **Creation, Appointment, and Organization:** A zoning board of appeals is hereby created. Said Board shall consist of five members. The town board shall appoint the members of the board of appeals on a staggered term basis in conformance with Town Law and appoint a chairman. The board of appeals shall prescribe rules for the conduct of its affairs.
2. **Powers and Duties:** The board of appeals shall have all the power and duties prescribed by Section 267 of the NYS Town Law and any subsequent similar provisions of law.
3. **Procedure:** The Board of Appeals shall act in strict accordance with the procedure specified by law. All appeals and applications made to the Board shall be in writing and on a form prescribed by the town. Every appeal or application shall refer to the specific provisions of the law being appealed and shall exactly set forth the interpretation that is claimed, the use for which the permit is sought, or the details of the appeal that is applied for and the grounds on which it is claimed that the appeal should be granted, as the case may be. A hearing shall be held for all variance actions in conformance with the requirements of Town Law. Every decision of the Board of Appeals shall contain a full description of reasons for granting or denying the permit. The reasons for the action shall be set forth in the minutes of the Board of Appeals meeting at which the action was taken. A tally of each member's vote shall be

recorded. All meetings and hearings of the Board shall be public, and records thereof shall be filed with the town clerk.

## **ARTICLE 16. MISCELLANEOUS PROVISIONS**

### **Section 1610. 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 239m.

### **Section 1620. 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 rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

### **Section 1630. Separability**

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 1640. Effective Date**

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