TOWN of ALTONA

RURAL ZONING LAW

Local Law #1 2004

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Article 1
General Provisions

Section 100 Title

The title of this law is the " **Town of Altona Zoning Law**", and shall include this text and official Zoning Map.

Section 105 Purposes

The purposes of this law are to provide for orderly growth and change within the Town of Altona, and to provide for the health, safety and general welfare of existing and future residents.

Section 110 Regulated Activities

A. A Zoning Permit shall be required for any of the following actions.

1. Construction of any new building or structure one-hundred and fifty (150) square feet or larger in ground coverage, except swimming pools.
2. Enlargement of an existing building or structure by two hundred feet (200) square feet or more.
3. Change in the use of a building or of land.
4. The placement of permanent signs larger than sixteen (16) square feet in area.
5. Construction of or Modification of an existing Communication installation, transmission tower, accessory facility or structure freestanding tower and or pole. The modification of existing structure to serve as a transmission tower, telecommunication tower, accessory facility.

B. The following activities **do not** require a Zoning Permit but must meet the building setbacks and other requirements of this law.

1. Agricultural structures and uses located on a farm.
   Residential structures located on a farm properties are not considered agricultural structures and shall require a Zoning Permit. (See Section 330 part F for required Setbacks).
2. The placement of permanent signs sixteen (16) square feet or less in area. (See Section 435)

C. The following activities **are not** regulated by this law and **do not** require a Zoning Permit.

1. New buildings or structures less than one-hundred fifty(150) square feet in ground area.
2. An enlargement of an existing building or structure which is less than two hundred (200) square feet in ground area.
3. Swimming pools, fences, hedges, satellite dishes, chimneys, post, and similar structures.
4. Interior structural alterations, or routine maintenance and improvement which does not expand the exterior dimensions of a structure.
5. Temporary yard sales, porch sales, garage sales and sales of a similar nature, which are held less than thirty (30) days per year.
6. Temporary Signs. (See definition of temporary sign).

Article 2

Establishment of Zones

Section 200 Types of Zones

For the purpose of this law, the Town of Altona is hereby divided into the following Zones.

RU Rural Use
IC Industrial / Commercial
H Hamlet

Section 210 Zoning Map

Said districts are bounded as shown on the Town of Altona Zoning Map, which with all explanatory matter is hereby made part of this law.

Section 220 Interpretation of Zone Boundaries on Zoning Map

Boundary lines generally follow road lines, 1000 feet setbacks from highways, property lines, Or streams. Questions concerning the precise location of zone boundary lines shall be resolved by the Board of Appeals under their powers of interpretation.

Section 225 Lots in Two or More Districts

If a lot lies in two or more zoning districts, each portion of the lot shall be governed by the regulations of the district in which it lies. Upon special authorization of the Zoning Board of Appeals, and after Public hearing, the provisions of the less restricted portion of the lot may be extended up to 100 feet into the more restricted portion. An extension of more than 100 feet shall require a variance or map amendment.

ARTICLE 3
ZONING DISTRICT REGULATIONS

Section 310 Explanation of Permitted Use Chart

Land uses designated by an "**X**" on the permitted use charts (Section 320) are allowed Uses within the zone.

Land uses designated by an "**S**" on the permitted use charts are uses allowed by Special Use Permit. The planning board must review and approve all uses allowed by Special Use Permit before a zoning permit may be issued.

A use shall be deemed prohibited within a zoning district unless it is listed as a permitted Use or as a use allowed by Special Use Permit within that district.

F. OTHER USES

Agriculture/ Forestry ----------	X	X	X
Cluster Development ----------	S	S	S
Accessory Use ----------	Prohibited IN ALL Zones		

(A) Up to two (2) single-wide mobile homes may be placed on a active farm in any zone provided that they are occupied by a person employed in the operation of the farm. Such mobile home shall be removed within six (6) months of the date it ceases to be used for such purpose.

ZONES	IC	RU	H
Adult Use and Entertainment Establishments	S		

SECTION 330 DIMENSIONAL REQUIREMENTS

	IC and RU ZONES	H ZONE
A. Single or Two Family Dwelling		
Minimum Lot Size (sq. ft.)	40,000	20,000
Minimum Lot Width (ft.)		
Access onto Route 190 or Route11	200	
Access onto other Roads	175	100
Minimum Highway Frontage (ft)	15	15
Minimum Front Building Setback from Highway Right-a- way (ft. from center of road)		
Access onto Route 190 or Route11	60	
Access onto Other Roads	40	30
Minimum Building Setbacks, each side (ft.)	20	20
Minimum Building Setbacks, rear (ft.)	40	30
Maximum Building Height (ft.)	35	35

	IC and RU ZONE	H ZONE
B. Residential Accessory Structures		
Minimum Front Building Setback from Highway Right-a-way (ft.)		
Access unto Route 190 or Route 11	40	na
Access onto Other Roads	40	30
Minimum Building Setback, each side (ft.)	20	10

	IC and RU ZONE	H ZONE
C. Multi-Family Dwelling		
Minimum Lot Size (sq. ft.)		
First Unit	40,000	40,000
Each Additional Unit	10,000	10,000

Continued on page 6

SECTION 320 PERMITTED USE CHARTS

X -------- Permitted
S -------- Permitted after Special Permit Approval
Blank or Not Listed = Not Permitted
IC -------Industrial/Commerical
RU ------ Rural Use
H ------- Hamlet

	IC	RU	H
A. Residential Uses			
One or Two Family Dwelling	X	X	X
Multi- family Dwelling	S	S	S
Single Wide Mobile Home (a)	X	X	X
Mobile Home Park	S	S	
B. General Uses			
Church	S	S	S
Membership Club	S	S	S
Pubic Facility	S	S	S
Essential Use/Service	S	S	S
Non-Profit Recreation Facility	S	S	
C. Commercial Uses			
Small Business	S	S	S
Large Retail	S		S
Shopping Center	S		
Motor Vehicle Sales And Repair	S	S	
Lawn, Garden, or Farm Equipment	S	S	
Mobile Home Sales	S		
Feed Store, Farm Supplies	S	S	
Produce Sales	S	S	S
Nursery, Florist, Greenhouse	S	S	S
Outdoor Recreation	S	S	
Golf Course and Club House	S	S	
Campground, Travel Trailer Park	S	S	
Indoor Recreation (bowling, Skating)	S	S	S
Truck Stop	S		
Indoor Theatre	S	S	S
Motel, Hotel, Cabins	S	S	
Lodging House, Bed & Breakfast	S	S	S

Continued on Page 4

C. Commercial Uses	IC	RU	H
Restaurant	S	S	S
Food or Ice-cream Stand	S	S	S
Launderette	S	S	S
Personal Service Business (beauty shop, barber, tailor)--- or similar businesses	S	S	S
Professional or Business Office	S	S	S
Bank	S	S	S
Health Care Facility	S	S	S
Private School	S	S	S
Child Care Center	S	S	S
Funeral Homes	S	S	S
Tavern, Bar, or Nightclub	S		
Gasoline and Auto Service Station	S	S	S
Motor Vehicle repair/Auto Body Shop	S	S	
Appliance Repair Shop	S	S	S
Veternarian, Animal Hospital	S	S	S
Kennels	S	S	
Well Drilling or Construction Business	S	S	
Slaughter House	S		
Amusement Park	S	S	S
Junk Yards or Scrap Yards	Prohibited IN ALL Zones		
Motorized Vehicle Race Tracks	S		
Airports	S		
Telecommunication Towers or Antenna's	S	S	
Unlisted Commerical Use			

D. INDUSTRIAL, TRUCKING, and WAREHOUSEING USES			
Light Industrial Use	S	S	
Sawmill / Wood-products Manufacture, small	S	S	
Sawmill / Wood-products Manufacture, large	S		
Warehousing and Distribution	S	S	
Trucking	S	S	
Fuel Oil Distribution	S	S	
Fertilizer Manufacture and Distribution	S		
Sand or Gravel Extraction	S	S	
Research and Testing Laboratory	S	S	
Machine Shop	S	S	
Other Industrial Uses	S		

E. WASTE DISPOSAL			
Hazardous Waste Disposal	Prohibited IN ALL Zones		
Non-Hazardous Waste or Non Hazardous Waste By-Products disposal			
Generated within the Town of Altona	S	S	
Generated outside the Town of Altona	Prohibited IN ALL Zones		

Minimum Lot Width (ft.)		
Access onto Route 190 or Route 11	250	
Access onto Other Roads	200	200
Minimum Highway Frontage (ft.)	50	50
Minimum Front Building Setback from Highway Right-of -way (ft.)		
Access onto Route 190 or Route 11	60	
Access onto Other Roads	40	30
Minimum Building Setback, Each Side (ft.)	50	30
Minimum Building Setback, rear (ft.)	50	50
Minimum Green Space Buffer (ft.)	50	30
Maximum Building Height (ft.)	35	35

D. Commercial Uses, General Uses	**IC and RU ZONES**	**H ZONE**
Minimum Lot Size (sq ft.)	40,000	40,000
Minimum Lot Width (ft.)		
Access onto Route 190 or Route11	250	
Acess onto Other Roads	200	200
Minimum Highway Frontage (ft.)	50	50
Minimum Front Building Setback from Highway Right-of-way (ft.)		
Access onto Route 190 or Route11	60	
Access onto Other Roads	40	30
Minimum Building Setback, each side (ft.)	50	30
Minimum Building Setback, rear (ft.)	50	50
Minimum Green Space Buffer (ft.)	50	30
Maximum Building Height (ft.)	35	35

E. Industrial, Trucking, and Warehousing	**IC and RU ZONES**
Minimum Lot Size (sq. ft.)	80,000
Minimum Lot Width (ft.)	
Access unto Route 190 or Route 11	300
Access onto Other Roads	200
Minimum Highway Frontage (ft.)	50
Minimum Front Building Setback from Highway Right-of-Way (ft.)	
Access unto Route 190 or Route 11	60
Access onto Other Roads	50
Minimum Building Setback, each side (ft.)	50
Minimum Building Setback, rear (ft.)	50

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Minimum Building Setback from an Existing Residential Structure	100
Minimum Green Space Buffer (ft.)	50
Maximum Building Height (ft.)	35

F. Agricultural Structures (includes farm buildings only, not residences)	**ALL ZONES**
Minimum Front, Side, and Rear Building Setback from Lot Line (ft.)	50

G. Telecommunication Towers and Accessory Structures

	IC	RU	H
Minimum Lot Size and Lot Width Shall Be Determined by the Amount of Land Required Meeting the Setback Requirements (* to be calculated)	*	*	
Minimum Highway Frontage	50	50	
Minimum Tower Setback, each side, front, and rear from Lot line, Highway and Right-of- Way (** Height of Tower)	**	**	
Minimum Tower Setback from an Existing Residential Structure (ft.)	1000		1000
Minimum Green Space Buffer (ft.)	50		50

H. Adult Use and Entertainment Establishments

Minimum Lot Size (sq. ft.)	80,000
Minimum Lot Width (ft.)	
Access onto Route190 or Route 11	300
Access onto Other Roads	200
Minimum Highway Frontage	50
Minimum Front Building Setback from the Highway Right-a-way (ft.)	200
Minimum Building Setback each side (ft.)	100
Minimum Building Setback rear (ft.)	100
Minimum Setback from a Existing Residential Structure	* see Section 570 (c) Supplemental Regulations
Minimum Green Buffer Space (ft.)	50
Maximum Building Height (ft.)	35

SECTION 340 GREEN SPACE BUFFER

(A) The Green Space Buffer must be maintained as vegetated area. No driveways, parking lots, or storage of materials or vehicles is permitted, nor shall the buffer be used for a work area.

(B) At the time of special use Approval the Zoning Board of Appeals shall have the authority to reduce the minimum width of the green space buffer on any side without the issuance of a variance, provided that the side does not border upon an existing residential property.

SECTION 350 MINIMUM HIGHWAY FRONTAGE

Each new building lot shall be accessible to a public road or to a private road designed and constructed to Town standards. Accessible shall mean that:

(A) The building lot directly fronts upon the road for the minimal highway frontage width indicated in Section 330 herein, or

(B) A legally sufficient right-a-way easement has been obtained for the minimal highway frontage width indicated in Section 330 herein.

SECTION 360 HEIGHT EXCEPTIONS

The height limitations of Section 330 shall apply to all structures **Except** Churches, Chimneys, Flagpoles, Farm Structures, Radio or Television Antennae, and Transmission Towers and Cables.

ARTICLE 4
SUPPLEMENTAL REGULATIONS

SECTION 405 PRINCIPAL BUILDINGS PER LOT

(A) There shall be only one principal building per lot on residential lots except as provided in part **B.** below. A principle building means the building used as dwelling quarters, and does not includes accessory structures. Two or more residential units which are attached and share a common wall, such as attached Townhouse units or a row type building, shall be deemed to be a single principal building.

(B) Exceptions:

1. More than one residential building per lot is permitted within a cluster development approved as a Special Use. (See Section 550 of this law.)
2. In addition to the principal dwelling, up to two (2) mobile home dwelling, may be placed on a active farm provided that they are occupied by a person employed in the operation of the farm. Such mobile homes must be removed within six (6) months of date they cease to be used for such purpose.
3. Two, but not more than two, single family dwellings may be placed on a single lot provided that:
   (a) the lot is at least double the minimum lot size required for a single family dwelling.
   (b) dwellings are located at least double the minimum side yard setbacks from one another.
   (c) building are otherwise situated such that were the lot to be split all dimensional requirements of this law would be met.
   (d) each dwelling is served by its own separate well and septic system.

SECTION 410 CORNER LOTS

On corner lots, the sides facing both streets shall be considered front yards. On the other sides, one shall be considered a rear yard and the other a side yard at the owner's option.

SECTION 415 MOBILE HOMES NOT IN MOBILE HOME PARKS

A. All mobile homes shall be in compliance with standards equal to or more stringent than the U.S. Department of Housing and Urban Development (HUD).Manufactured Mobile Home Construction and Safety Standards, 24 CFR Part 3280 (1976) and any amendments and revisions thereto. The permit applicant is responsible for providing adequate evidence that these standards have been complied with. The presence of a permanent certification label affixed to the mobile home by the manufacturer shall be presumptive evidence that the construction of a mobile home is in compliance with such standards.

B. All mobile homes not located in a mobile home park, shall be placed on a permanent foundation extending below the frost line, or upon a reinforced concrete slab at least four (4) inches thick which extends the full length and width of the mobile home which is placed upon it.

Exception: Such a foundation or slab shall not be required for a mobile home allowed by temporary permit in accordance with SECTION 420 of this law.

C. The mobile home shall be provided with anchors or tie-downs capable of securing the stability of the mobile home. Anchors or tie-downs shall be placed at least at each corner of the foundation or concrete slab.

D. Each mobile home shall be provided with skirting to screen the space between the mobile home and the ground. Such skirting shall be of non-transparent durable material such as wood, stone, cement block, or vinyl, and shall not consist of wire Mesh, bales of hay or transparent plastic. Such skirting shall be installed within 90 days of occupancy.

E. Any existing mobile home may be replaced with a mobile home of larger size without Obtaining a variance a prescribed by **Article 9** of this law, provided that:

(a) a permenant concret slab, as required by part **B** above is placed beneath the full length and width of the larger mobile home.

(b) The pre-existing Mobile home is to be removed from the property.

F. Any mobile home used for purposes other than a single family resident or for the conduct of a home occupation shall require the issuance of a Special Use Permit.

SECTION 420 TEMPORARY PERMIT FOR MOBILE HOME DWELLING

A single mobile home may be placed on a lot in any zoning district for the purpose of providing interim shelter while a permanent dwelling is under construction, provided that a temporary permit is obtained in accordance with **Section 1100, part (H)** of this law. Such temporary permit shall be renewed each year for a maximum of two (2) Years.

SECTION 425 OFF ROAD PARKING

A. All uses shall be provided with sufficient off road parking to accommodate all vehicles For customers and employees during peak use periods.

B. An off road parking space shall not be less than 9 by 20 feet. Driveway area may be used to supply such space in the case of single family or two family residences. Other uses shall provide such space in addition to the driveway area.

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C. No non-residential parking space shall be located within ten (10) feet of a side lot line.

D. All parking areas for uses other than single family dwellings, shall be designed to allow vehicles to exit front first onto roads.

E. Existing uses must comply with with off road parking requirements if the use changes, if the use expands its gross floor area by twenty five (25) percent or more during a three year period, or if the use is discontinued for a period of one (1) year and seeks to be re-established.

F. In calculating the number of required parking spaces, fractional portions shall be rounded to the nearest whole space.

G. Minimum Reguirements:

Residential use, except multi-family dwellings for Senior Citizens	**2 spaces per dwelling unit**
Multi-family dwellings	**1 space per dwelling unit**
Professional Offices	**1 space per 200 s.f. of office area**
Retail stores and Service Shops	**1 space per 200 s.f. retail area**
Shopping Center	**1 space per 250 s.f. of gross Lease-able area**
Church, Meeting Hall, Auditorium, or other Place of public assembly Not otherwise classified	**1 space per 4 seats or 50 s.f. of seating area, where fixed seating is not provided.**
Eating and Drinking Establishments	**1 space per 3 seats or stools**
Funeral Homes	**1 space per 4 seats**
Motel / Hotel or Tourist Accommodations	**1 space per sleeping room**
Industrial Use	**1 space per employee on largest shift plus visitors parking**
Bowling Alley	**3 spaces per alley**
Motor Vehicle Repair Establishment	**1 space per 200 s.f. of floor area**

For uses not specifically listed, the requirement shall be the same as for the most similar use listed, or as otherwise provided in this law.

H. The Zoning Board of Appeals shall have the authority to lower or raise the requirements stated in **G.** above at the time of Special Use approval. Requirements may be lowered, if the developer can demonstrate the need for fewer parking spaces.

SECTION 430 OFF-ROAD LOADING

Business uses, shall provide off-road loading space on the site sufficient for the Loading and unloading of any trucks which are anticipated to use the site in the future. Loading areas **may not** be established within in **Front**, **Side**, or **Rear Yard Setbacks.**

SECTION 435 SIGNS

A. The following are **Prohibited:**

1. Moving, flashing, blinking, or animated signs.
2. Signs over forty (40) feet in height
3. Signs over fifty (50) square feet in area.
4. Off-premise signs over sixteen (16) square feet in area. An off-premise sign is one which is located on a property other than the one which contains the business or activity indicted on the sign.

B. No sign shall obscure a line of sight for traffic, or otherwise constitute a traffic hazard. All signs shall be placed at least twenty (20) feet from any side lot line and five (5) feet from the highway right-of-way. No free standing sign shall be placed between three (3) and ten (10) feet above ground level such that it obscures view of traffic.

C. In calculating the area of a free standing sign with lettering on both the front and the back, the area of both sides of the sign **shall not** be added together for purposes of computing the total area of the sign.

SECTION 440 KEEPING of JUNK

No junk as defined herein shall be located so as to be visible from any public road.

SECTION 450 KEEPING of ANIMALS

Within Hamlet (H) Districts no pigs, or fowl shall be kept within two hundred (200) feet of any pre-existing neighboring residential structure except for household pets, and except on land within an Agricultural District established by Clinton County Legislature persunt to the New York State Agricultural and Market laws.

ARTICLE 5
STANDARDS FOR SPECIAL USE PERMITS

SECTION 500 APPROVAL of SPECIAL USE PERMITS

All uses allowed by Special Use Permit shall require review and approval by the Zoning Board of Appeals, before a zoning permit may be issued. A Special Use is considered to be an allowable use in a district provided that sufficient conditions and safeguards are established to protect the health, safety and welfare of the public in general, and the residents of the surrounding area in particular. No Special Use Permit shall be approved unless the following general and specific standards are met.

SECTION 510 GENERAL STANDARDS for all SPECIAL PERMIT USES

A Impact Upon Surronding Properities

The proposed use **shall not** cause a significant adverse impact upon nearby properties by reason of traffic, noise, fumes, odors, vibration, flashing lights, litter, surface water, or ground water contamination, air pollution, drainage, visual impact, excessive night time lighting, creation of a safety hazard, risk of fire, or explosion or other adverse conditions; nor shall the proposed use significantly impair the future development of surrounding properities.

B. Emergency Vehicle Access

All purposed buildings, structures, equipment and other materials shall be readily accessible for fire and police protection.

C. Sight Distance at Entry and Exit

To the extent practicable, intersections with entires onto any public road shall be designed so that minimum safe sight distances and other standards set forth in" Policy and Standards for Entrances to State Highways" State of New York Department of Transportation publication number M.A.P. 7.12-34, shall be Maintained. As set forth in the above cited publication, the minimum unobstructed line of sight in each direction at the entrance to a public road shall be as follows:

Design Speed of Highway	Left Turn	Right Turn
30 mph	396 feet	286 feet
40 mph	583 feet	484 feet
50 mph	814 feet	770 feet

Said distances shall be measured from point of entry onto the public road. (said distances represent the safe braking distance for traffic along the public road.)

D. Drainage and Erosion Control

Adequate provision shall be made for drainage of the site, and to insure that storm water runoff does not create an adverse impact upon nearby lands ao waterways. Appropriate erosion control measures shall be taken to prevent the pollution of waterways by silt and sediment

E. Lighting

Exterior lighting shall be directed so as to minimize the impact upon adjacent properties or onto public roads. High intensity lighting shall be minimized.

F. An applicant shall be required to submit a Evironmental Assessment Analysis and a Visual addendum in compliance with the State Environmental Quality Review Act. Based on the results of the Analysis, including the Visual addendum, the town may require submission of a more detailed visual analysis.

SECTION 515 RETAIL GASOLINE OUTLET

A. Gasoline and/or fuel pumps **shall not** be located closer to any side or rear lot line than the minimum setbacks for buildings as specified in Section 330 of this law.

B. Property line setback for underground fuel tanks, shall be the same as buildinng setbacks.

C. Adequate space shall be provided for safe pull off, parking, waiting lines and service, so as to prevent any interference with the roadway or shoulder. Gasoline pumps shall be located at least thirty (30) feet from the road right- of- way.

SECTION 520 MOTOR VEHICLE REPAIR SHOP

All used parts and junk wastes as a result of servicing motor vehicles shall be stored within an enclosed structure or fenced area not larger than 20,000 sq. ft. in area so as not to be visible from adjacent lots or public roads. Such fenced area shall be enclosed by a solid fence at least eight (8) feet high.

SECTION 525 COMMERCIAL EXCAVATIONS

A. The mining and reclamation plan prepared for the Department of Environmental Conservation, shall also be reviewed and found acceptable by the Zoning Board of Appeals prior to the Department of Environmental Conservation approval.

B. Such excavation or extraction shall not endanger the stability of adjacent land, or structures nor consitiute a detiment to public welfare, convience or safety by reason of excessive dust, noise, traffic, or other conditions

C. Excavation activities shall be set back one hundred (100) feet from any public road and from any existing structure located on an adjacent property.

D. Excavations shall not be located on roads which are unsuitable for truck traffic by virtue of their, width construction, or alignment; or on roads where truck traffic would pose an unacceptable safety hazard for children, pedestrians, or bicyclists. Adequate road width for truck traffic is considered to be twenty (20) feet of driving surface.

SECTION 530 TRUCKING WAREHOUSING and INDUSTRIAL USES

Trucking, Warehouseing, and Indusrtial uses which generate substantial amounts of truck traffic shall not be located on roads which are unsuitable for truck traffic by virtue of their width, construction, or alignment; or on roads where truck traffic would pose a unacceptable safety hazard for children, pedestrians or bicyclists. Minimum road pavement width for truck traffic is considered to be twenty (20) feet.

SECTION 535 KENNELS

No indoor kennel facility shall be located closer than two hundred (200) feet from a pre-existing residential structure. No outdoor area to be used by animals housed in the kennel shall be located closer than five hundred (500) feet from a pre-existing residential structure.

SECTION 540 MOBILE HOME PARK STANDARDS

A. All mobile home Parks shall be located so as to be accessible by public highway at least eighteen (18) feet in pavement width. The site shall be adequately drained and otherwise physically suitable for a mobile home park

B. Each mobile home park shall be divided and marked off into sites. Each site shall have a area **not less** than 7200 square feet.

C. Each mobile home site shall front on an internal roadway, and have a minimum width of 75 feet.

D. Each mobile home shall be located no closer than 40 feet from any other mobile home, or permanent building in the mobile home park.

E. Each mobile home or other structure shall be at least 40 feet from all boundaries of the mobile home park.

F. Access roads shall intersect public roads at right angles..

G. Every roadway within the mobile home park shall be designed and constructed to the following minimum standards: Sixteen (16) feet wide pavement surface with two (2) feet shoulders on each side, a Twelve (12) inch gravel base and a gravel surface.

H. Every roadway within the park shall be maintained in such repair that each lot is accessible by emergency vehicles at all times of the year.

I. Turn- arounds shall be provided at the end of each dead end roads.

J. Each mobile home lot shall be provided with two (2) off-street parking spaces.

K. Water supply and sewerage disposal shall be designed and constructed in compliance with Clinton County Health Department Standards.

L. Adequate plans shall be made for the collection and disposal of garbage, rubbish, and solid waste generated within the park

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M. Each mobile home shall be provided with skirting to screen the space between The mobile home and the ground. Such skirting shall be non-transparent, durable material such as stone, wood, cement blocks, or vinyl, and **shall not** consist of wire mesh, bales of hay, or transparent plastic. Such skirting shall be installed within 90 days of occupancy.

N. Each mobile home site shall be furnished with reinforced concrete slab at least 4 inches thick which extends the full length and width of any mobile home intended to be placed upon it.

O. The mobile home shall be provided with tie downs or anchors capable of securing the stability of the mobile home. Anchors/ tie-downs shall be placed at least at each corner of the foundation or cement slab.

P. **No more than one** **(1)** mobile home shall be located on any mobile home lot. Every mobile home within a mobile home park shall be located on a mobile lot, or temporarily located in a designated storage area shown on the approved site plan approved for said park.

Q. All mobile homes shall be in compliance with standards equal to or more stringent than the U.S. Department of Housing and Urban Development. (HUD) Manufactured Mobile Home Construction and Safety Standards, 24 CFR Part 3280 (1976) and any Amendments and Revisions thereto. The permit applicant is responsible for providing adequate evidence that these standards have been complied with. The presence of a permanent certification label affixed to the mobile home by the manufacturer shall presumptive evidence that the construction of the mobile is in compliance with such standards.

R. All fuel tanks shall be concealed from public streets to the extent practical.

S. A landscaping plan shall be prepared and carried out which will assure the Zoning Board of Appeals that an appropriate planting of trees and shrubs will be included in the parks design. The Zoning board of Appeals may require that the entire park shall be screened from view of adjacent properities and roadsides by planting of shrubbery of a appropriate species.

T. Each park consisting of ten (10) or more mobile homes sites shall have easily accessible and usable open spaces. Such open spaces shall have a area equal to at least five (5) percent of the gross land area of the park, and shall be fully maintained by the park owner. Part or all of such space shall be in the form of developed recreation areas to be usable for active recreation purposes.

SECTION 545 CAMPGROUNDS TRAVEL TRAILER PARKS

A. Minimum lot size: **5 acres**.

B. Each campground/travel trailer park shall have adequate access to a public highway, and each camp/trailer site shall be serviced from interior roadways.

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C. The campground/travel trailer park shall be divided into campsites. The corners of each camp site shall be clearly marked, and each camp site shall be clearly numbered for identification.

D. The minimum size of each camp/travel trailer campsite shall be 2500 sq. ft..

E. There shall be a minimum of fifty (50) feet green space buffer surrounding the campground/travel trailer park. No campsite or portion thereof, building, or structure shall be placed within the buffer area.

F. No campsite shall be located within fifty (50) feet of any stream, brook, pond or wetland.

G. The Zoning Board of Appeals may require that the campground/travel trailer park be substantially screened from the view of public roads and neighboring properties.

H. Each canpground/ camper trailer park shall comply with all applicable rules and regulations of the New york State Department of Health and the Clinton County Health Department.

I. Adequate plans shall be made for the collection and disposal of garbage, rubbish, and solid waste generated within the park

SECTION 550 CLUSTER DEVELOPMENT

A. The applicant may apply for a cluster development if:
(a) three or more residential structures are proposed to be placed upon a single land parcel
(b) a subdivision of three or more lots are proposed upon a single land parcel

B. Minimum lot size, minimum lot width, and minimum building setbacks as specified by Section **330** herein may be reduced such that buildings within the cluster development are placed closer together than otherwise permitted, provided that the total number of dwellings proposed for the entire development does not exceed the number which would otherwise be permitted by application of the minimum lot size requirements for single family dwellings to the buildable portion of the site.

C. In calculating the number of dwelling units allowed on a land parcel, the following rules shall apply.
1. The net buildable site area shall be calculated by subtracting from the area of the site as determined from actual on site survey any unbuildable lands, such as wetlands, slopes exceeding fifteen (15) percent, rock outcrops, flood hazard area, and any separate parcels which are not contigous to the remainder of the development.
2. The number of dwelling units allowed shall be calculated by dividing the net buildable site area by the minimum lot size permitted for single family dwellings

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3. Fractions of dwellings units shall be rounded to the lowest whole number.

D. Provision shall be made by deed restriction which limits the further subdivision of land within the approved cluster development such that the total number of lots within the development cannot exceed the number caculated in part **C.** above.

SECTION 560 TELECOMMUNITIONS TOWERS and ACCESSORY BUILDINGS

A. At all times, shared use of existing towers without increasing the height shall be preferred by the Town to proposed construction of new towers. Additionally, where such use is unavailable, location of antenna on pre-existing structures shall be considered. In the case of proposing construction of new communication towers or structures, the applicant shall be required to submit a report demonstrating good faith efforts to secure shared use of existing towers or structures. Copies of written request and responses for shared use inquires shall be provided.

B. An applicant shall be required to submit an Full Environmental Assessment Analysis and a Visual addendum in compliance with the State Environmental Quality Review Act. Based on the results of the Analysis, including the Visual addendum, the town may require submission of a more detailed visual analysis.

C. All communication towers and accessory facilities shall be sited so as to have the least practical adverse visual effect on the environment and residences In the area of telecommunication tower site. The Board will require the applicant to undertake a Visual Impact Accessment, which may include:

1. A "Zone of Visibility Map" shall be provided in order to determine location where the tower may be seen.
2. Pictorial representations of "before and after" views from key viewpoints both inside and outside of town, including but not limited to state and local parks and other public lands where the site is visible to a large number of people. The board may determine the appropriate key sites.
3. Assessment of visual impact of tower base, guide wires, accessory buildings from abutting properties and streets.

D. Communications Towers shall not be artificially lighted or marked except to assure human safety as required by the Federal Aviation Administration (FAA).

E. The maximum height of any new communication tower and attacted antennas shall not exceed the height that requires artificial lighting. The height for lighting requirements will be in accordance with municipal, state and /or federal law Regulations.

F. Communication towers and antenna(s) shall be located, fenced or otherwise secured in a manner, which prevents unauthorized acess by the general public.

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G. An area on telecommunication towers shall be provided to the town and/or area Fire District without charge for location of emergency service communication equipment and shall be installed by applicant without charge to the town or area fire districts. If the tower is replaced or maintenance activites require the equipment to be moved, removed or modified, the applicant shall make these adjustments without cost to the town or area fire district.

H. In the event a telecommunication tower and/or accessory facility is no longer used for the purpose specified in the application or the telecommunication tower and/or accessory facility ceases operation for a period of one hundred and eighty (180) days the applicant, its successors or assigns shall dismantle and remove such tower structures and facilities from the site and restore the site to its original condition within ninety (90) days of receipt of written notice from Town Board.

I. The applicant shall examine the feasibility of designing a proposed tower to accommodate future demands for ar least two (2) additional commercial applications, for example, furture co-locations. The tower shall be structurally designed to accommodate at least two (2) additional Antenna Arrays equal to those of the applicant, and located as close to the applicant's antenna as possible without causing interference. This requirement may be waived, provided that the applicant, in writing demonstrates that the provisions of future shared usage of the tower is not technologically feasible, is commercially impracticable or creates unnecessary and unreasonable burden.

J. A person who holds a Special Use Permit for wireless Telecommunication Facilities shall construct, operate, maintain, repair, provide for removal of, modify or restore the permitted Wireless Telecommunications Facilities in strict compliance with all current applicable technical, safety and safety-related codes, adopted by the Town, State, or United States, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Assocation of Towers Erectors. The code referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any proceding the more stringent shall apply.

SECTION 570 ADULT USE and ENTERTAINMENT ESTABLISHMENTS

A. No more than one adult entertainment use shall be permitted on any lot, and no such use shall be permitted within seven hundred fifty (750) feet of any other such use.

B. No adult entertainment use shall be permitted in any building used in whole or in part for residential purposes.

C. No adult entertainment use shall be permitted on any lot that is located within seven hundred fifty (750) feet of any lot used for residential purposes.

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D. No adult entertainment use shall be permitted on any lot that is located within seven hundred fifty (750) feet of any lot on which is located a school, place of worship, counseling or psychiatric treatment facility, community center, day care center, public park, playing field, or other area in which large numbers of miners regularly congregate.

E. All building openings, incuding doorways, windows, etc.. shall be located, covered, or screened in such manner as to prevent a view into the adult entertainment use from any public street, sidewalk, or parking area.

F. As a condition to the issuance of a Special Use Permit for such adult entertainment use there shall be a restriction that no person under the age of eighteen (18) years of age shall be permitted into or on the premises.

G. As a further condition of the approval of any adult entertainment use, there shall be no outdoor display or advertising of any kind, other than one business identification sign complying with all signage requirements set forth in the Town Zoning Codes.

ARTICLE 6
NON-CONFORMING LOTS, USES and STRUCTURES

SECTION 600 APPLICABILITY

This section shall apply to those land uses, structures and lots of record which legally existed at the time of enactment or amendment of this law, but which are not in compliance with the regulations or standards herein.

SECTION 610 INTENT

The intent of this article is to provide for limited development upon existing undersized lots, and to allow non-comforming uses to continue but not to encourage their expansion.

SECTION 620 EXISTING UNDERSIZED LOTS of RECORD

A. A single family dwelling may be constructed on any recorded lot in existence prior to adoption of these regulations without regard to the minimum lot area and minimum lot width requirements stated in SECTION 330 of this law, provided that such lot does not ajoin any other lot or lots held by the same owner such that the owner might combine two or more lots in order to meet minimum requirements. Minimum front, side and rear building setback requirements shall apply, and any deviation from such minimum shall requie a variance. The establishment of a use other than a single family dwelling on such lots shall require a variance.

B. Existing buildings located on undersized lots of records may be reconstructed to occupy the same ground area as the orginal structure

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C. Existing buildings located upon undersized lots of record may be expanded without the issuance of a variance provided that the minimum front, side, and rear building setbacks are met.

SECTION 630 NON-CONFORMING BUILDING SETBACKS

This section shall apply to buildings that existed prior to the adoption of this law and that are closer to front, side or rear building setbacks than the minimum distance specified in Section 330 hearin. Minimum setbacks for expansion to such buildings shall be one-half (½) the minimum distance specified in Section 330.

SECTION 640 NON CONFORMING USES

Uses of land or structures which lawfully existed at the time these regulations were enacted, and which would be prohibited or restricted by these regulations, may be continued subject to the following conditions.

A. Enlargement of Buildings Building containing a non-conforming use may be enlarged by an amount not to exceed one-quarter (¼) the size of the building without issuance of a variance by the Zoning Board of Appeals, provided that minimum building setbacks and maximum lot coverage requirements are met. If only a portion of a building contains a non-conforming use, than that square footage may be increased by one-quarter (¼) by using additional space within the structure, but not by constructing an addition to the structure.

B. Expansion of Area The area of a lot occupied by a non-conforming use which does not involve a bui;ding, such as a non-conforming automobile sales lot, an equipment storage area, or a junk storage area, may be expanded by twenty five (25%) percent provided that all dimensional and buffer requirements stated in this law for such use are satisfied.

C. Replacement of Nonconforming Single-wide Mobile Homes An existing mobile home may be replaced with a larger or more recently manufactured mobile home provided that the provisions of Section 415 of this law are complied with.

D. Unsafe Structures Any structure or portion thereof declared unsafe by proper authority maybe restored to a safe condition.

E. Restoration If a building is destroyed by fire, flood, or act of God, then it may be rebuilt or restored to house the specific use that existed at the time of its destruction, but it **shall not** be rebuilt for any other non-conforming use. It may be enlarged by the amount permitted in part A above.

F. Discontinuance Whenever a nonconforming use has been discontinued for a period of **eighteen** (18) **months**, the use **shall not** thereafter be re-established, and all future uses shall be in conformity with these regulations.

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G. Changes Once changed to a conforming use, no structure or land so changed shall be permitted to revert to a nonconforming use.

H. Ownership Any non-conforming use sold to another party maybe continued, provided that such use is re-established within one (1) year of the sale as specified in **Part F** above.

ARTICLE 7
DEFINITIONS

Except where specifically defined herein all words used in this law shall carry their customary meaning. Doubt as to the precise meaning of a word shall be clarified by the Board of Appeals under their powers of interpretation.

Accessory Facility or Structure Shall be any accessory, facility or structure serving or being used in conjunction with a communication tower. Including but not limited to utility or transmission equipment storage sheds or cabinets.

Accessory Structure A building or structure which is of secondary importance to the principle structure of the parcel and which is not used for human occupancy, including but not limited to garages or sheds. Where an accessory structure is attached to the main structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the main structure.

Accessory Use A use customarily incidental and subordinate to the principal use, and which is located on the same parcel with such principal use.

Adult Arcade means any place to which the public is permitted or invited wherein coin-operated, slug-operated, electronically, electrically, or mechanically controlled still or motion pictures machines, projections, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by depiction or describing " specified sexual activities" or " specified anatomical areas".

Adult Bookstore or Adult Video Store means a commercial establishment which, as one Of its principal business purpose, offers for sale or rental for any form of consideration Any one or more of the following:

A. Books, magazines, periodicals, or other printed matter, or photographs, film, motion picture, video cassettes or video reproductions, slides, or other visual representations which depict or described "specified sexual activities" or "specified anatomical areas" or

B. instruments, devices, or paraphernalia which are primarily intended, labeled, designed, advertised or promoted for use in connection with "specified sexual activies".

For purposes of this definition. "principle business purpose" shall mean Twenty- five percent 25% or more of the following:

(1) the number of different titles or kinds of such merchandise:
(2) the number of copies or pieces of such merchandise:
(3) the amount of floor space devoted to the sale and/or display of such merchandise: or
(4) the amount of advertising which is devoted to such merchandise, either in print or broadcast media.

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Adult Cabaret Means a nightclub, bar, restaurant, or similar commercial establishment Which features:

(A) Persons who appear in a state of nudity; or

(B) live performances which are charities by the exposure of " specified anatomical areas" or by "specified sexual activities; or

(C) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" Or "specified anatomical areas".

"Adult" Motel Means a hotel, motel, or similar commercial establishment which offers accommodations to the public for any form of consideration: provides patrons with closed circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and as a sign visible from the public right-of- away which advertises the availability of this adult type of photographic reproduction.

"Adult Motion Picture Theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are charities by the depiction or description of "specified sexual activities" or " specified anatomical areas".

"Adult" Theater Means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

Nude Model Studios Means any place where a person who appears in the state of nudity or displays "specified anatomical areas" is regularly provided to be observed, sketched, drawn, painted, sculpt, photographed, or similarly depicted by other persons who pay money or any form of consideration, other than as a part of a course of instruction offered by educational institution established pursuant to the laws of the State of New York

Nudity or a State of Nudity Means the appearance of "specified anatomical areas".

Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.

Semi-Nude Means a state of dress in which clothing covers no more than the "specified anatomical areas", as well as portions of the body covered by supporting straps or devices.

Sexual Encounter Center Means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration, activities between male and female persons and/or persons of the same sex when one or more of the persons is in the state of nudity or simi-nudity.

Specified Anatomical Areas Means **(a)** unless completely and opaquely covered, human genitals, pubic region, buttocks, or breast below a point immediately above the top of the areola; and **(b)** even if completely and opaquely covered,male genitals in a discernibly turgid state.

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Specified Sexual Activities Means and includes any of the following: **(a)** the fondling or other erotic touching of human genitals, pubic region,buttocks, anus, or breast; **(b)** sex acts, normal or perverted, actual or simulated, including intercourse,oral copulation, or sodomy; **(c)** masturbation, actual or simulated; or **(d)** excretory functions.

Adult Use and Entertainment Establishments A public or private establishment,or any part thereof, which presents any of the following entertainment, exhibitions or services topless and/or bottomless dancers;strippers; topless waiter, busing or service; topless hair care or massages; service or entertainment where the servers or entertainers wear pasties or G-strings or both; adult arcade; adult bookstore or adult video stores; adult cabarets; adult motels; adult motion pictures theaters; adult theaters; nude model studios and sexual encounter centers.

Antenna A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include, but not limited to, radio, television, cellular, paging, personal communication service, and microwave communications.

Area Variance The authorization by the Zoning Board of Appeals, for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

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

Campground Any parcel of land on which are located two or more cabins, tent sites, shelters, travel trailers sites, or other accommodations of design or character suitable for seasonal or other temporary living purposes, and which is used for economic gain.

Cluster Development A development consisting of two or more structures whereby individual lots may be reduce in size and/or where buildings may be placed closer together than permitted by Section 330 of this law. A cluster development may consist solely of residential units, or if commercial uses are permitted in the zone where the cluster development is located, may consist of a mixture of residential and commercial uses. A parcel of land containing a single multi-family dwelling structure shall not be considered to be a cluster development. A single structure occupied by two or more businesses shall be considered to be a shopping center, not a cluster development.

Commercial Use Any use involving the sale, rental or distribution of goods or services, either retail or wholesale, such as stores, offices or the provision of recreational facilities for a fee; **except** that roadside produce stands operated on a seasonal basis and selling produce grown on the property shall not be considered to be commercial use, and shall Not be subject to the provisions governing commercial uses in this law.

Commercial Waste Solid waste generated by commercial and institutional processes which is not industrial, hazardous, or construction and demolition debris waste.

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Communication Tower Shall be any structure used, intended or designed to support antennas. It includes without limit, free standing towers, monopoles, guide towers, water towers and similar structures that employ camouflage technology. A communication tower is any structure intended on transmitting and/or receiving radio, television, phone, or microwave communications, or other similar communications.

Disposal A material is disposed, is discharged, deposited, injected, dumped, spilled, leaked, burned, incinerated, or placed into any or on any land or water so that such material or any constituent thereof may enter the enviroment or be emitted into the air or discharged into groundwater or surface water.

Dwelling Building or part thereof used as living quarters. For purposed of this law, the terms dwelling unit, one family dwelling, two family dwelling, and multi-family dwelling **shall not** include motel, hotel, boarding house, or tourist home.

Dwelling Unit Building or part thereof used as living quarters for one family, containing independent cooking and sleeping facilities.

Essential Use/Service Erection, construction, alteration, operation or maintenance by Municipal agencies or public utilities of telephones dial equipment centers, electrical or gas substations, water treatment or storage facilities, pumping stations and similar facilities which provide an essential use or service to the public has a legal right to demand and receive, but **not** to include **cellular telephone transmission towers.**

Excavation A lot or part thereof used for the purpose of extracting stone, sand, gravel, or minerals for sale, as a commercial operation.

E A F Environmental Assessment Board

E P A Environmental Protection Agency

F A A Federal Aviation Administration

F C C Federal Communication Commission

Family One or more persons related to each other by blood, marriage, or adoption, or **not** more than four **(4)** individuals who are not related, living together as a single housekeeping unit.

Farm Any parcel of land containing at least five **(5)** acres which is used for gainful intent in raising of agricultural products, horticultural products, livestock, poultry, or diary products provided that the agriculture is the principal use of the property. This definition does not include dog kennels.

Forestry Use Any management, including logging, of forest, woodland, or plantation and related research and educational activities including the construction, alteration or maintenance of wood roads, skid-ways, landings, fences, and forest drainage systems.

Hazardous Chemicals Solid, liquid, or gaseous substances which pose a potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed, including but not limited to hazardous substances designated by the U.S. Enviuonmental Protection Agency under Section 311 of the Clean Water Act (40 cfr 116).

Hazardous Waste A waste or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

(a) cause or contribute to an increase in mortality or an increase in irreversible, or incapacitating reversible illness,

(b) pose a present or potential hazard to human health or the enviroment when improperly treated, stored, transported, disposed, or otherwise managed.

Health Care Facility Medical Center, or group of offices providing medical care, dental services, or chiropractic services.

Height of Building Vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, and to the average height between the eaves and ridge for other types of roofs. Cupolas, steeples, chimneys, and television antennas are excluded in height computations.

Home Occupations An occupation conducted in a dwelling unit or garage which is Clearly secondary to the property's residential use which: **(a)** does not change the outside appearance of the dwelling, **(b)** is not visible from the road except for one sign as permitted by this law, **(c)** does not result in the outside storage or display of anything, **(d)** does not create a hazard to persons or property, **(e)** does not create Any adverse impact upon the neighboring properties, **(f)** and does not generate traffic or parking in excess of what is normal for a residential use.

Industrial Use Any use involving the act of storing, preparing for treatment, manufacturing or assembling any article, substance or commodity.

Industrial Waste Solid waste generated by manufacturing or industrial processes.

Junk The outdoor storage or deposit of any of the following:

(a) Two (2) or more junk vehicles.

(b) One (1) or more uninhabited and uninhabitable mobile homes or travel trailers. An uninhabitable mobile home shall mean one which does not comply with current manufacturing or building code standards.

(c) Two (2) or more appliances including but not limited to washers, dryers, dishwashers, stoves, refrigerators, freezers, and televisions.

(d) Two (2) or more pieces of junk farm equipment or construction equipment, except farm equipment stored on an active farm.

(e) Two (2) or more abandoned or irreparably damaged pieses of indoor furniture including but not limited to sofas, lounge chairs, mattresses, bed frames, desks, tables, chairs and chest of drawers.

(f) Any combination of the above items, that total two (2) or more items.

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Junk Yards The outdoor storage or deposit of any of the following:

(a) Five (5) or more junk vehicles

(b) Two (2) or more abandoned mobile homes or travel trailers.

(c) Five (5) or more appliances including but not limited to washers, dryers, dishwashers, stoves, refrigerators, freezers, and televisions.

(d) Five (5) or more pieses of junk farm equipment or construction equipment, except farm equipment stored on a active farm.

(e) Five (5) or more abandoned or irreparably damaged pieses of indoor furniture including but not limited to sofas, lounge chairs, mattresses, bed frames, desks, tables, chairs, and chest of drawers.

(f) Any combination of the above that totals five (5) or more items.

Junk Equipment Any equipment which is **(a)** either abandoned, wrecked, stored, discarded, dismantled or partly dismantled, **(b)** is not in working order, and **(c)** has remained unused for more than one (1) year.

Junk Vehicle Any motor vehicle whether automobile, bus, tractor trailer truck, tractor, motor home, motorcycle, all terrain vehicle, mini-bicycle, or snowmobile, or any other device originally intended for travel on public highways which meets all the following conditions: **(a)** It is unlicensed, **(b)** it is either abandoned, wrecked, stored, discarded, dismantled, or partly dismantled, **(c)** it is not in any condition for legal use upon the public highway, and **(d)** it is in such condition as to cost more to repair and place in operating condition than its reasonable market value at that time before such repairs. 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 junk motor vehicle.

Kennel An establishment in which more than five (5) dogs, more than six (6) months old are housed, groomed, bred, boarded, trained or sold.

Large Retail Use A retail store housed in a building or group of buildings ten thousand (10,000) sqare feet or more in ground area.

Light Industrial Use Any manufacturing or assembly facility which **does not** include: **(a)** the manufacture of hazardous chemicals, **(b)** the use of petroleum based products except as incidedtal to the main industrial use, **(c)** The outdoor storage of scrap metal or junk, **(d)** the creation of solid, liquid, or airborne hazardous waste, **(e)** the creation of smoke or airborne particulate matter except as incidental to the main industrial use, or **(f)** the creation of noise which would have an adverse impact upon neighboring properities.

Lot Any parcel of land which individually or as part of a subdivision of land has been recorded in the county clerk's office.

Lot Frontage The portion of the lot abutting upon a street or road.

Lot Line Property line bounding the lot.

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Lot Width The horizonal distance between the side lot lines measured at right angles to the depth, measured at a depth equal to the greater distance of **(a)**the minimum required front yard setback or **(b)** the distance from the public road to the nearest side of the building.

Membership Club Any organization catering to members and their quest, or premises and buildings for recreational or athletic purposes and not open to the general public, which are not conducted primarily for economic gain. The term club shall include lodges, fraternal organizations, mutual benefits societies, and other like organizations. A hunting lodge shall not be considered a club.

Mobile Home A moveable or portable unit at least thirty two (32) feet in length which is designed and constructed to be towed on its own chassis, comprised of frame and wheels, and designed to be used as a dwelling unit when connected to required utilities. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, weather or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A unit may contain parts that may be folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing. Modular homes or other dwelling units that are constructed in two or more main sections and transported to and permanently assembled on a site are not considered to be a mobile home.

Mobile Home Park Any lot of record upon which two(2) or more mobile homes occupied for dwelling or sleeping purposes are located, regardless of weather or not a charge is made for such accommodations.

Modifications or Modify means, the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, radios, equipment shelters, landscaping, fencing, utility feeds, changing the color or material of any visually discernable components, vehicular access, parking, and/or an upgrade or change out of equipment for a better or more modern equipment. Adding a new wireless carrier or service provider to a Telecommunication Tower or Telecommunication Site is a modification. A modification shall not include the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding, removing or changing anything.

Modular Home A prefabricated dwelling unit delivered to the site in two (2) or more structural units and permanently assembled.

Motor Vehicle Repair Shop A building, or portion thereof, arranged, intended or designed to be used for making repairs to motor vehicles, including auto body shops.

Multi-Family Dwelling A building designed for, or occupied by three or more families living independently of one another, to include row type attached or simi-attached dwellings which share a common wall or portion thereof.

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Neighboring Residential Property Any adjoining lot five (5) acres or less in size used primarily for residential purposes.

N I E R Non -Ionizing Electromagnetic Radiation.

Non-Conforming Lot Any legally created lot of record which existed on the effective date of this law and which does not conform to the minimum requirements of this law

Non-Conforming Use. A use of land existing at the time of enactment of this law which is neither a permitted use nor allowed by special use permit in zone where it is located.

Outdoor Recreation Any recreation use particularly oriented to and utilizing the outdoor character of a area, including children's summer camps, hunting and fishing camps, horseback riding stables, playgrounds, picnic areas, beaches or similar uses.

Person Means any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.

Personal Service Includes barbers, hairdressers, beauty parlors, shoe repair, photographic studio, and businesses involving the care of a person or his or her apparel.

Principal Structure The structure in which is conducted the principal use of the lot on which it is located.

Professional or Business Office Offices and related spaces for use as professional services as provided by medical practitioners, attorneys, architects, surveyors, engineers, accountants, and similar professions.

Public Facility Any usage by a governmental agency or other agency providing a not-for-profit public service, including but not limited to libraries; public recreation facilities; schools; not- for- profit fire, ambulance and public safety buildings; and not-for-profit hospitals, for the care of human beings, nursing homes, convalescent homes, homes for adults, homes for the aged as the same are defined under the PublicHealth law or the Social Services law of the State of New York, provided that they are duly licenced by the State of New York

Residential Property Line Lot line of a parcel of land five acres or less in size containing a residential use.

Retail Gasoline Outlet Any establishment which sells gasoline to the public, to include service stations, convience stores, car washes and any other facility which sells gasoline.

Road Line Right-of-way line of a road as dedicated by a deed or record. Where the width of a road is not established, the road line shall be considered to be twenty five (25) feet from the center line of the road pavement.

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Roadside Produce Stand Any stand operated on a seasonal basis and selling produce grown on the property. Stands operated on a year round basis or which primarily sell produce not grown on the property shall be considered a commercial use, and shall be subject to all the requirements for commercial uses stated in this law.

Satellite Antenna Shall be any parabolic disk, antenna or other device or equipment of whatever nature of kind. The primary purpose of which to receive television, radio, light, microwave, or other electronic signals, waves and/or communications from space satellites.

Sawmill/Woodproducts Manufacture (small) A sawmill of wood products manufacturing facility located in a building or structure, or group of buildings or structures, less than ten thousand(10,000) square feet in ground area.

Sawmill/Woodproducts Manufacture (large) A saw mill or wood product manufacturing facility located in a building or structure or group of buildings or structures, ten (10,000) thousand square feet or larger in ground area.

Seasonal Camp A residential structure designed for seasonal occupancy, and occupied no longer than four (4) months a year.

Septage The contents of a septic tank, cesspool, dry well or other individual sewage treatment facility which recieves domestic sewage waste.

Shopping Center A tract or parcel of land containing a grouping of five (5) or more stores or shops that provide a variety of goods and services and which are within the same building or in contiguous units that are using integrated parking facilities and have a common access to the public way.

Side Building Setback The space on the side of a lot not occupied by a building, measured from the nearest side of a building to a side lot line and extending the full length of the lot.

Sign Any material, structure or object, or part thereof, composed of lettered or pictorial matter which is located out-of-doors or on the exterior of a building, which used for the purpose of bringing the subject matter thereof to the attention of others, but excluding any flag, emblem, or insignia of a nation, political unit, school or religious group. Christmas lights or other holiday ornamentation shall not be considered to be signs.

Single Family Dwelling Detached building designed for or occupied by one family, not to include single-wide mobile homes.

Small Business Any retail, service, or trucking business which complies with each of the following criteria:

(A) The combined total ground area of buildings constructed for business purposes does not exceed a maximum of 2500 square feet, excluding a one or two car garage. In addition to a building constructed for business purposes, any portion of a residence or of a one or two car garage may be used for the conduct of a small business.

(B) No more than 2500 feet of outdoor space is devoted to storage of goods, materials or equipment, or for display area for equipment or vehicle sales.

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(C) The business is conducted on a lot at least one (1) acre in size if there is **no** residential structure on the lot, or the business is conducted on a lot at least two acres in size if there **is** a residential structure on the lot.

(D) No more than one Semi-trailer type truck is stored outdoors on the property at one time. No more than two smaller trucks or vans principally used for business purposes are stored on the property at any one time.

(E) No more than three pieces of motorized construction or earth moving equipment, or similar equipment, are stored outdoors on the property.

(f) There is **no** Outdoor storage of junk or junked vehicles as defined herein; blinking or flashing signs; use of materials which pose a hazard due to their toxicity or potential to cause an explosion; gasoline pumps for retail sale of gasoline; on-site waste disposal other than sewerage waste; creation of noise in excess of what would be normal in a residential neighborhood; outdoor lighting in excess of what would be normal in a residential neighborhood.

Specifically **excluded** from the definition of a small business are gasoline sales Establishments, Taverns, nightclubs, restaurants, campgrounds travel trailer parks, truck stops, warehousing, saw mills, motel/hotels, kennels, amusement parks, slaughterhouses, junk yards, and motorized vehicle race tracks.

For the purposes of this definition, if essentially the same business is conducted on two or more adjacent lots which are owned, leased or rented by the same party, then said business, shall be deemed to be a single business, and each such group of lots shall be considered to be a single lot for purpose of complying with the requirements **(A) through (E)** above.

Solid Waste All materials or substances that are discarded or rejected as being spent, useless, worthless, or in excess to the oweners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, medical and infectious waste, sludge from air or water treatment facilities, rubbish, tires, ases, contained gaseous material, Incinerator residue, construction and demolition debris, discarded automobiles, and offal.

Special Use Permit An authorization of a particular land use which is permitted in this law subject to conitions which are designed to insure that the purposed use will not adversely affect the neighborhood if such conditions are met.

Structure Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including garages, swimming pools, and outbuildings.

Telecommunications The transmission and reception of audio, video, data, and other information by wire , radio, light, and other electronic or electromagnetic systems.

Telecommunications Tower Shall be any structure on which one or more transmitting and/or receiving antenna is located.

Temporary Sign Any for sale or for rent sign, or any sign announcing an event which is removed within 30 days of its placement.

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Travel Trailer Any enclosed motor vehicle or trailer used or designed to be used for Recreational Travel and temporary living and/or sleeping purposes, but not including tent campers or truck campers. A motor vehicle or trailer meeting the above definition but which is no longer than forty (40) feet in length shall be considered to be a mobile home. (see definition of mobile home).

Travel Trailer Park Any plot of ground upon which two (2) or more trailers, pickup coaches, or similar recreational vehicles less than forty (40) feet in length, and/or tents occupied for dwelling or sleeping purposes for transients are located.

Two Family Dwelling Building designed for, or occupied by two families living independently of one another.

Use Variance The authorization by The Zoning Board of Appeals for use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

Warehousing and Distribution Terminal facilities for handling freight with or without maintenance facilities, and buildings used primarily for the storage of goods and materials.

Variance Any departure from strict letter of this lacal law granted by the Zoning Board of Appeals as it applies to a particular property.

Waste Disposal The disposial of solid waste. (See definitions of solid waste and disposal)

Zoning Board of Appeals Town of Altona Zoning Board of Appeals.

Zoning Enforcement Officer The official designated to administer and enforce this law.

Zoning Permit A document issued by the Zoning Officer authorizing the use of lots or structures in conformity with this law.

ARTICLE 8
SPECIAL USE APPROVAL

SECTION 800 APPLICABILITY

All uses listed as Special Uses in Article 3 shall require review and approval by the Zoning Board of Appeals before a Zonig Permit may be issued by the Enforcement Officer.

SECTION 810 AUTHORIZATION

The Zoning Board of Appeals of the Town of Altona is hereby authorized to review and approve, approve with modifications, or disapprove proposed Special Uses in accordance with the standards set forth in **Article 5** herein.

SECTION 815 SITE PLAN APPROVAL

As part of their review and approval of a Special Use, the Zoning Board of Appeals shall review and approve a site plan for the proposed use.

SECTION 820 APPLICATION FOR SPECIAL USE APPROVAL

All applications for Special Use Approval shall consist of the following:

A. Three copies of the site plan map (one to be retained for Town records, one to be returned to the applicant, one for referral to county if nessary), drawn to scale, to include as applicable:

1. Title of drawing, including name and address of appliciant and person responsible for preparation of such drawing;
2. North arrow, scale and date;
3. Boundaries of property plotted to scale;
4. existing watercourses and bodies of water;
5. location of any slopes of 5% or greater;
6. proposed grading and drainage
7. location, proposed use and height of all buildings and site improvements including culverts, drains, retaining walls, and fences.
8. location, design and construction materials of all parking and truck loading areas, showing points of entry and exit from the site;
9. location of outdoor storage, if any;
10. Decription of method of sewage disposal and location of the facilities;
11. Identification of water sources; if well, locate;
12. Location, size and design and construction materials of all purposed signs;
13. Location and proposed development of all buffer areas;
14. Location and design of outdoor lighting facilities;

The Zoning Board of Appeals may, at its descretion, require that such site plan be prepared by a licensed engineer or architect.

B. Accompanying data, to include the following as applicable:

1. Application form and fee.
2. Name and address of applicant and any professional advisors.
3. Authoriziation of owner if applicant is not the owner of the property in question.
4. Short Environmental Assessment Form.
5. Any additional endorsements, certifications or approvals required by the Zoning Board of Appeals.
6. Other information as the Zoning Board of Appeals may reasonably require to assess the proposed project.
7. Communication Towers

(A) The applicant shall include a statement in writing: That the applicant's proposed Wireless Telecommunications Facilities shall be maintained in a safe manner, and in compliance with all conditions of the Special Use permit, without exception unless specifically granted relief by the town in writing, as well as all applicable and permissible local codes, Laws and regulations, including any and all applicable Town, State and Federal Laws, Rules and Regulations.

(B) The number, type and design of the Tower (s) and Antenna (s) proposed and the basis for the calculations of the Tower's capacity to accommodate multiple users.

(C) The make, model, and manufacturer of the Tower snd Antenna (s).

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(D) A description of the proposed Tower, Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color, and lighting;

(E) The frequency, Modulation and class of service or radio or other transmitting equipment;

(F) The actual intended transmission and maximum effective radiated power of the antenna (s);

(G) Direction of maximum lobes and associated radiation of the antenna (s);

(H) Certification that the NIER levels at the proposed site are within the threshold levels adopted by the FCC;

(I) Certification that the proposed antenna (s) will not cause interference with other telecommunication devices;

(J) A copy of the FCC license applicable for the intended use of the Wireless Telecommonications Facilities;

(K) The Applicant shall certify that the Telecommunications Facility, foundation and attachments are designed and will be constructed to meet all local, Town , State and federal structural requirements for loads, including wind and ice loads.

(L) The Applicant shall certify that the Wireless Telecommunications Facilities will be effectively grounded and bonded so as to protect persons and property and installed with appropriate surge protectors.

(M) The Town may hire any consultant and/or expert necessary to assist the town in reviewing and evaluating the application, including the construction and modification of the site and any requests for certification. An appliciant shall deposit with the town, funds sufficient to reimburse the town for all reasonable costs of consultant and expert evaluation nad consultation to the town in connection with the review of any application including construction and modification of the site.

(N) The applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall, at its cost and expense, be jointly required to execute and file with the Town a bond, or other form of security acceptable to the Town as to the type of security and form and manner of execution, in the amount of at least $100,000.00 and with such sureties as are deemed sufficient by the town to assure the faithful performance of the terms and conditions of this Local Law and conditions of any Special Use Permit issued pursuant to this local law. The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Use Permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the orginal Special Use Permit.

SECTION 830 WAIVER of SUBMISSION REQUIREMENTS

The Zoning Board of Appeals may waive certain submission requirements in the case of minor projects of an uncomplicated nature.

SECTION 840 REVIEW PROCEDURE

The Zoning Board of Appeals shall review the application in accordance with the procedures specified in **Article 10** herein, and shall render a decision to approve, disapprove or approve with modifications.

SECTION 850 CONDITIONS

In their review of a proposed Special Use Permit the Zoning Board of Appeals may impose any conditions it deems necessary to serve the interest of the public health, safety, and general welfare, and to improve compatibility with surronding properities. Such conditions may include, but not limited to:

1. Requireing landscaping or vegetative screening.
2. Increasing building setback.
3. Limiting the size of buildings, parking area or facilities.
4. Specifying the location and design of entrances, exits, and off street parking space.
5. Requiring that materials be stored indoors or certain activities be conducted indoors.
6. Requiring noise barriers.
7. Requiring storm water retention ponds or other drainage and pollution control devices.

ARTICLE 9
VARIANCES and APPEALS

SECTION 900 BOARD of APPEALS

The Zoning Board of Appeals (ZBA) shall have the authority to review and approve request for variances, to hear appeals from a decision of the Zoning Enforcement Officer, and to decide any question involving the interpretation of a provision or definition contained in this law.

SECTION 910 APPLICATION

A property owner (s) or his agent (s) may initiate a request for a variance by filing an application with the Zoning Board of Appeals using forms supplied by the Board. The applicant shall include a copy of the tax map which shows the property and neighboring uses of property; and a map drawn to scale showing all existing and proposed structures, driveways, water and sewer systems, property lines, and natural features of the site including wetlands and drainageways

SECTION 920 VARIANCE POLICY

The granting of a variances shall be principally for those seeking an area variance.A variance will only be granted if the provisions of SECTION 940 f this law are strictly met.

SECTION 930 REQUIREMENTS for AREA VARIANCE

(A) Area variances maybe granted where the dimensional or physical requirements of this law connot be reasonably met, including but not limited to: minimum lot size, minimum lot width, minimum road frontage, minimum side and rear yards, minimum green space buffer, maximum lot coverage by buildings, maximum height of buildings, size or height of signs, and screening requirements.

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(B) In making its determination the ZBA shall take into consideration the benefit to the applicant if the variance is granted as weighed against detriment to the health, safety and welfare of the neighborhood or community. In making such determination the board shall consider:

1. Whether an undesireable change in character of the neighborhood will be produced or a detriment to nearby properities will be created by the granting of the area variance.
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
3. Whether the request variance is substantial.
4. Whether the proposed variance will have adverse impact on the physical or environmental conditions in the neighborhood.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the Board of Appeals, but shall not be necessarily preclude the granting of the area variance.

(C) Any area variance granted shall be the minimum necessary for the applicant to make reasonable use of the property.

SECTION 940 REQUIREMENTS for USE VARIANCE

(A) A Use variance may be granted to allow land to be used for a purpose which is otherwise not permitted by law.
(B) No such use variance shall be granted by the Board of Appeals without a showing by the Applicant that the zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the Applicant shall demonstrate to the Board of Appeals all of the following:
1. Under applicable zoning regulations the Applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence.
2. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.
3. That the requested use variance, if granted, will not alter the essential character of the neighborhood.
4. That the alleged hardship has not been self-created.
(C) Any Use Variance granted shall be the minimum necessary to address the unnecessary hardship proven by the Applicant.

SECTION 950 APPROVAL of VARIANCES WITH CONDITIONS

In the granting of variances the Board of Appeals shall have the authority to impose such reasonable conditions as are related to the use of the property, and/or the period of time the variance shall be in effect. Such conditions shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

SECTION 960 TIME of APPEAL

Any Appeal from a decision of the Zoning Enforcement Officer, shall be made within sixty (60) days after the Zoning Enforcement Officer, makes files said decision.

SECTION 970 STAY UPON APPEAL

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Enforcement Officer, certifies to the Board of Appeals that by reason in the facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings may not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court record.

ARTICLE 10
ZONING BOARD OF APPEALS REVIEW PROCEDURES

SECTION 1000 APPLICABILITY

This article shall apply to the review procedure for special uses, variances, and appeals from a decision of the Zoning Enforcement Officer.

SECTION 1010 REVIEW STEPS

Application to the Zoning Board of Appeals shall be processed in the following steps.

(A) The Zoning Board of Appeals shall undertake a preliminary review of an appliciation at its first regularly scheduled monthly meeting after the application is submitted. At the preliminary review the Board shall determine whether the appliciation is complete. If the appliciation is deemed to be incomplete, then the applicant shall be notified in writing of what further information is required. If the application deems to be complete, the the Board shall procede to schedule a public hearing.

(B) The Board shall schedule a public hearing within forty-five (45) days of receipt of a complete application, and shall provide notice of such hearing by publication in a newspaper of general circulation in the town at least five (5) days prior to the date thereof.

(C) As required by State Law, certain applications shall be forwarded to the Clinton County Planning Board. (See Section 1160) Applications for Special use Approval must be mailed to the County Planning Board at least ten (10) days prior to the hearing, and application for a varience or an appeal from a decision of the enforcement officer must be mailed at least five (5) days prior to the hearing.

(D) The Board of Appeals shall conduct a public hearing on the matter.

(E) W ithin forty-five (45) days of final public hearing, the Board shall render a decision to approve, disapprove, or approve with modifications or conditions. Said time period may be extended by mutual consent of the applicant and the Board.

(F) All decisions shall be in writing, shall be filed with the Town Clerk within five (5) business days of the decision, and a copy thereof shall be provided to the Applicant.

SECTION 1015 ACTION on an APPLICATION for a SPECIAL USE PERMIT for WIRELESS TELECOMMUNICATIONS FACILITIES

(A) The Town will undertake a review of an Application pursuant to this Local Law in a timely fashion, and will act within a reasonable period of time given the relative complexity of the application and the circumstances, with due regard for the public's interest and need to be involved , and the applicant's desire for a timely resolution.

(B) The Town may refer any application of part thereof to and advisory or other committee for a nonbonding recommendation. After the public hearing and after formally considering the application, the Town may approve, approve with conditions, or deny a Special Use Permit. Its decision shall be in writing and shall be supported by substantial evidence containing in a written record. The burden of proof for the grant of the permit shall always be on the applicant.

(C) If the Town approves the Special Use Permit for Wireless Communications Facilities, then the Applicant shall be notified of such approval in writing within ten (10) calender days of the Town's action, and the Special Use permit shall be issued within thirty (30) days after such approval.
Except for necessary building permits, and subsequent Certificates of Compliance, once a Special Use Permit has been granted hereunder, no additional permits or approvals from the Town, such as site plans or zoning approval shall be required by the Town for the Wireless Telecommunications Facilities covered by the Special Use Permit

(D) If the town denies the Special Use permit for wireless Telecommunications Facilities, then the Applicant shall be notified of such denial in writing within ten (10) calendar days of the Town's actions.

SECTION 1020 MEETING PROCEDURES

(A) Meetings shall be held at such times as the Board may determine, or at the call of the Chairman.
(B) A quorum shall consist of three (3) members, but in order to approve a Special Use or a Variance, or reverse a decision of the Enforcement Officer an affirmative vote of at least three (3) members shall be required
(C) The Board shall keep minutes of its proceedings showing the vote of each member upon each question.
(D) All meetings and hearings of the Board shall be public.
(E) Every decision or determination of the Board of Appeals shall be in writing, and shall be filed in the office of the Town Clerk within five (5) business days and shall be public record.

ARTICLE 11
ADMINISTRATION and ENFORCEMENT

SECTION 1100 ZONING PERMITS

(A) Except for exempt action listed in Section 110 Part B and C of this law, no building or structure shall be erected, altered, moved, or use instituted, until a Zoning Permit has been issued.

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(B) Parking lots for places of public assembly and commercial or business uses shall require a Zoning Permit for placement.

(C) When establishing measurements to meet required setbacks, measurements shall be taken from the road right-of-way or lot line to the furthermost protruding part of the use or structure. This shall include such projecting facilities as porches, carports, and attached garages.

(D) A Zoning Permit issued under this law shall shall expire one (1) year from date of issue if construction is not substantially begun.

(E) Any use that has been discontinued for a period of twelve (12) months or longer shall be considered abandoned and may not be reinstituted without applying for a new Zoning Permit

(F) Applications for Zoning Permits shall be submitted to the Zoning Enforcement Officer or Town Clerk and shall include three (3) copies of a layout or plot plan drawn to scale 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 distance from the building line to all lot lines, road lines, waterfront property lines, and streams; and such other information as may be necessary for the enforcement of this law. This information, and other relevant application data, shall be provided on forms issued by the Town Clerk or Zoning Enforcement Officer.

(G) Permit fees shall be established by resolution of the Town Board.

(H) Temporary permits may be issued by the Zoning Enforcement Officer, upon approval by the Board of Appeals, for a period not exceeding one (1) year. Such temporary permits are conditioned upon agreement by the owner or operator to remove any non-conforming structures or equipment upon expiration of the temporary permit or to bring the use into compliance by a specific time. Such permit may be renewed.

SECTION 1104 WIRELESS TELECOMMUNICATION FACILITIES ANNUAL NIER CERTIFICATION

The holder of the Special Use Permit shall, annually, certify that NIER levels at the site are within the threshold levels adopted by the FCC.

SECTION 1106 RECERTIFICATION of a SPECIAL USE PERMIT for WIRELESS TELECOMMUNICATION FACILITIES

(A) Between twelve (12) months and six (6) months prior to the five (5) year anniversary date after the effective date of the Special Use Permit and all subsequent five (5) year anniversaries of the affective date of the orginal Special Use Permit for Wireless Telecommunications Facilities, the holder of a Special use Permit for such Wireless Telecommunications shall submit a signed written request to the Zoning Board of Appeals. In the written request for re-certification, the holder of such Special Use permit shall note the following:

1) The name of the holder of the Special Use Permit for the Wireless Telecommunication Facilities;

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2) If applicable, the number or title of the Special Use Permit;

3) The date of original granting of the Special Use Permit;

4) Whether the Wireless Telecommunication Facilities have been moved, relocated. rebuilt, or otherwise visibly modified, since the issuance of the Special Use permit and if so in what manner.

5) If the Wireless Telecommunication Facilities have been moved, re-located, rebuilt, or otherwise visibly modified, then whether the Town approved such action, and under what terms and conditions, and whether those terms were complied with;

6) That the Wireless Telecommunication Facilities are in compliance with the Special Use Permit and compliance with all acceptable codes, laws, rules and regulations.

7) Recertification that the tower and attachments both are designed and constructed and continue to meet all local, Town, State, and Federal structural requirements for loads, including wind and ice loads. Such re-certification shall be by a Professional Engineer licenced by the State, the cost which will be borne by the Applicant.

(B) If, after such review, the Town determines that the permitted Wireless Telecommunication Facilities **are not** in compliance with the Special Use Permit and all applicable Statutes Laws, Local Laws, Laws, Codes, Rules and Regulations, then the Town may refuse to issue a recertification Special Use Permit for the Wireless Telecommunication Facilities, and in such event, such Wireless Telecommunication Facilities **shall not** be used after the date that the Applicant recieves writted notice of the decision by the Town until such time as the facility is brought into compliance. Any decision requiring the cessation of use of the Faculty or imposing a penalty shall be in writing and supported by substantial evidence contained in a written record and shall promptly be delivered to the owner of the Facility.

(C) If the Applicant has submitted all the information requested and required by this law, and if the review is not completed, as noted in subsection **(B)** of this section, prior to the five (5) year anniversary date of the Special Use Permit, or subsequent five (5) year anniversaries, then the applicant for the Wireless Telecommunication Facilities shall receive an extension of the Special Use Permit for up to six (6) months, in order for completion of the review.

(D) If the holder of the Special Use Permit for the Wireless Telecommunication Facilities does not submit a request for re-certification of such Special Use Permit within the timeframe noted in subsection **(A)** of this section, then such Special Use Permit and any authorization granted thereunder shall cease to exist on the date of the fifth anniversary of the original granting of the Special Use Permit. If the holder of the Special Use Permit adequately demonstrates that extenuating circumstances prevented a timely recertification request and if the Zoning Board of Appeals agrees that there were legitimately extenuating circumstances, then the holder of the Special Use permit may submit a late recertification request or Application for a new Special Use Permit.

SECTION 1110 CERTIFICATE of OCCUPANCY

(A) No land shall be occupied or used and no building or structure hereafter used, or changes made in the use until a Certificate of Occupancy has been issued by the Zoning Officer stating that the building, structure or proposed use thereof complies with the provisions of this law.

(B) No Certification of Occupancy shall be issued unless the proposed use or structure is provided with a septic system approved by the Clinton County Health Department or sewerage service is provided by a public sewerage system.

SECTION 1120 ZONING ENFORCEMENT OFFICER (ZEO)

(A) This law shall be enforced by the Zoning Enforcement Officer, who shall be appointed by the Town Board.

(B) The duties of the Zoning Enforcement Officer shall be to:

1. Approve and/or deny Zoning Permits.
2. Scale and interpret zone boundaries on the Zoning Map.
3. Approve and/or deny Certificates of Occupancy
4. Refer appropriate matters to the Zoning Board.
5. Revoke Zoning Permits where there is false, misleading or insufficient information. Revoke Zoning Permits and/or certificates of occupancy where the Appliciant has varied from the terms of the Application.
6. Investigate violations, issue stop work orders, and refer violations to the Town Board, and local Town Justice.
7. Report at regular Town Board Meetings the number of Zoning Permits and Certificates of Occupancy issued and fees collected.

SECTION 1130 ZONING BOARD of APPEALS

(A) Creation A Zoning Board of Appeals is hereby created. Said Board shall consist of five (5) members. The Town Board shall appoint the members of the Board of Appeals on a staggered term basis in conformance with Town Law, and shall appoint a Chairman and Vice- Chairman. The Board of Appeals shall select a Secretary and may prescribe rules for the conduct of its affairs.

(B) Powers and Duties The Zoning Board of Appeals shall have the following powers and duties with respect to this law.

1. Review and approval of Special Use permits.
2. Rewiew and approval of Variances.
3. Rewiew of appeals from a decision of the Zoning Enforcement Officer.
4. To decide any question involving the interpretation of a provision or definition containing in this law.
5. Submittal of advisory opinion to the Town Board for any proposed amendment to this law.

SECTION 1140 ENFORCEMENT

(A) Penalties Any person owning, controlling or managing any such building, structure, land or premises wherein or whereon there shall be placed on or there exists or is practiced or maintained anything or any use in violation of any of the provisions of this law shall be guilty of a violation and subject to a fine or imprisonment. A person guilty of a violation will be subject of a fine of not more than Two Hundred Fifty Dollars ($250.00) or imprisonment of not more than fifteen (15) days or both for each violation.. For each 24- hour period such violation continues, every such person shall be deemed guilty of a separate offense. Where the person committing such violation is a partnership, assocation, or corporation, the principal executive officer, partner, agency or manager may be considered to be the "person" for the purpose of this section.

(B) Alternative Remedy In case of a violation or threatened violation of any of the provisions of this law, or conditions imposed by a zoning permit, in addition to other remedies herein provided, the Town may institute any appropriate action or proceedings to prevent such unlawful erection, structural alteration, reconstruction, occupancy, moving and/or use, to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises and to collect a penalty or fine assessed hereunder.

(C) Stop Work Order

1. The Town Board for the Town of Altona herein grants the Zoning Enforcement Officer the administrative responsibility of determining in the first instance whether a violation has occurred and immediately terminating said violation by posting a Stop Work Order on the premises wherein the violation has occurred.

.2. The Stop Work Order shall serve notice to the owner, builder, developer, agent and/or any other individual or business on the premises that all such actions specified on the Stop Work Order must be terminated immediately.

(D) Appeal

Any person found to be in violation as described above may appeal the notice of violation to the Zoning Board of Appeals. Such appeal must be in writing and may be no later than sixty (60) days from the date of the notice. An Appeal to the Zoning Board of Appeals shall stay enforcement including the accumulation of fines and penalties from the date such appeal is filed in the office of the Zoning Board of Appeals to the date of determination by the Board of Appeals.

(E) Misrepresentation

Any permit approval granted under this law which is based upon or is granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstances known, by or on behalf of an Applicant, shall be void. This section shall not be construed to affect the remedies available to the Town under Section 1140 A-C of this law.

SECTION 1150 AMENDMENTS

(A) The Town Board may amend, supplement, or repeal the regulations and provisions of this law after public notice and public hearing. Certain amendments require referral to the Clinton County Planning Board as described in Section 1160 below. The Town Board, by resolution, shall fix the time and place of public hearing on the proposed amendment and shall cause notice to be given as follows:

1. By publishing a notice at least ten (10) days in advance in the official newspaper of the Town.

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2. By referring the proposed amendments to each Town and Village and within 500 feet of the Town of Altona boundaries, and to any state park commission whose property lies within the Town or within 500 feet of its boundaries.

(B) In case of a protest against such amendment signed by the owners of twenty (20%) percent or more of the area of land included in such amendment, or in the case of a disapproval by the County Planning Board, The Town Board must have a vote of majority plus one in favor in order to adopt the amendment.

SECTION 1160 REFERRAL to the COUNTY PLANNING BOARD

(A) State law requires that certain Variances, Special Use Permits approvals, or Zoning amendment actions be referred to the Clinton County Planning Board for their review prior to taking final action on the matter. Such actions are those which affect real property within 500 feet of any of the following:

1. A State or County highway.
2. State or County land where a public building or institution is located.
3. A State or County owned park or recreation area.
4. The Town boundary.

(B) If the County Planning Board does not respond within thirty (30) days from the time it receives a complete application, final action may be taken on the matter without such report. The term "receives" as used in this section shall mean delivery at least one week in advance of the regularly scheduled County Planning Board meeting.

(C) In the event the County planning Board disapproves the proposal, or approves it subject to modifications, then the local board may override the county opinion only by a vote of a majority plus one of its members.

(D) The local board shall send a copy of its final decision to the County Planning Board within seven (7) days after the local decision is reached. If the decision of the local board is contrary to the County Planning Board recommendation, then the local board shall send a resolution fully stating the reason for its contrary action.

SECTION 1170 SEVERABILITY

Should any section or provisions 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 1175 SUPERSESSION

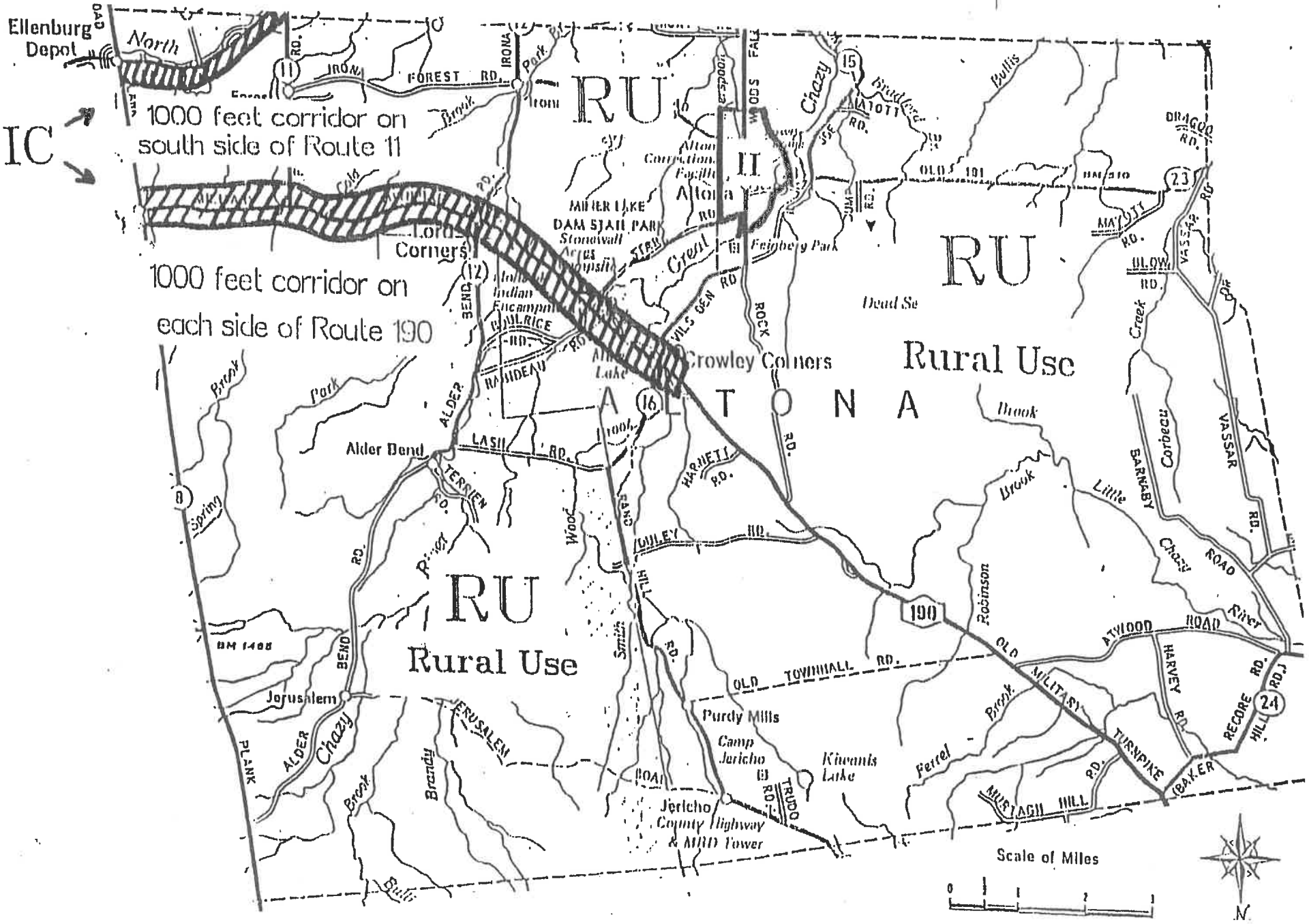
Local Law #1 of the year 2004 of The Town of Altona, supersedes Local Law # 7 of the year 1993 Rural Zoning Law.

SECTION 1180 EFFECTIVE DATE

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

MAPS The following maps are for informational purposes only. The official Zoning map is available at the Town Hall.

Loyola Bridgette Coolidge
Zoning Board of Appeals Secretary/Clerk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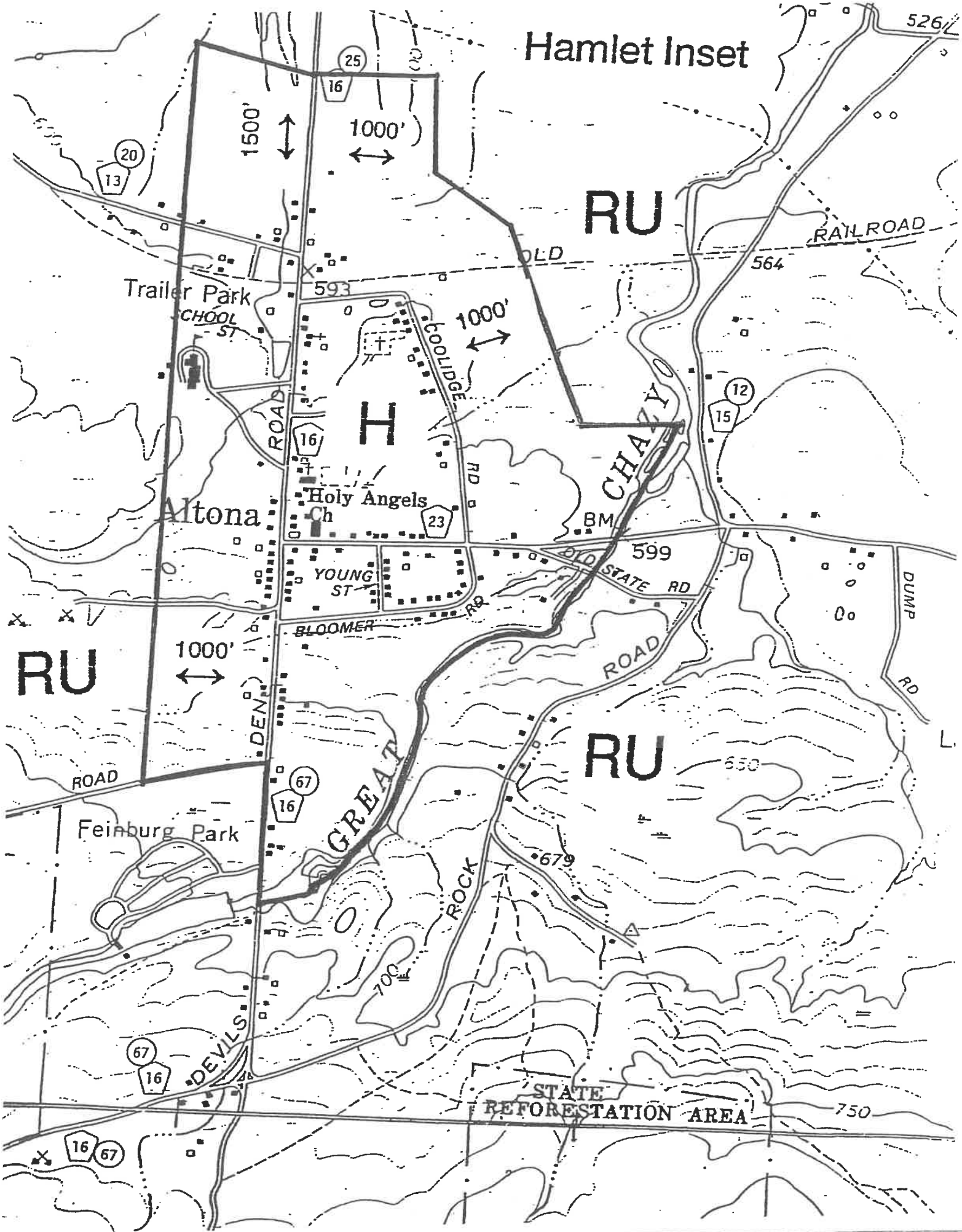
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AS REVISED AFTER TOWN BOARD MEETING OF FEBRUARY 2ND

Local Law No. 1 of 2006

Be it hereby enacted by the Town Board of the Town of Altona as follows:

Section 1: Local Law No. 1 of 2006, amending the Local Law No. 1 of 2004, of the Town of the Altona by adding Article 12, entitled "WIND ENERGY FACILITIES," **is hereby adopted to read in its entirety as follows:**

WIND ENERGY FACILITIES

Article 12

§1210. Purpose.

The Town Board of the Town of Altona adopts this Article to promote the effective and efficient use of the Town's wind energy resource through wind energy conversion systems (WECS), and to regulate the placement of such systems so that the public health, safety, and welfare will not be jeopardized.

§1211. Authority.

The Town Board of the Town of Altona adopts this Article under the authority granted by

1. Article IX of the New York State Constitution, §2(c)(6) and (10).
2. New York Statute of Local Governments, §10 (1), (6), and (7).
3. New York Municipal Home Rule Law, §10 (1)(i) and (ii) and §10 (1)(a)(6), (11), (12), and (14).
4. The supersession authority of New York Municipal Home Rule Law, §10 (2)(d)(3).
5. New York Town Law, Article 16 (Zoning).
6. New York Town Law §130(1)(Building Code), (3)(Electrical Code), (5)(Fire Prevention), (7)(Use of streets and highways), (7-a)(Location of Driveways), (11)(Peace, good order and safety), (15)(Promotion of public welfare), (15-a)(Excavated Lands), (16)(Unsafe buildings), (19)(Trespass), and (25)(Building lines).
7. New York Town Law §64(17-a)(protection of aesthetic interests) and (23)(General powers).

§1212. Findings.

A. The Town Board of the Town of Altona finds and declares that

1. Wind energy is an abundant, renewable and nonpolluting energy resource of the Town and its conversion to electricity may reduce dependence on nonrenewable energy sources and decrease the air and water pollution that results from the use of conventional energy sources.

2. The generation of electricity from properly sited wind turbines, including small systems, can be cost effective, and in many cases existing power distribution systems can be used to transmit electricity from wind-generating stations to utilities or other users, or on-site consumption can be reduced.

3. Regulation of the siting and installation of wind turbines is necessary for the purpose of protecting the health, safety, and welfare of neighboring property owners and the general public.

4. Wind Energy Facilities represent significant potential aesthetic impacts because of their large size, lighting, and shadow flicker effects.

5. If not properly regulated, installation of Wind Energy Facilities can create drainage problems through erosion and lack of sediment control for facility sites and access roads, and harm farmlands through improper construction methods,.

6. Wind Energy Facilities may present a risk to bird and bat populations if not properly sited.

7. If not properly sited, Wind Energy Facilities may present risks to the property values of adjoining property owners.

8. Wind Energy Facilities are significant sources of noise, which, if unregulated, can negatively impact adjoining properties.

9. Construction of Wind Energy Facilities can create traffic problems and damage local roads.

10. Wind Energy Facilities can cause electromagnetic interference issues with various types of communications.

§1213. Permits Required.

A. No Wind Energy Facility shall be constructed, reconstructed, modified, or operated in the Town of Altona except in compliance with this Article.

B. No WECS shall be constructed, reconstructed, modified, or operated in the Town of Altona except in a Wind Overlay Zone, pursuant to an application for rezoning and special use permit approved pursuant to this Article.

C. No Wind Measurement Tower shall be constructed, reconstructed, modified, or operated in the Town of Altona except pursuant to a Special Use Permit issued pursuant to this Article.

D. No Small Wind Energy Conversion System shall be constructed, reconstructed, modified, or operated in the Town of Altona except pursuant to a Special Use Permit issued pursuant to this Article.

E. Notwithstanding any other provision of this Local Law No. 1 of 2004 or this Local Law, Special Use Permits for WECS or Small WECS shall be issued by the Town Board.

F. This Article shall apply to all areas of the Town of Altona.

G. Exemptions. No permit or other approval shall be required under this Article for mechanical, non electrical WECS utilized solely for agricultural operations.

H. Transfer. No transfer of any Wind Energy Facility or Special Use Permit, nor sale of the entity owning such facility including the sale of more than 30% of the stock of such entity (not counting sales of shares on a public exchange), will occur without prior approval of the Town, which approval shall be granted upon written acceptance of the transferee of the obligations of the transferor under this Article. No transfer shall eliminate the liability of an applicant nor of any other party under this Article.

I. Notwithstanding the requirements of this Section, replacement in kind or modification of a Wind Energy Facility may occur without Town Board approval when (1) there will be no increase in Total Height; (2) no change in the location of the WECS; (3) no additional lighting or change in facility color; and (4) no increase in noise produced by the WECS.

§1214. Definitions.

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

EAF – Environmental Assessment Form used in the implementation of the SEQRA as that term is defined in Part 617 of Title 6 of the New York Codes, Rules and Regulations.

RESIDENCE – means any dwelling suitable for habitation existing in the Town of Altona on the date an application is received, including hotels, hospitals, motels, dormitories, sanitariums, nursing homes, senior housing, schools or other buildings used for educational purposes. A residence may be part of a multi-dwelling or multipurpose building, but shall not include buildings such as hunting camps or correctional institutions.

SEQRA - the New York State Environmental Quality Review Act and its implementing regulations in Title 6 of the New York Codes, Rules and Regulations, Part 617.

SOUND PRESSURE LEVEL -- means the level which is equaled or exceeded a stated percentage of time. An L_{10} - 50 dBA indicates that in any hour of the day 50 dBA can be equaled or exceeded only 10% of the time, or for 6 minutes. The measurement of the sound pressure

level can be done according to the International Standard for Acoustic Noise Measurement Techniques for Wind Generators (IEC 61400-11), or other accepted procedures.

SITE -- The parcel(s) of land where the Wind Energy Facility is to be placed. The Site could be publicly or privately owned by an individual or a group of individuals controlling single or adjacent properties. Where multiple lots are in joint ownership, the combined lots shall be considered as one for purposes of applying setback requirements. Any property which has a Wind Energy Facility or has entered an agreement for said Facility or a setback agreement and received the required variance shall not be considered off-site.

SMALL WIND ENERGY CONVERSION SYSTEM ("Small WECS")-- A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-Site consumption of utility power.

TOTAL HEIGHT -- The height of the tower and the furthest vertical extension of the WECS.

WIND ENERGY CONVERSION SYSTEM ("WECS")-- A machine that converts the kinetic energy in the wind into a usable form (commonly known as a "wind turbine" or "windmill").

WIND ENERGY FACILITY - Any Wind Energy Conversion System, Small Wind Energy Conversion System, or Wind Measurement Tower, including all related infrastructure, electrical lines and substations, access roads and accessory structures.

WIND MEASUREMENT TOWER – a tower used for the measurement of meteorological data such as temperature, wind speed and wind direction.

§1215. Applicability.

A. The requirements of this Article shall apply to all Wind Energy Facilities proposed, operated, modified, or constructed after the effective date of this Article.

B. Wind Energy Facilities for which a required permit has been properly issued and upon which construction has commenced prior to the effective date of this Article, shall not be required to meet the requirements of this Article; provided, however, that

1. Any such preexisting Wind Energy Facility which does not provide energy for a continuous period of twelve (12) months shall meet the requirements of this Article prior to recommencing production of energy.

2. No modification or alteration to an existing Wind Energy Facility shall be allowed without full compliance with this Article.

3. Any Wind Measurement Tower existing on the effective date of this Article shall be removed no later than twenty-four (24) months after said effective date, unless a Special Use Permit for said Wind Energy Facility is obtained.

C. Wind Energy Facilities may be either principal or accessory uses. A different existing use or an existing structure on the same Site shall not preclude the installation of a Wind Energy Facility or a part of such facility on such Site. Wind Energy Facilities constructed and installed in accordance with this Article shall not be deemed expansions of a nonconforming use or structure.

§1220. Creation of Wind Overlay Zones.

A. Wind Overlay Zones may be created in the R-Rural Use Zone only.

B. Initial requests for Wind Overlay Zones shall be submitted with applications for WECS Special Use Permits. No Wind Overlay Zone may be initially created without specific requests for WECSs.

C. Once a Wind Overlay Zone has been created, new WECSs or accessory structures or facilities may be added in that zone by grant of a Special Use Permit pursuant to the requirements of this Article.

§1221. Applications for Wind Energy Conversion Systems.

A. A joint application for creation of a Wind Overlay Zone and Special Use Permit for individual WECS shall include the following:

1. Name, address, telephone number of the applicant. If the applicant is represented by an agent, the application shall include the name, address and telephone number of the agent as well as an original signature of the applicant authorizing the representation.

2. Name and address of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner (i) confirming that the property owner is familiar with the proposed applications and (ii) authorizing the submission of the application.

3. Address, or other property identification, of each proposed tower location, including Tax Map section, block and lot number.

4. A description of the project, including the number and maximum rated capacity of each WECS.

5. A plot plan prepared by a licensed surveyor or engineer drawn in sufficient detail to clearly describe the following.

(1) Property lines and physical dimensions of the Site;

(2) Location, approximate dimensions and types of major existing structures and uses on Site, public roads, and adjoining properties within five hundred (500) feet of the boundaries of the proposed Wind Overlay Zone.

(3) Location and elevation of each proposed WECS.

(4) Location of all above ground utility lines on the Site or within one radius of the Total Height of the WECS, transformers, power lines, interconnection point with transmission lines, and other ancillary facilities or structures.

(5) Location and size of structures above 35 feet within a five-hundred-foot radius of the proposed WECS. For purposes of this requirement, electrical transmission and distribution lines, antennas and slender or open lattice towers are not considered structures.

(6) The zoning designation of the subject and adjacent properties as set forth on the official Town Zoning Map.

(7) Proposed boundaries of the Wind Overlay Zone.

(8) To demonstrate compliance with the setback requirements of this Article, circles drawn around each proposed tower location equal to:

(i) One and a half times the tower height.

(ii) One-thousand foot perimeter.

(iii) One-thousand two-hundred foot perimeter.

(9) Location of the nearest residential structure on the Site and located off-Site, and the distance from the proposed WECS.

(10) All proposed facilities, including access roads, electrical lines, substations, storage or maintenance units, and fencing.

6. Vertical drawing of the WECS showing Total Height, turbine dimensions, tower and turbine colors, ladders, distance between ground and lowest point of any blade, location of climbing pegs, and access doors. One drawing may be submitted for each WECS of the same type and Total Height.

7. Landscaping Plan depicting vegetation describing the area to be cleared and the specimens proposed to be added, identified by species and size of specimen at installation and their locations.

8. Lighting Plan showing any FAA-required lighting and other proposed lighting. The application should include a copy of the determination by the Federal Aviation Administration to establish required markings and/or lights for the structure, but if such determination is not

available at the time of the application, no building permit for any lighted facility may be issued until such determination is submitted.

9. List of property owners, with their mailing address, within 500 feet of the boundaries of the proposed Wind Overlay Zone. The applicant may delay submitting this list until the Town Board calls for a public hearing on the application.

10. Decommissioning Plan: The applicant shall submit a decommissioning plan, which shall include: 1) the anticipated life of the WECS; 2) the estimated decommissioning costs in current dollars; 3) how said estimate was determined; 4) the method of ensuring that funds will be available for decommissioning and restoration; (5) the method, such by annual re-estimate by a licensed engineer, that the decommissioning cost will be kept current; and 6) the manner in which the WECS will be decommissioned and the Site restored, which shall include removal of all structures and debris to a depth of 3 feet, restoration of the soil, and restoration of vegetation (consistent and compatible with surrounding vegetation), less any fencing or residual minor improvements requested by the landowner.

11. Complaint Resolution: The application will include a complaint resolution process to address complaints from nearby residents. The process shall use an independent mediator or arbitrator and include a time limit for acting on a complaint. The applicant shall make every reasonable effort to resolve any complaint.

12. An application shall include information relating to the construction/installation of the wind energy conversion facility as follows:

(1) A construction schedule describing commencement and completion dates; and

(2) A description of the routes to be used by construction and delivery vehicles, the gross weights and heights of those loaded vehicles.

13. Completed Part 1 of the Full EAF.

14. Applications for Wind Energy Permits for Wind Measurement Towers subject to this Article may be jointly submitted with the WECS.

15. For each proposed WECS, include make, model, picture and manufacturer's specifications, including noise decibels data. Include Manufacturers' Material Safety Data Sheet documentation for the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.

16. If the applicant agrees in writing in the application that the proposed WECS may have a significant adverse impact on the environment, the Town Board may issue a positive declaration of environmental significance.

17. If a positive declaration of environmental significance is determined by the SEQRA lead agency, the following information shall be included in the Draft Environmental Impact

Statement (DEIS) prepared for a Wind Energy Facility. Otherwise, the following studies shall be submitted with the application:

A. Shadow Flicker: The applicant shall conduct a study on potential shadow flicker. The study shall identify locations where shadow flicker may be caused by the WECSs and the expected durations of the flicker at these locations. The study shall identify areas where shadow flicker may interfere with residences and describe measures that shall be taken to eliminate or mitigate the problems.

B. Visual Impact: Applications shall include a visual impact study of the proposed WECS as installed, which may include a computerized photographic simulation, demonstrating any visual impacts from strategic vantage points. Color photographs of the proposed Site from at least two locations accurately depicting the existing conditions shall be included. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.

C. A fire protection and emergency response plan, created in consultation with the fire department(s) having jurisdiction over the proposed Zone.

D. Noise Analysis: a noise analysis by a competent acoustical consultant documenting the noise levels associated with the proposed WECS. The study shall document noise levels at property lines and at the nearest residence not on the Site (if access to the nearest residence is not available, the Town Board may modify this requirement). The noise analysis shall include low frequency noise.

E. Property value analysis prepared by a licensed appraiser in accordance with industry standards, regarding the potential impact of values of properties neighboring WECS Sites.

F. An assessment of potential electromagnetic interference with microwave, radio, television, personal communication systems and other wireless communication.

18. The applicant shall, prior to the receipt of a building permit, provide proof that it has executed an Interconnection Agreement with the New York Independent System Operator and the applicable Transmission Owner.

19. A statement, signed under penalties of perjury, that the information contained in the application is true and accurate.

§1222. Application Review Process.

A. Applicants may request a pre-application meeting with the Town Board, or with any consultants retained by the Town Board for application review. Meetings with the Town Board shall be conducted in accordance with the Open Meetings Law.

B. Six copies of the application shall be submitted to the Town Clerk. Payment of all application fees shall be made at the time of application submission. If any variances are requested, variance application fees shall be paid at the time of the receipt of the application.

C. Town staff or Town designated consultants shall, within 30 days of receipt, or such longer time if agreed to by the applicant, determine if all information required under this Article is included in the application.

D. If the application is deemed incomplete, the Town Board or its designated reviewer shall provide the applicant with a written statement listing the missing information. No refund of application fees shall be made, but no additional fees shall be required upon submittal of the additional information unless the number of WECSs proposed is increased.

E. Upon submission of a complete application, including the grant of any application waiver by the Town Board, the Town Clerk shall transmit the application to the Town Board.

F. The Town Board shall hold at least one public hearing on the application. Notice shall be given by first class mail to property owners within 500 feet of the boundaries of the proposed Wind Overlay Zone, and published in the Town's official newspaper, no less than ten nor more than twenty days before any hearing, but, where any hearing is adjourned by the Town Board to hear additional comments, no further publication or mailing shall be required. The applicant shall prepare and mail the Notice of Public Hearing prepared by the Town, and shall submit an affidavit of service. The assessment roll of the Town shall be used to determine mailing addresses.

G. The public hearing may be combined with public hearings on any Environmental Impact Statement or requested variances.

H. Notice of the project shall also be given, when applicable, to (1) the Clinton County Planning Board, if required by General Municipal Law §§239-l and 239-m, and (2) to adjoining Towns under Town Law §264.

I. SEQRA review. Applications for WECS are deemed Type I projects under SEQRA. The Town may conduct its SEQRA review in conjunction with other agencies, in which case the records of review by said communities shall be part of the record of the Town's proceedings. The Town may require an escrow agreement for the engineering and legal review of the applications and any environmental impact statements before commencing its review. At the completion of the SEQRA review process, if a positive declaration of environmental significance has been issued and an environmental impact statement prepared, the Town shall issue a Statement of Findings, which Statement may also serve as the Town's decision on the applications.

J. Upon receipt of the report of the recommendation of the County Planning Board (where applicable), the holding of the public hearing, and the completion of the SEQRA process, the Town Board may approve, approve with conditions, or deny the applications, in accordance with the standards in this Article.

§1223. Standards for WECS.

A. The following standards shall apply to all WECS, unless specifically waived by the Town Board as part of a permit.

1. All power transmission lines from the tower to any building or other structure shall be located underground to the maximum extent practible.

2. No television, radio or other communication antennas may be affixed or otherwise made part of any WECS, except pursuant to Local Law No. 1 of 2004. Applications may be jointly submitted for WECS and telecommunications facilities.

3. No advertising signs are allowed on any part of the Wind Energy Facility, including fencing and support structures.

4. Lighting of tower. No tower shall be lit except to comply with FAA requirements. Minimum security lighting for ground level facilities shall be allowed as approved on the Site plan. Security lighting shall be designed to minimize light pollution, including the use of light hoods, low glare fixtures, and directing lights at the ground.

5. All applicants shall use measures to reduce the visual impact of WECSs to the extent possible. WECSs shall use tubular towers. All structures in a project shall be finished in a single, non-reflective matte finished color or a camouflage scheme. Individual WECSs within a Wind Overlay Zone shall be constructed using wind turbines whose appearance, with respect to one another, is similar within and throughout the Zone, to provide reasonable uniformity in overall size, geometry, and rotational speeds. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.

6. The use of guy wires is prohibited.

7. No WECS shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No WECS shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation. If it is determined that a WECS is causing electromagnetic interference, the operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, or resolution of the issue with the impacted parties. Failure to remedy electromagnetic interference is grounds for revocation of the Wind Energy Permit for the specific WECS or WECSs causing the interference.

8. All solid waste and hazardous waste and construction debris shall be removed from the Site and managed in a manner consistent with all appropriate rules and regulations.

9. WECSs shall be designed to minimize the impacts land clearing and the loss of open space areas. Land protected by conservation easements shall be avoided when feasible. The use of previously developed areas will be given priority wherever possible.

10. WECSs shall be located in a manner that minimizes significant negative impacts on rare animal species in the vicinity, particularly bird and bat species.

11. Wind energy conversion facilities shall be located in a manner consistent with all applicable state and Federal wetlands laws and regulations.

12. Storm-water run-off and erosion control shall be managed in a manner consistent with all applicable state and Federal laws and regulations.

13. The maximum Total Height of any WECS shall be 400 feet.

14. Construction of the WECS shall be limited to the hours of 6 a.m. to 8 p.m. except for certain activities that require cooler temperatures than possible during the day, subject to approval from the Town.

§1224. Required Safety Measures.

A. Each WECS shall be equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.

B. Unless the property owner submits a written request that no fencing be required, a six-foot-high fence with a locking portal shall be required to enclose each tower or group of towers. The color and type of fencing for each WECS installation shall be determined on the basis of individual applications as safety needs dictate.

C. Appropriate warning signs shall be posted. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage. A sign shall be posted on the entry area of fence around each tower or group of towers and any building (or on the tower or building if there is no fence), containing emergency contact information, including a local telephone number with 24 hour, 7 day a week coverage. The Town Board may require additional signs based on safety needs.

D. No climbing pegs or tower ladders shall be located closer than twelve (12) feet to the ground level at the base of the structure for freestanding single pole.

E. The minimum distance between the ground and any part of the rotor or blade system shall be twenty (20) feet.

F. WECSs shall be designed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked.

§1225. Traffic Routes.

A. Construction of WECS poses potential risks because of the large size construction vehicles and their impact on traffic safety and their physical impact on local roads. Construction and delivery vehicles for WECS and /or associated facilities shall use traffic routes established as part of the application review process. Factors in establishing such corridors shall include (1) minimizing traffic impacts from construction and delivery vehicles; (2) minimizing WECS related traffic during times of school bus activity; (3) minimizing wear and tear on local roads; and (4) minimizing impacts on local business operations. Permit conditions may limit WECS-related traffic to specified routes, and include a plan for disseminating traffic route information to the public.

B. The applicant is responsible for remediation of damaged roads upon completion of the installation or maintenance of a WECS. A public improvement bond shall be posted prior to the issuance of any building permit in an amount, determined by the Town Board, sufficient to compensate the Town for any damage to local roads.

C. If the applicant uses any seasonal use highway in the off-season, it shall be solely responsible for the maintenance of said highway including but not limited to snow plowing. no act of maintenance on a seasonal use highway by an applicant shall be considered as Town maintenance of that highway for purposes of determining the seasonal use status of the highway.

§1226. Setbacks for Wind Energy Conversion Systems.

A. The statistical sound pressure level generated by a WECS shall not exceed L_{10} - 50 dBA measured at the nearest residence existing at the time of application. If the ambient sound pressure level exceeds 50 dBA, the standard shall be ambient dBA plus 5 dBA. Independent certification shall be provided before and after construction demonstrating compliance with this requirement.

B. In the event audible noise due to Wind Energy Facility operations contains a steady pure tone, such as a whine, screech, or hum, the standards for audible noise set forth in subparagraph 1) of this subsection shall be reduced by five (5) dBA. A pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one third (1/3) octave bands by five (5) dBA for center frequencies of five hundred (500) Hz and above, by eight (8) dBA for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dBA for center frequencies less than or equal to one hundred and twenty-five (125) Hz.

C. In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is exceeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind generated noise at the

microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project Site are sufficient to allow Wind Turbine operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.

D. Any noise level falling between two whole decibels shall be the lower of the two.

E. Each WECS shall be setback from Site boundaries, measured from the center of the WECS:

1. 500 feet from the nearest Site boundary property line.

2. 500 feet from the nearest public road.

3. 1,200 feet from the nearest off-Site residence existing at the time of application, measured from the exterior of such residence.

4. One and a half times the Total Height of the WECS from any non-WECS structure or any above-ground utilities.

5. 100 feet from state-identified wetlands. This distance may be adjusted to be greater or lesser at the discretion of the reviewing body, based on topography, land cover, land uses and other factors that influence the flight patterns of resident birds.

§1227. Noise and Setback Easements.

A. In the event the noise levels resulting from a Wind Energy Facility exceed the criteria established in this Article, or setback requirement is not met, a waiver will be granted from such requirement by the Town Board in the following circumstances:

1. A variance granted by the Zoning Board of Appeals.

2. Written consent from the affected property owners has been obtained stating that they are aware of the Wind Energy Facility and the noise and/or setback limitations imposed by this Article, and that consent is granted to (1) allow noise levels to exceed the maximum limits otherwise allowed or (2) all setbacks less than required; and

3. In order to advise all subsequent owners of the burdened property, the consent, in the form required for an easement, has been recorded in the County Clerk's Office describing the benefited and burdened properties. Such easements shall be permanent and shall state that they may not be revoked without the consent of the Town Board, which consent shall be granted upon either the completion of the decommissioning of the benefited WECS in accordance with this Article, or the acquisition of the burdened parcel by the owner of the benefited parcel or the WECS.

§1228. Creation of Wind Overlay Zones and Issuance of Special Use Permits.

A. Upon completion of the review process, the Town Board shall, upon consideration of the standards in this Article and the record of the SEQRA review, issue a written decision with the reasons for approval, conditions of approval or disapproval fully stated.

B. If approved, the Town Board will direct the Town Clerk to modify the Official Map to reflect the creation of the Wind Overlay Zones, and direct Town staff to issue a Special Use Permit for each WECSs upon satisfaction of all conditions for said Permit, and direct the building inspector to issue a building permit, upon compliance with the Uniform Fire Prevention and Building Code and the other conditions of this Article.

C. The decision of the Town Board shall be filed within five days in the office of the Town Clerk and a copy mailed to the applicant by first class mail.

D. If any approved WECS is not substantially commenced within two years of issuance of the permit, the special use permit shall expire.

§1229. Abatement.

A. If any WECS remains non-functional or inoperative for a continuous period of 1 year, the applicant agrees that, without any further action by the Town Board, it shall remove said system at its own expense. Removal of the system shall include at least the entire above ground structure, including transmission equipment and fencing, from the property. This provision shall not apply if the applicant demonstrates to the Town that it has been making good faith efforts to restore the WECS to an operable condition, but nothing in this provision shall limit the Town's limit the ability to order a remedial action plan after public hearing.

B. Non-function or lack of operation may be proven by reports to the Public Service Commission, NYSERDA or by lack of income generation. The applicant shall make available (subject to a non-disclosure agreement) to the Town Board all reports to and from the purchaser of energy from individual Wind Energy Conversion Systems, if requested necessary to prove the WECS is functioning, which reports may be redacted as necessary to protect proprietary information.

C. Decommissioning Bond or Fund The applicant, or successors, shall continuously maintain a fund or bond payable to the Town for the removal of non-functional towers and appurtenant facilities in an amount to be determined by the Town for the period of the of the life of the facility. This fund may consist of a letter of credit from a State of New York-licensed financial institution. All costs of the financial security shall be borne by the applicant.

§1230. Limitations on Approvals; Easements on Town Property.

A. Nothing in this Article shall be deemed to give any applicant the right to cut down surrounding trees and vegetation on any property to reduce turbulence and increase wind flow to the Wind Energy Facility. Nothing in this Article shall be deemed a guarantee against any future construction or Town approvals of future construction that may in any way impact the wind flow

to any Wind Energy Facility. It shall be the sole responsibility of the Facility operator or owner to acquire any necessary wind flow or turbulence easements, or rights to remove vegetation.

B. Pursuant to the powers granted to the Town to manage its own property, the Town may enter into noise, setback, or wind flow easements on such terms as the Town Board deems appropriate, as long as said agreements are not otherwise prohibited by state law or this Article.

§1231. Permit Revocation.

A. Testing fund. A Special Use Permit shall contain a requirement that the applicant fund periodic noise testing by a qualified independent third-party acoustical measurement consultant, which may be required as often as every two years, or more frequently upon request of the Town Board in response to complaints by neighbors. The scope of the noise testing shall be to demonstrate compliance with the terms and conditions of the Special Use Permit and this Article and shall also include an evaluation of any complaints received by the Town. The applicant shall have 90 days after written notice from the Town Board, to cure any deficiency. An extension of the 90 day period may be considered by the Town Board, but the total period may not exceed 180 days.

B. Operation. A WECS shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. Operational condition includes meeting all noise requirements and other permit conditions. Should a WECS become inoperable, or should any part of the WECS be damaged, or should a WECS violate a permit condition, the owner or operator shall remedy the situation within 90 days after written notice from the Town Board. The applicant shall have 90 days after written notice from the Town Board, to cure any deficiency. An extension of the 90 day period may be considered by the Town Board, but the total period may not exceed 180 days.

C. Notwithstanding any other abatement provision under this Article, and consistent with §1229(A) and §1231(B), if the WECS is not repaired or made operational or brought into permit compliance after said notice, the Town may, after a public meeting at which the operator or owner shall be given opportunity to be heard and present evidence, including a plan to come into compliance, (1) order either remedial action within a particular timeframe, or (2) order revocation of the Wind Energy Permit for the WECS and require the removal of the WECS within 90 days. If the WECS is not removed, the Town Board shall have the right to use the security posted as part of the Decommission Plan to remove the WECS.

Wind Measurement Towers

§1232. Wind Site Assessment.

The Town Board acknowledges that prior to construction of a WECS, a wind Site assessment is conducted to determine the wind speeds and the feasibility of using particular Sites. Installation of Wind Measurement Towers, also known as anemometer ("Met") towers, shall be permitted as Special Use in the RU Rural Use Zone.

§1233. Applications for Wind Measurement Towers.

A. An application for a Wind Measurement Tower shall include

1. Name, address, telephone number of the applicant. If the applicant is represented by an agent, the application shall include the name, address and telephone number of the agent as well as an original signature of the applicant authorizing the representation.

2. Name, address, telephone number of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner (i) confirming that the property owner is familiar with the proposed applications and (ii) authorizing the submission of the application.

3. Address of each proposed tower Site, including Tax Map section, block and lot number.

4. Site plan

5. Decommissioning Plan, including a security bond or cash for removal.

§1234. Standards for Wind Measurement Towers.

A. The distance between a Wind Measurement Tower and the property line shall be at least the Total Height of the tower. Sites can include more than one piece of property and the requirement shall apply to the combined properties. Exceptions for neighboring property are also allowed with the consent of those property owners.

B. Special Use permits for Wind Measurement Towers may be issued for a period of up to two years. Permits may be renewed if the Facility is in compliance with the conditions of the Special Use Permit.

C. No guyed wire towers are allowed.

Small Wind Energy Conversion Systems

§1235. Purpose and Intent.

The purpose of this portion of this Article is to provide standards for small wind energy conversion systems designed for on-site home, farm, and small commercial use, and that are primarily used to reduce on-site consumption of utility power. The intent of this Code is to encourage the development of small wind energy systems and to protect the public health, safety, and community welfare.

§1236. Permitted Areas.

1. Small Wind energy systems may be permitted in the RA or RU districts, or any zoning district on a Site of at least 5 acres, upon issuance of a Special Use Permit.

§1237. Applications.

A. Applications for Small WECS special use permits shall include:

1. Name, address, telephone number of the applicant. If the applicant will be represented by an agent, the name, address and telephone number of the agent as well as an original signature of the applicant authorizing the agent to represent the applicant.

2. Name, address, telephone number of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner (i) confirming that the property owner is familiar with the proposed applications and (ii) authorizing the submission of the application.

3. Address of each proposed tower Site, including Tax Map section, block and lot number.

4. Evidence that the proposed tower height does not exceed the height recommended by the manufacture or distributor of the system.

5. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the Electric Code.

6. Sufficient information demonstrating that the system will be used primarily to reduce on-site consumption of electricity.

7. Written evidence that the electric utility service provider that serves the proposed Site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant does not plan, and so states so in the application, to connect the system to the electricity grid.

8. A visual analysis of the Small WECS as installed, which may include a computerized photographic simulation, demonstrating the visual impacts from nearby strategic vantage points. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.

§1238. Development Standards.

All small wind energy systems shall comply with the following standards. Additionally, such systems shall also comply with all the requirements established by other sections of this Article that are not in conflict with the requirements contained in this section.

1. A system shall be located on a lot a minimum of one acre in size, however, this requirement can be met by multiple owners submitting a joint application.

2. Only one small wind energy system tower per legal lot shall be allowed, unless there are multiple applicants, in which their joint lots shall be treated as one lot for purposes of this Article.

3. Small Wind energy systems may be used primarily to reduce the on-Site consumption of electricity.

4. Tower heights may be allowed as follows:

a. 65 feet or less on parcels between one and five acres.
b. 80 feet or less on parcels of five or more acres.
c. The allowed height shall be reduced if necessary to comply with all applicable Federal Aviation Requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports.

5. The maximum turbine power output is limited to 100 KW.

6. The system's tower and blades shall be painted a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate non-reflective surfaces to minimize any visual disruption.

7. The system shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g., public parks, roads, trails). To the greatest extent feasible a small wind energy system:

a. Shall not project above the top of ridgelines.
b. If visible from public viewing areas. shall use natural landforms and existing vegetation for screening.
c. Shall be screened to the maximum extent feasible by natural vegetation or other means to minimize potentially significant adverse visual impacts on neighboring residential areas.

8. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.

9. All on-site electrical wires associated with the system shall be installed underground except for "tie- ins" to a public utility company and public utility company transmission poles, towers and lines. This standard may be modified by the decision-maker if the project terrain is determined to be unsuitable due to reasons of excessive grading, biological impacts, or similar factors.

10. The system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.

11. At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo or advertising shall be placed or painted on the tower, rotor, generator or tail vane where it would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner

12. Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:

a. Tower-climbing apparatus located no closer than 12 feet from the ground.
b. A locked anti-climb device installed on the tower.
c. A locked, protective fence at least six feet in height that encloses the tower.

13. Anchor points for any guy wires for a system tower shall be located within the property that the system is located on and not on or across any above-ground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in bright orange or yellow covering from three to eight feet above the ground.

14. Construction of on-site access roadways shall be minimized. Temporary access roads utilized for initial installation shall be re-graded and re-vegetated to the pre-existing natural condition after completion of installation.

15. To prevent harmful wind turbulence from existing structures, the minimum height of the lowest part of any horizontal axis wind turbine blade shall be at least 30 feet above the highest structure or tree within a 250 foot radius. Modification of this standard may be made when the applicant demonstrates that a lower height will not jeopardize the safety of the wind turbine structure.

16. All small wind energy system tower structures shall be designed and constructed to be in compliance with pertinent provisions of the Uniform Building Code and National Electric Code.

17. All small wind energy systems shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacture.

§1239. Standards.

A Small Wind Energy System shall comply with the following standards:

1. Setback requirements. A Small WECS shall not be located closer to a property line than one and a half times the Total Height of the facility.

2. Noise. Except during short-term events including utility outages and severe wind storms, a Small WECS shall be designed, installed, and operated so that noise generated by the system shall not exceed the 50 decibels (dBA), as measured at the closest neighboring inhabited dwelling.

§1240. Abandonment of Use.

A. Small WECS which is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any building permit shall constitute grounds for the revocation of the permit by the City.

B. All Small WECS shall be maintained in good condition and in accordance with all requirements of this section.

Miscellaneous

§1241. Fees.

A. Non-refundable Application Fees shall be as follows:

1. Wind Overlay Zone rezoning: $500 per zone.
2. WECS Special Use Permit: $50 per megawatt of rated maximum capacity
3. Wind Measurement Towers: $200 per tower.
4. Small WECS: $150 per WECS
5. Wind Measurement Tower Special Use Permit renewals: $50 per Wind Measurement Tower.

B. Building Permits. The Town believes the review of building and electrical permits for Wind Energy Facilities requires specific expertise for those facilities. Accordingly, the permit fees for such facilities shall $25 per permit request for administrative costs, plus the amount charged to the Town by the outside consultant hired by the Town to review the plans and inspect the work. In the alternative, the Town and the applicant may enter into an agreement for an inspection and/or certification procedure for these unique facilities. In such case, the Town and the applicant will agree to a fee arrangement and escrow agreement to pay for the costs of the review of the plans, certifications or conduct inspections as agreed by the parties.

C. Nothing in this Article shall be read as limiting the ability of the Town to enter into Host Community agreements with any applicant to compensate the Town for expenses or impacts on the community. The Town shall require any applicant to enter into an escrow agreement to pay the engineering and legal costs of any application review, including the review required by SEQRA.

D. The Town Board may amend these fees, by resolution after a properly noticed public hearing.

§1243. Tax Exemption.

The Town hereby exercises its right to opt out of the Tax Exemption provisions of Real Property Tax Law §487, pursuant to the authority granted by paragraph 8 of that law.

§1244. Enforcement; Penalties and remedies for violations.

A. The Town Board shall appoint such Town staff or outside consultants as it sees fit to enforce this Article.

B. Any person owning, controlling or managing any building, structure or land who shall undertake a wind energy conversion facility or wind monitoring tower in violation of this Article or in noncompliance with the terms and conditions of any permit issued pursuant to this Article, or any order of the enforcement officer, and any person who shall assist in so doing, shall be guilty of an offense and subject to a fine of not more than $350 or to imprisonment for a period of not more than fifteen days, or subject to both such fine and imprisonment. Every such person shall be deemed guilty of a separate offense for each week such violation shall continue. The Town may institute a civil proceeding to collect civil penalties in the amount of $350 for each violation and each week said violation continues shall be deemed a separate violation.

C. In case of any violation or threatened violation of any of the provisions of this Article, including the terms and conditions imposed by any permit issued pursuant to this Article, in addition to other remedies and penalties herein provided, the Town may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use, and to restrain, correct or abate such violation, to prevent the illegal act.

SECTION 2: Severability

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

SECTION 3: Effective Date

This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.