

LOCAL LAW NO. ____ OF 2018

TOWN OF MADRID, ST. LAWRENCE COUNTY, NEW YORK

A LOCAL LAW PROVIDING FOR THE ESTABLISHMENT OF COMPREHENSIVE ZONING REGULATIONS AND ASSOCIATED ZONING MAP GOVERNING THE LOCATION, DENSITY AND CHARACTERISTICS OF PERMITTED LAND USES THROUGH THE DELINEATION OF ZONING DISTRICTS IN ACCORDANCE WITH THE TOWN PLAN; AND PROVIDING FOR UNIFORM ADMINISTRATION AND ENFORCEMENT, INCLUDING PENALTIES FOR THE VIOLATION THEREOF.

APPROVED BY THE TOWN OF MADRID COUNCIL

APRIL 11, 2018

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ARTICLE I - TITLE

Section 1 - Title

- A. This Local Law shall be known and may be cited as ZONING REGULATIONS FOR THE TOWN OF MADRID.
- B. This law is adopted pursuant to New York State Town Law, Section 261.

ARTICLE II - GENERAL PROVISIONS

Section 2 - Purpose

- A. The purpose of this Local Law is to establish minimum requirements designed to promote the health, safety and general well-being of the residents of the Town of Madrid; and more specifically:
 - 1. To protect the character and maintain the stability of residential, recreational, commercial and agricultural areas within the Town, and to promote the orderly and beneficial development of such areas;
 - 2. To regulate the intensity of use of lots, and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air, privacy and convenience of access to property;
 - 3. To establish building lines and the location of buildings designed for residential, recreational, commercial, agricultural or other uses within such lines;
 - 4. To prohibit uses, buildings or structures which are incompatible with the existing or desirable character of development within specified zoning districts;
 - 5. To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder;
 - 6. To limit congestion in the public streets and so protect the public health, safety, convenience, and the general well-being by providing for off street parking of motor vehicles and for the loading and unloading of commercial vehicles; and

7. To conserve and enhance the taxable value of land and buildings throughout the Town through an enlightened approach to land development and building location.

Section 3 - Scope

- A. This Local Law shall apply to the construction, installation or alteration of any building, structure or appurtenant system, and any lot, plot or parcel of land used, occupied or otherwise maintained as herein provided for in the Town of Madrid.

Section 4 - Definitions

- A. The words and terms used in these Regulations shall be as defined in **Appendix A** of this Code, which is hereby, made a part of this Local Law.

Section 5 - Relationship Of This Law To Other Laws And Regulations

- A. Conflict with other laws. Whenever the requirements of this Local Law are at variance with the requirements of any lawfully adopted rules, regulations or ordinances, such as the New York State Uniform Fire Prevention and Building Code, the most restrictive or those imposing the highest standards shall govern.
- B. Requirement for New York State General Municipal Law 239-m Referral to County Planning Board. Section 239-m requires that certain matters be referred to the St. Lawrence County Planning Board by the Town Board, the Town Planning Board, or the Town Zoning Board of Appeals, as appropriate, and that the referring board shall not take final action until it has received a recommendation within 30 days from the County Planning Board. The following matters shall be referred to the St. Lawrence County Planning Board:
 1. Adoption or amendment of a comprehensive plan pursuant to Section 272-a of town law;
 2. Adoption or amendment of a zoning ordinance or local law;
 3. Issuance of special use permits;
 4. Approval of site plans;
 5. Granting of use and area variances;
 6. Other authorizations that a referring body may issue under the provisions of any zoning ordinance or local law.

The proposed actions set forth above shall be subject to referral to the County Planning Board if they apply to real property within five hundred feet of the following:

- a. The boundary of any city, village or town; or
- b. The boundary of any existing or proposed county or state park or any other recreation area; or
- c. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or
- d. The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or
- e. The existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or
- f. The boundary of any farm operation located in an agricultural district, as defined by article Twenty-five-AA of the agriculture and markets law, except this subparagraph shall not apply to the granting of area variances.

Section 6 - Agricultural Districts

- A. Notwithstanding any other provision of this Local Law, “farm operations” as defined in Article 25-AA of the New York State Agriculture and Markets Law, shall be a permitted principal use in all areas located within an agricultural district adopted by the Town of Madrid and certified by the Commissioner of Agriculture pursuant to said Article 25-AA, regardless of what zoning district such areas are located within. This provision shall supersede any conflicting provision of this Local Law.

Section 7 – Separability

- A. Should any section(s) or provisions of this Local Law be decided to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the validity of the Local Law as a whole or any part thereof other than the part decided to be unconstitutional or invalid.

Section 8 – Fees

- A. Permit fees shall be paid according to the fee schedule as may, from time to time, be established by resolution of the Town Board.

Section 9 - State Environmental Quality Review (SEQR)

- A. The State Environmental Quality Review Act requires that local government examine the environmental impact of all actions they permit, fund, or construct. Article (VIII) and Part 617 of Title 6 of the New York Code of Rules and Regulations (6 NYCRR Part 617) are hereby adopted by reference.
- B. All “Type I” and unlisted actions (6 NYCRR Part 617) shall require the submission and review of an Environmental Assessment Form.
- C. The Board that is empowered to approve the action shall be the lead agency.
- D. If the opinion of the lead agency after review of the Environmental Assessment form is that there appears to be the potential for a significant environmental impact, such lead agency shall cause the applicant to prepare a Draft Environmental Impact Statement (DEIS). Review, notice, and action on the DEIS shall be conducted according to 6 NYCRR, Part 617.

ARTICLE III – ESTABLISHMENT OF DISTRICTS

Section 10 - Designation of Districts

- A. For the purposes of this Local Law, the Town of Madrid is divided into the following districts:
 - Residential- Hamlet (R-H) District
 - Residential- Agricultural (R-A) District
 - Commercial- Business (C-B) District
 - Commercial- Industrial (C-I) District
 - Commercial-Residential (C-R) District
 - Open Space (O-S) District;

And with provision for an overlay district as follows:
Land Conservation Overlay (L-C) District

- B. Provision is also made for the creation of the following district:
 - Planned Development (P-D) District

Section 11 – Districts and Their Permitted Uses

A. Residential – Hamlet (R-H) District:

1. Purpose: To delineate those areas where predominantly single-family residential development has occurred or is likely to occur in accordance with the Town Plan; to maintain the quality of residential areas by requiring lot and building standards which accurately reflect existing conditions and service potential; and to protect the integrity of residential areas by prohibiting the intermixture of residential and incompatible non-residential uses.
2. Permitted Uses:
 - a. Existing farm
 - b. One-, two-family dwelling
 - c. Accessory building, use
 - d. Rooftop/building mounted alternative energy system
3. The following uses are subject to Site Plan Review:
 - a. Bed and breakfast
 - b. School, church
 - c. Cemetery
 - d. Public park, playground, golf course
 - e. Public building or use
 - f. Service, fraternal organization, club or lodge
4. Special Uses Permitted Upon Authorization of Planning Board (all applications for special uses shall undergo site plan review):
 - a. Mobile home
 - b. Conversion of existing residential structure by increasing or decreasing the number of dwelling units
 - c. Medical office building
 - d. Funeral home
 - e. Home occupation
 - f. Public utility structure, use
 - g. Wind measurement tower
 - h. Small Wind Energy Conversion system (see Article VIII)
 - i. Alternative / Solar Energy System (see Article IX)
5. See **Appendix B** for a summary of permitted uses, dimensional and other requirements for Residential – Hamlet (R-H) District.

B. Residential – Agricultural (R-A) District:

1. Purpose: To delineate those areas of the Town which are appropriate for agricultural and open space purposes and for low-density residential uses and to preserve the integrity of such areas for these purposes.
2. Permitted Uses:
 - a. One-, two-family dwelling
 - b. Farm
 - c. Accessory building, use
 - d. Rooftop/building mounted alternative energy system
 - e. Outdoor wood boiler
3. The following uses are subject to Site Plan Review:
 - a. Bed and breakfast
 - b. Home occupation
 - c. Roadside stand
 - d. School, church
 - e. Cemetery
 - f. Public park, playground, golf course
 - g. Public building, use
4. Special Uses Permitted Upon Authorization of Planning Board (all applications for special uses shall undergo site plan review):
 - a. Seasonal dwelling, camp
 - b. Mobile home
 - c. Commercial recreation
 - d. Commercial excavation
 - e. Livestock holding area, animal hospital, kennel, stable
 - f. Commercial logging
 - g. Refuse disposal area, lagoon, sanitary landfill
 - h. Telecommunication Towers (see **Article VII** for regulations)
 - i. Public utility structure, use
 - j. Wind measurement tower
 - k. Small Wind Energy Conversion system (see Article VIII)
 - l. Alternative / Solar Energy System (see Article IX)
5. Keeping of Farm Animals for Non-Commercial Purposes. In a Residential- Agricultural (R-A) District, it shall be permissible to keep and maintain animals commonly considered to be farm animals, such as horses, cows, pigs, goats, sheep, etc., under the following conditions:
 - a. Farm animals that create a nuisance due to noise or odor, or that may be considered an imminent danger to human health, life or safety shall be prohibited.

- b. No owner or occupant may keep or maintain farm animals on a lot smaller than two acres, with at least one acre of usable pasture. For each 1,000 pounds of live animal weight kept or maintained, an additional acre of usable pasture shall be required. Usable pasture shall be defined as completely open space without buildings, storage areas, or other obstructions, used solely for the pasture and grazing of farm animals.
 - c. All farm animals shall be kept within an enclosure, such as a fence, so as to be unable to come within fifty feet of any adjoining property line, boundary line or residential structure.
 - d. Suitable barns and shelters shall be provided on-premises for the overnight keeping of all farm animals. Such barns and shelters shall be enclosed and weather tight.
6. See **Appendix B** for a summary of permitted uses, dimensional and other requirements for Residential – Agricultural (R-A) District. See Article VII for dimensional and other requirements for telecommunications towers.

C. Commercial -Business (C-B) District:

- 1. Purpose: To delineate an area concentrated with commercial and business activity, as well as public and institutional uses that attract residents and visitors throughout the day. Continued investment in the district is promoted through height, lot coverage, and parking standards that accommodate commercial and mixed residential uses in existing structures and legally non-conforming parcels.
- 2. Permitted Uses:
 - a. Existing one-, two family dwelling
 - b. Accessory building, use
 - c. Rooftop/building mounted alternative energy system
- 3. The following uses are subject to site plan review:
 - a. Retail store, personal service shop
 - b. Business, professional office
 - c. Bank
 - d. Medical office or clinic
 - e. Library
 - f. Public building or use
 - g. Private club or lodge
 - h. Laundromat
 - i. Home occupation
 - j. Bed and breakfast

- k. New dwelling unit
- 4. Special Uses Permitted Upon Authorization of Planning Board (applications for special uses shall undergo site plan review):
 - a. Tavern, restaurant
 - b. Hotel, motel, inn
 - c. Funeral home
- 5. See **Appendix B** for a summary of permitted uses, dimensional and other requirements for Commercial-Business (C-B) District.

D. Commercial - Industrial (C-I) District:

- 1. Purpose: To delineate areas appropriate for general commercial and light industrial uses and to reserve them for these uses.
- 2. Permitted Uses:
 - a. Rooftop/building mounted alternative energy system
- 3. The following uses are subject to site plan review:
 - a. Retail store, personal service shop
 - b. Bank
 - c. Hotel, motel, inn
 - d. Business, professional office
 - e. Laundromat
 - f. Accessory building, use
 - g. Building supply, material sales
 - h. Feed store, farm supply sales
 - i. Auto, farm implement, mobile home, recreational vehicle sales and services
- 4. Special Uses Permitted Upon Authorization of Planning Board (applications for special uses shall undergo site plan review):
 - a. Gasoline station, public garage
 - b. Auto wash
 - c. Public utility structure, use
 - d. Adult entertainment
 - e. Tavern, restaurant
 - f. Fabrication and assembly plant
 - g. Truck terminal, warehouse
 - h. Municipal highway garage, equipment storage
 - i. Fuel oil, gasoline, bulk storage
 - j. Outdoor wood boilers
 - k. Alternative / Solar Energy System (see Article IX)

5. See **Appendix B** for a summary of permitted uses, dimensional and other requirements for Commercial-Industrial (C-I) District.

E. Commercial - Residential (C-R) District:

1. Purpose: To delineate areas appropriate for residential and multi-family uses, and to allow for low-impact commercial uses that preserve the integrity and character of such areas for these purposes.
2. Permitted Uses:
 - a. Existing farms
 - b. One-, two family dwelling
 - c. Accessory building, use
 - d. Rooftop/building mounted alternative energy system
3. The following uses are subject to site plan review:
 - a. Multi-family dwellings
 - b. Mobile homes
 - c. Conversion of a residential use that changes the number of dwelling units
 - d. Home occupations
 - e. Bed and breakfast
 - f. Personal service shops
 - g. Professional offices
 - h. Medical office building
 - i. Cemetery
 - j. Public park, playground, golf course
4. Special Uses Permitted Upon Authorization of Planning Board (applications for special uses shall undergo site plan review):
 - a. Public buildings or use
 - b. Service organizations or clubs
 - c. Funeral homes
 - d. Schools
 - e. Churches
 - f. Museums
 - g. Public utilities
 - h. Gas stations
 - i. Auto wash stations
 - j. Banks
 - k. Restaurants
 - l. Retail Store
 - m. Wind measurement towers
 - n. Small Wind Energy Conversion Systems
 - o. Alternative / Solar Energy Systems

5. See **Appendix B** for a summary of permitted uses, dimensional and other requirements for Commercial-Residential (C-R) District.

F. Open Space (O-S) District:

1. Purpose: To delineate those essentially open, natural and forested areas in the Town and to insure that the uses permitted therein are compatible with and do not destroy or detract from these important natural qualities.
2. Permitted Uses:
 - a. Fish, game club
 - b. Seasonal dwelling
 - c. Camp, fishing, hunting lodge
 - d. Rooftop/building mounted alternative energy system
 - e. Public park, recreation area
 - f. Alternative / Solar Energy Systems
3. Special Uses Permitted Upon Authorization of Planning Board (applications for special uses shall undergo site plan review):
 - a. Forestry practices
 - b. Commercial recreation
 - c. Wind measurement tower
4. Keeping of Farm Animals for Non-Commercial Purposes. In an Open Space (O-S) District, it shall be permissible to keep and maintain animals commonly considered to be farm animals, such as horses, cows, pigs, goats, sheep, etc., under the following conditions:
 - a. Farm animals that create a nuisance due to noise or odor, or that may be considered an imminent danger to human health, life or safety shall be prohibited.
 - b. No owner or occupant may keep or maintain farm animals on a lot smaller than two acres, with at least one acre of usable pasture. For each 1,000 pounds of live animal weight kept or maintained, an additional acre of usable pasture shall be required. Usable pasture shall be defined as completely open space without buildings, storage areas, or other obstructions, used solely for the pasture and grazing of farm animals.
 - c. All farm animals shall be kept within an enclosure, such as a fence, so as to be unable to come within fifty feet of any adjoining property line, boundary line or residential structure.

- d. Suitable barns and shelters shall be provided on-premises for the overnight keeping of all farm animals. Such barns and shelters shall be enclosed and weather tight.
5. See **Appendix B** for a summary of permitted uses, dimensional and other requirements for Open Space (O-S) District.

G. Land Conservation Overlay (L-C) District:

1. Purpose: To enhance community appearance; to promote the use of scenic resources for the pleasure and welfare of the citizens of, and visitors to, the Town; and to safeguard against damage due to natural causes such as flooding and water pollution.
2. Permitted Uses: Those otherwise permitted in the underlying districts in accord with the regulations applicable thereto.
3. Procedure: Within this Land Conservation Overlay District, which includes that area two hundred (200) feet on either side of the shoreline at normal water level of those streams and waterways as delineated on the map, all development will be approved by the Planning Board. The Board shall require such information as may be needed by it for an understanding of the type, location and construction details of the project; at a minimum, the Board shall require site plan review of any proposed development.
4. The Board shall make a determination with forty-five (45) days from the time of application after review of each proposal based on its satisfactory accommodation of sanitary waste disposal and an otherwise satisfactory relationship to the waterfront and the neighboring area.
5. See **Appendix B** for a summary of permitted uses, dimensional and other requirements for Land Conservation Overlay (L-C) District.

Section 12 - Planned Development (P-D) District

- A. Purpose: To provide a means of developing those land areas within the community considered appropriate for new residential, recreational, commercial or industrial use - or a satisfactory combination of these uses - in an economic and compatible manner, while encouraging the utilization of innovative planning and design concepts or techniques in these areas without departing from the spirit and intent of these Zoning Regulations.

B. Procedure

1. For the establishment of Planned Development Districts:

- a. Application for designation of a P-D District shall be referred to the Town Board who shall in turn refer the application to the Planning Board within ten (10) days of receipt. The applicant shall furnish basic data pertaining to the proposed development as set forth under **Appendix C: Required Plat/Plan and Supplemental Data** of this Code which is hereby made a part of this Local Law.
- b. The Planning Board and the Board's professional planning consultant, if any, shall review such application. The Board may require such changes in the Preliminary Plans as are found to be necessary to meet the requirements of this Section, to protect the established permitted uses in the vicinity, and to promote the orderly growth and sound development of the community.

In evaluating the proposal and in reaching its decision regarding the Preliminary Plans, the Planning Board shall consider and make findings regarding those considerations set forth under paragraphs 2-c. of this Section.

All applications for creation of a Planned District shall be referred to the St. Lawrence County Planning Board, which may review and comment on the referral with thirty (30) days.

- c. The Town Planning Board shall report its findings and render its recommendation to the Town Board within forty-five (45) days. It may recommend approval, disapproval, or conditional approval subject to modification, regarding the proposed development.
 - d. The Town Board shall hold any public hearing after public notice as required for any amendment to these Regulations and shall consider the report and recommendations of the Planning Board, and all other comments, reviews and statements pertaining thereto. It may amend the Zoning Map(s) to establish and define the type and boundaries of the Planned Development District, and in so doing may state specific conditions in addition to those provided by these Regulations, further restricting the nature or design of the development.
 - e. Notification of action taken will be given to the St. Lawrence County Planning Board within seven (7) days of such action on matters previously referred to and reviewed by such Board in accord with General Municipal Law 239-M.
2. For approval of development within an established Planned Development District:

- a. Amendment of the Zoning Map(s) shall not constitute authorization to develop in the district.
- b. Such authorization, after a Planned District has been established, shall require that the applicant submit to the Planning Board such plans and specifications, supporting documents and data as required under **Appendix B: Required Plat/Plan and Supplemental Data** of this Code and such further documentation as may be required by the Board.
- c. The Planning Board, and the Board's professional planning consultant, if any, shall set forth the particular ways in which the proposed development would or would not be in the public interest, including, but not limited to findings of fact and conclusions on the following:
 - 1) The need for the proposed project.
 - 2) In what respects the plan is or is not consistent with the stated purposes of a Planned Development District.
 - 3) The extent to which the plan departs from zoning regulations formerly applicable to the property in question (if not originally designated as a Planned Development District), including but not limited to bulk, density and permitted uses.
 - 4) The existing character of the neighborhood and the relationship, beneficial or adverse, of the proposed development to this neighborhood.
 - 5) The location of principal and accessory buildings on the site in relation to one another and to other structures and uses in the vicinity, including bulk and height.
 - 6) The provision for pedestrian circulation and open space in the planned development, the reliability of the proposal for maintenance and conservation of common open space and pedestrian circulation as related to the proposed density and type of development.
 - 7) The traffic circulation features within the site including the amount of, location of, and access to automobile parking and terminal loading areas.
 - 8) The amount of traffic generated at peak hours and the provisions for adequately handling such volumes, with particular reference to points of ingress and egress, potential hazards such as inadequate sight distances and intersection design, and the nature and suitability of the connecting street or highway system to absorb the anticipated changes.
 - 9) The provision for storm, sanitary and solid waste disposal and other utilities on and adjacent to the site.
 - 10) The proposed location, type and size of signs and landscape features.

- 11) The physical design of the plan and the manner in which said design does or does not make adequate provision for service demands (water, sewer, fire, etc.), provide adequate control over vehicular traffic, and further the amenities of light, air and visual enjoyment.
- d. No permit shall be issued until the Planning Board has made its determination based on the foregoing considerations and the Town Board has considered this determination, and authorized issuance of a Permit by resolution.
 - e. All conditions imposed by the Planning Board or Town Board in their review of the final plans, including any the performance of which may be conditions precedent to the issuance of any Permit, shall run with the land and shall not lapse or be waived as a result of any change in tenancy or ownership of any or all of the designated district.
 - f. If construction of the development in accordance with the approved plans and specifications has not begun within one (1) year after the date of the resolution authorizing issuance of the Building and Zoning Permit, all permits shall become null and void, the approval shall be deemed revoked and vacated, and the Town Board, after consultation with the Planning Board, shall have the authority to again amend the map to restore the zoning designation for the district to that which it had been prior to the application, or any other district.
- C. Special Applicability – Mobile Home Courts and Campgrounds. All mobile home courts and campgrounds will be considered under this process according to the following guidelines:
1. Mobile Home Court - Creation, expansion, extension or alteration of any mobile home court shall be in accord with the following minimum requirements:
 - a. All existing mobile home courts of record shall be exempt from these Regulations, except that they shall comply with them whenever any addition, expansion or alteration of the use or operation is proposed, and that they shall be required to obtain an annual Operating Permit.
 - b. All existing mobile home courts shall be limited to the number and size of mobile homes presently accommodated at the time of adoption of these Regulations, except as they shall meet the minimum requirements set forth herein. In addition, existing courts shall comply in every regard with minimum New York State standards for health, sanitation and cleanliness.

- c. A mobile home court shall have a minimum parcel size of five (5) acres.
- d. Within the mobile home court, minimum lot size for individual mobile homes shall be 6,000 square feet; and within the individual mobile home lot, minimum yard requirements shall be as follows:
- | | |
|----------------------|---------|
| 1) Front yard | 20 feet |
| 2) Side yards (each) | 15 feet |
| 3) Rear yard | 15 feet |
- e. Sanitary Facilities:
- 1) Water and Sewer- All water supply and sewage disposal systems will comply with those standards set forth in Local Law I and shall furthermore be approved by the State or County Health Department before any Permit is issued.
 - 2) The following shall comply in every regard with those standards set forth in the **Construction and Maintenance Regulations for the Town of Madrid** (Local Law I, 1973), as amended, and with the specifications and regulations of the **New York State Uniform Fire Prevention and Building Code**:
 - Storm and Surface Drainage
 - Open Areas, Yards and Drives
 - Garbage and Refuse Disposal
- f. Utility and Fuel Installations:
- 1) All wiring, fixtures and appurtenances shall be installed and maintained in accordance with Local Law I, 1973 as amended, and with the specifications and regulations of the **New York State Uniform Fire Prevention and Building Code** and the local utility company. Whenever possible, electrical transmission and other utility lines shall be placed below ground.
 - 2) Fuel tanks, where used, shall be placed at the rear of the mobile home and at a distance at least five (5) feet from any exit and shall have a safety shut-off at the tank. Fuel tanks and fuel supplies shall be installed and maintained in accordance with the **New York State Uniform Fire Prevention and Building Code Act**.
- g. Roadways:
- No individual mobile home, within a mobile home court, will have access to an existing street. Internal roadways within a mobile home court shall have a minimum right-of-way and paved or stone course in

accordance with the standards established in, **Subdivision Regulations for the Town of Madrid** (Local Law III, 1973), as amended. There shall be no dead-end streets in any court, except that a cul-de-sac may be provided in accordance with those provisions set forth in the **Subdivision Regulations** referenced above.

h. Off-Street Parking:

Two off-street parking spaces shall be provided for each mobile home lot in the mobile home court outside the established right-of-way and shall otherwise comply with off-street parking requirements as set forth elsewhere in these Regulations.

i. Open-space areas:

Open space areas, up to ten (10) percent of the land area, suitable for recreation and play purposes shall be designated on the site plan and shall be an integral part of any proposed mobile home court.

j. Improvements:

- 1) Each mobile home owner/tenant shall be required to enclose the bottom portion of the mobile home with a metal, wood or other suitable 'skirt', properly ventilated, within sixty (60) days after location in the mobile home court. Notification of such requirement shall be the responsibility of the mobile home court operator.
- 2) Sidewalks, lighting and landscaping shall be in keeping with surrounding development, the unique features of the site, and the health and safety of the occupants of the mobile home court as determined by the Planning Board. Attractive site development and landscaping shall be a consideration in determining the adequacy of the proposed mobile home court.

k. Permits

- 1) No mobile home court shall be established in the Town until a Zoning and Building Permit has been applied for and granted in compliance with these regulations. All Operating Permits for a mobile home court shall be approved by the Town Board after referral to and recommendation by the Enforcement Officer and Planning Board.
- 2) All Operating Permits shall be effective until December 31 of the calendar year of their issuance. An application for a renewable Operating Permit shall be made to the Town Clerk sixty (60) days prior to the expiration date of the previous Permit. Upon recommendation of the Enforcement Officer and the Planning Board, the Town Board shall issue or deny such

Permit in accord with the requirements set forth in these Regulations, other applicable portions of the Town Land Use and Development Code and the established fee schedule.

2. Campground - Creation, expansion, extension or alteration of any campground shall be in accord with the following minimum regulations:
 - a. All existing campgrounds of record shall be exempt from these Regulations, except that they shall comply with them whenever any addition, expansion or alteration of the use or operation is proposed and that they shall be required to obtain an annual Operating Permit. In addition, existing campgrounds shall comply in every regard with minimum NYS standards for health, sanitation and cleanliness.
 - b. Any campground shall have a minimum parcel size of five (5) acres and have minimum individual campsite areas as determined by the Planning Board.
 - c. Sanitary Facilities
 - 1) Water and Sewer- All water supply and sewage disposal systems will comply with those standards set forth in **Construction and Maintenance Regulations for the Town of Madrid** (Local Law I, 1973), as amended, and shall furthermore be approved by the State or County Health Department before any Permit is issued.

Each campground will provide potable water.

Each campground will contain adequate and suitability-located rest room facilities including one or more of the following:

- Toilet and urinal closets
- Lavatory or washing sinks
- Bath or shower stalls

The number and type of each shall be determined by the Planning Board as part of their recommendation to the Town Board. In addition, a dumping station will be provided for those recreational vehicles which have self-contained toilet facilities.

- 2) The following shall comply in every regard with those standards set forth in **Construction and Maintenance Regulations for the Town of Madrid** (Local Law I, 1973), as amended:
 - Storm and Surface Drainage
 - Open Areas, Yards, Drives
 - Garbage and Refuse Disposal

- 3) Each campground shall provide means for emergency vehicles to access all areas of the campground.
- d. Roadways and Parking:
Access roads shall have a minimum right-of-way and paved or stone course in accord with the standards established in **Subdivision Regulations for the Town of Madrid** (Local Law III, 1973), as amended. There shall be no dead-end streets in any campsite, except that a cul-de-sac may be provided in accord with those provisions set forth in Local Law III. Individual traveler-trailer or recreational campsites shall not be located in the required right-of-way.
- e. Improvements
- 1) Lighting, landscaping and buffer areas shall be as required by the Planning Board and shall be in keeping with surrounding development, the unique features of the site and the health and safety of occupants of the campground. Attractive site development shall be a consideration in determining the adequacy of the proposed campground.
 - 2) Open-space areas suitable for recreation and play purposes shall be designated on the site plan and shall be an integral part of any proposed campground. At least one acre or up to ten (10) percent of the land area shall be required for open-space purposes in any campground designed for twenty (20) or more recreational vehicles.
- f. Permits:
- 1) No campground shall be established in the Town until a Building and Zoning Permit has been applied for and granted in compliance with these Regulations. All Operating Permits for a campsite shall be approved by the Town Board after referral to and recommendation by the Enforcement Officer and Planning Board.
 - 2) All Operating Permits shall be effective until December 31 of the calendar year of their issuance. An application for a renewable Operating Permit shall be made sixty (60) days prior to the expiration date of the previous Permit. Upon recommendation of the Enforcement Officer and Planning Board, the Town Board shall issue or deny such Permit in accord with the requirements set forth in these Regulations, other applicable portions of the Town Land Use and Development Code and established fee schedule.

Section 13 - Zoning Maps

- A. The location and boundaries of the above-defined districts are hereby established on **Zoning Maps of the Town of Madrid** as shown in **Appendix D**. Said Zoning Maps with all notations; references and designations shown there on are hereby made a part of this Local Law.

Section 14 - Interpretation of District Boundaries

- A. The district boundary lines are intended generally to follow the center line of streets and highways; the center line of railroad rights-of-ways; existing lot lines; the center line of rivers or streams, water or sewer district boundaries, and Town boundary lines. Where a district boundary line does not follow such a line, its position shall be shown on the Zoning Maps by a dimension expressing its distance in feet from a street line or other boundary line as indicated; or by use of the scale appearing on the Zoning Maps.
- B. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be constructed to be said boundary. Where district boundaries are so indicated that they are approximately parallel to the center line of streets or highways, such district boundaries shall be construed to be parallel thereto and at such distance there from as indicated on the Zoning Maps.
- C. Where a district boundary line divides a lot in single ownership at the time of the passage of these Regulations, the standards for the less restricted portion of such lot shall extend not more than fifty (50) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.
- D. In case of uncertainty as to the true location of a district boundary line in a particular instance, the Board of Appeals shall render a determination with respect thereto.

ARTICLE IV – DISTRICT REGULATIONS

Section 15 - Application of Regulations

- A. No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed or used for any purpose or in any manner other than as specified herein under ‘Uses Permitted’, ‘Special Uses Permitted Upon Authorization of the Planning

Board’ or the “Planned Development District” procedure for the district in which such building or land is located.

- B. No building shall be erected, reconstructed or structurally altered to exceed in height the limit herein designated for the district in which such building is located.
- C. No building shall be erected and no existing buildings shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area, and building location regulations hereinafter designated for the district in which such building or open space is located.
- D. No yard or other open space provided about any building for the purpose of complying with the provisions of these Regulations shall be considered as providing a yard or open space for any other buildings, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

Section 16 - Lot Area and Width, Yards, Building Coverage and Height

- A. Regulations governing lot area and lot width; front, side and rear yards, lot coverage, building height and off-street parking are specified in **Appendix B: Summary of Districts, Permitted Uses and Regulations**, subject to the additional standards of these Regulations. **Appendix B** accompanies and, with all explanatory matter thereon, is hereby made a part of this Local Law.

Section 17 - Additional Area Regulations

- A. **Accessory Building:** Number, Height and Location. On any lot one accessory building or use in connection with the principal structure and use may be constructed and located subject to the following:
 - 1. There shall be no number or height limitation on barns, silos and other farm structures. Other height limitations are as for the principal structure or as otherwise shown in Attachment I.
 - 2. Accessory buildings which are not attached to a principal building may be erected in accordance with the following requirements:
 - a) Rear or side yard-at least fifteen (15) feet from side or rear property line.
 - b) Side yard, street side of corner lot-same as for principal building.

3. When an accessory building is attached to the principal building, it shall comply in all respects with the requirements of these Regulations applicable to the principal building.
- B. Corner Lot.** On a corner lot in any district where a front yard is required, a yard shall be provided on each street equal in depth to the required front yard on each such street. One rear yard shall be provided on each corner lot and the owner shall designate the rear yard on his application for a Permit.
- C. Existing Lots of Record.** A permitted building or use may be placed on any lot of record in any district even if said lot is less than the minimum area required for building lots in the district in which it is located, providing the following conditions exist or are met:
1. The owner of said lot owns no adjoining vacant land which would create a conforming lot if combined with the lot which is deficient in area;
 2. Any structure erected on a nonconforming lot shall have front, side and rear yards conforming to the minimums required for the district in which said lot is located, except where conditions made this impossible; and then
- D. Farm Woodlot.** The cutting of pulp or other wood products on a farm woodlot as part of the farm operation shall be considered an accessory use to the farm operation and shall not require a Permit as called for in the case of a commercial logging or pulp operation.
- E. Front Yard Exception.** When a vacant lot in any district is situated between two improved lots, the front yard of the vacant lot shall have a depth equal to the average depth of the front yards of the two adjoining improved lots, but not less than twenty (20) feet from the street right-of-way.
- F. Number of Dwellings on Lot.** No more than one (1) residential structure on any lot, other than under Planned Development, shall be permitted unless lot area and yard requirements are met for each dwelling, including required street frontage.
- G. Projections into Required Yards.**
1. The space in any required yard shall be open and unobstructed except for accessory buildings in a side or rear yard and except for the ordinary projections of window sills, belt courses, cornices, eaves and other architectural features, provided, however, that such features shall not project more than two (2) feet into any required yard.

2. A paved terrace shall not be considered as part of a building in the determination of yard sizes or lot coverage, provided that such terrace is unroofed and without walls, parapets, or other form of enclosure exceeding six (6) feet in height.
3. In determining the percentage of building coverage or the size of yards for the purpose of these Regulations, enclosed porches, or porches open at the side but roofed, shall be considered a part of the building.
4. An open fire escape may extend into any required yard not more than six (6) feet provided that such fire escape shall not be closer than nine (9) feet at any point to any lot line.
5. Unenclosed entrance steps or stairways providing access to the first story, cellar or basement of a building may extend into any required yard a distance not to exceed six (6) feet.

H. Screen Planting.

1. Enclosed Uses- Any use required by these Regulations to be screened shall provide a fence, screen or landscaping sufficient to obscure such uses from view from abutting properties or from the public right-of-way.
2. Unenclosed Uses- Any commercial or industrial use which is not conducted within a building, including, but not limited to junk yards, storage yards, building material yards, and which is in, abuts or is adjacent to a residential district or fronts on a public right-of-way, shall be obscured from view from such residential district and public right-of-way in an effective manner. This Section shall not apply to nurseries, and the display for sales purposes of new or used cars, trucks, recreational vehicles, or farm equipment if set back at least fifty (50) feet from the edge of the pavement.
3. Approval by the Planning Board- Plans and site design for the installation of such fencing or screening as are required by these Regulations shall be reviewed and approved by the Planning Board prior to issuance of a Permit. Any fencing or screening installed in accordance with this Section shall be maintained in good order to achieve the objectives of this Section. Failure to maintain fencing or to replace dead or diseased plant materials shall be considered a violation of these Regulations.

- I. **Swimming Pool.** The construction or assembly of all private swimming pools, hot tubs or outdoor spas over 18-inches in depth in a Residential-Hamlet District will be subject to site plan review by the Planning Board. In addition:

1. All swimming pools will be properly fenced and screened as may be required by the Planning Board.
 2. All pools will be situated, constructed, or assembled in such a manner that all water, either overflowing or emptying from same, shall be disposed of on the owner's land.
 3. All pools shall not be located in any minimum required front, side or rear yard as such dimension is listed Attachment 1.
 4. Lights used to illuminate pools or pool areas shall be shielded or installed so as to prevent said lights from shining directly upon the property of any adjacent property owner.
 5. Should the owner abandon a pool, s/he shall arrange to remove the depression and return the surface of the ground to its original grade and approximately the same condition as before the pool was constructed.
- J. **Through Lots.** Where a single lot under individual ownership extends from one street to another parallel or nearly parallel street or alley, the principal structure shall be erected to face the street on which those adjoining structures face. The building height shall be measured from the grade of the street designated as the street on which the building fronts.
- K. **Transition Yard Requirements.** Where a residential district abuts a non-residential district on a street line, there shall be provided in the non-residential district for a distance of fifty (50) feet from the district boundary line, a front yard at least equal in depth to that required in the residential district. Where the side or rear yard in a residential district abuts a side or rear yard in a nonresidential district, there shall be provided along such abutting line or lines in the non-residential district, a side or rear yard at least equal in depth to that required in the residential district. In no case, however, shall the abutting side or rear yard be less than ten (10) feet; except as may be otherwise established by the Board of Appeals.
- L. **Visibility at Street Corners.** On a corner lot in any district where a front yard is required, no fence, wall, hedge or other structure or planting more than three (3) feet in height shall be erected, placed or maintained which obstructs visibility of vehicular traffic within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said lines at points thirty (30) feet distant from the point of intersection, measured along said lines.

M. Walls, Fences and Hedges. The yard requirements of these Regulations shall not prohibit any retaining wall nor any fence, wall or hedge otherwise permitted, providing that in a Residential-Hamlet district:

1. Such fence, wall or hedge shall be no closer to any-lot line than two (2) feet.
2. Such fence, wall or hedge proposed to be erected in residential districts shall be subject to site plan review by the Planning Board.
3. Such fence, wall or hedge shall comply with visibility at street corners as provided in this Section.
4. The good or finished side of any fence erected in a residential district shall face the neighboring lots.

N. Width of Side Yard May Be Reduced. The width of one side yard may be reduced, provided that the sum of the width of the two side yards is not less than the required minimum for both side yards, and further provided that the distance between the proposed structure, and any structure, existing or proposed, on an adjacent lot is not less than the required minimum sum of the width of the two side yards and where such is warranted by the location of existing buildings or conditions or where it is conducive to the desirable development of two or more lots; as may be approved by the Board of Appeals.

Section 18 - Additional Height Requirements

- A. No building or structures shall have a greater number of stories, nor have an aggregate height of a greater number of feet than is permitted in the district in which such building or structure is located, except that:
1. The height limitations of these Regulations shall not apply to belfries, church spires, cupolas, penthouses and domes which are not used for human occupancy;
 2. Nor to chimneys, ventilators, skylights, water tanks and necessary mechanical appurtenances usually carried above the roof level;
 3. Nor to flag poles, monuments, silos, transmission towers and cables, radio and television antennae or towers and similar structures.
 4. Such features, however, shall be erected only to such height necessary to accomplish the purpose for which they are intended.

5. No advertising device of any kind whatsoever shall be inscribed upon or attached to that part of any chimney, tower, tank, or other structure which extends above the height limitations.

Section 19 – Notification to Emergency Responders of the Presence of Automatically Actuated Emergency Power Source

- A. All building owners or operators shall be required to affix a decal or sign notifying Emergency Response Personnel of the presence of an automatically actuated emergency electric power source. This is currently required for solar energy systems only, connected to any residential or commercial building under the provisions of the National Electric Code, NFPA 70.
- B. This regulation requires that any source of auxiliary or emergency electric energy that is connected automatically to the electric distribution system of a building, either residential or commercial, have affixed directly on the utility metering equipment or within 3 feet of the location of the electric meter location, a decal or sign as approved by the Code Enforcement Officer and in compliance with the design of such decal or sign contained within the provisions of current version of the Town of Madrid Land Use and Zoning Code.
- C. This requirement shall not apply to temporary installations of a stand-by electric energy sources such as a portable electric generator or other portable sources of electric energy.
- D. The decal or sign shall be available through the office of the Code Enforcement Officer and the cost of such decal or sign shall be assessed to the owner or operator of the premises.

ARTICLE V- SUPPLEMENTAL REGULATIONS

Section 20 - Special Uses Permitted Upon Authorization of the Planning Board

- A. General. On application, the Planning Board may authorize the Enforcement Officer to grant a Special Use Permit for any use for which approval of the Board is required by these Regulations. All applications for Special Use permits will be required by the Planning Board to undergo site plan review, as described in **Article VI – Site Plan Review**.
- B. The Board shall, pursuant to law, hold a public hearing on any such applications prior to acting thereon.

- C. In authorizing such Special Use Permit, the Board may designate appropriate conditions in harmony with the following standards:
- 1) The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts and uses.
 - 2) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection therewith, its site layout, and its relation to streets giving access to it shall be such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood. In applying this standard, the Board shall consider, among other things, convenient routes of pedestrian traffic, particularly of children, relation to main traffic thoroughfares and to street and road intersections, and the general character and intensity of development of the neighborhood.
 - 3) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof.

Section 21 – Standards Applicable to Certain Uses

In addition to the supplemental regulations detailed in Article V and the dimensional standards listed in the Zoning Schedule of Appendix B, certain uses shall satisfy the supplemental standards below.

- A. **Adult Entertainment.** In addition to meeting the minimum yard and lot coverage requirements, any such establishment shall be subject to the following regulations:
1. No adult use shall be located within one thousand (1,000) feet of any church, school, park, playground, youth center or location where children and youth traditionally congregate.
 2. No adult use shall be located within five hundred (500) feet of any other such adult use.
 3. Sexually suggestive photographic or artistic representations shall not be visible from outside. All signage shall be in compliance in all other respects with the existing sign regulations of the Town of Madrid.
 4. All openings to an adult use facility shall be located and screened in such a manner as to prevent a view into the interior from the exterior.

B. Auto Wash. In addition to meeting the minimum yard and lot coverage requirements, any auto wash establishment shall be subject to the following regulations:

1. Such establishment shall not be closer than two hundred (200) feet to a residential district.
2. The wash water shall not pollute any body of water nor create hazardous or unsightly conditions because of surface drainage.
3. The number and location of driveways shall be subject to review and approval of the Planning Board.
4. Such establishment, in addition to meeting the off-street parking requirements of **Appendix B**, shall provide four (4) stacking spaces per bay on the lot to prevent the waiting of automobiles in the public street.

C. Bed and Breakfasts.

1. The dwelling must be owner/proprietor occupied and shall not exceed five guest rooms. The application shall include a floor plan that depicts the location of each guest room, and the areas used as the owner's/proprietor's residence.
2. The site plan shall depict the following off-street parking: one space per dwelling; one per non-resident employee; and one per guest room.
3. The site plan shall depict any outdoor features such as courtyards, fire pits, gazebos, swimming pools, hot tubs, etc. that may be used by guests and note their proximity to adjacent uses. The Planning Board may require fencing and landscaping to minimize impacts to neighboring uses.
4. If the business and property will be marketed and rented as a venue for gatherings such as weddings, receptions, reunions, graduation parties, etc. the site plan shall depict areas sufficient for temporary parking and a location for loading/unloading to accommodate such activities.
5. The site plan shall depict any square footage that may be used for accessory retail activity (e.g. antique furniture, arts and crafts, maple syrup, craft beers and wines, honey, baked and canned goods, etc.) that will be sold to guests and general public, and provide adequate access, egress, and parking to accommodate this activity. Not more than 20% of the gross floor area of the structure shall be dedicated to such retail use.

6. The use shall adhere to screening, fencing, lighting and signing requirements specified elsewhere in this code.

D. Cemetery

1. Each cemetery shall include a 20' wide path that extends through the property to accommodate parallel parking and a driving lane for internal circulation.
2. No portion of any cemetery shall be less than 200' of any public water well or 100' of a private water well.

D. Commercial Excavation. Upon receipt of a notice addressed to the Town Supervisor from the Department of Environmental Conservation (DEC) regarding a complete application for a mining permit, the Town Supervisor or Town Clerk shall contact and inform the DEC of the date the notice was received, and forward copies of the notice and completed application to the Town Planning Board for review and final action. The New York State Mined Land Reclamation Law supercedes all other state and local laws related to mining and reclamation, and provides the Town to schedule a public hearing, take action, and respond within 30 days of receiving the DEC notice.

Upon taking final action, the Town Planning Board shall submit written comments to the DEC and applicant that state: whether mining is permitted at the proposed location; the Planning Board's decision; and the recommended conditions of approval in the DEC mining permit regarding ingress and egress to locally controlled roads; routing on locally-controlled roads, setbacks, barriers, dust control and hours of operation.

1. Whether mining is permitted at the location.
2. Ingress and egress to locally-controlled roads: Truck access to any excavation site shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. At a minimum, there shall be 500 feet of sight distance at the entrance to the facility. In order to prevent dust, such entrances shall be kept wet, treated with chemical dust deterrents, or paved. All ingress and egress points into the site shall be secured from unauthorized access or trespass.
3. Routing of mineral transport vehicles on locally-controlled roads: In consultation with the Town Highway Superintendent, necessary improvements to Town roads used as haulage ways shall be based on the width, bearing capacity and type of road surface of all Town roads that are proposed to be used by truck traffic to or from the site, and based on the number and weight of the vehicles entering and existing the property.

1. Comment as requested on the requirements and conditions as specified in the DEC permit concerning setbacks from property lines and rights-of-way, and fabricated or natural barriers designed to restrict property access (if needed), including type, length, height and location. The excavated area shall not be nearer than two hundred (200) feet to any property line nor nearer than two hundred (200) feet to the right-of-way line of any street or highway.
 4. Dust control: All dust resulting from excavation, processing or use of heavy equipment including trucks shall be controlled by using water, suitable mechanical, and approved chemical control methods identified in the DEC mining permit application. Oils or petroleum products shall not be used in the site or on any haul-road to suppress dust. Visible dust shall not be allowed to leave the permitted area.
 5. Hours of operation: Operation shall be limited between the hours of 6:00 am to 6:00 pm, except when mitigating natural disasters or following prior approval from the Planning Board for specific projects that are restricted to night operations.
 6. Conformance with Plans: All activities authorized by the DEC permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Mining operations shall maintain a copy of a current DEC permit at the Town Offices. Delinquency of maintaining a current DEC permit after a period of one year constitutes abandonment.
 7. Enforcement of reclamation requirements contained in the DEC permit: A plan for restoration and rehabilitation of a commercial earth excavation area or pit shall accompany the permit and shall be in conformity with the applicable provisions of the State Mined Land and Reclamation Act.
 8. Bond, Surety to Remain in Force: A copy of a required reclamation bond or other surety, in an amount determined by the DEC, shall be submitted to the Town, and shall be maintained in full force and effect. Such a bond or other surety shall not be terminated until the reclamation of the mined area is approved by the DEC in writing.
- E. Forestry Practices.** In order to prevent problems caused by erosion, siltation, and in attention to aesthetics, a one hundred-foot (100') wide buffer strip is required along all Town, County and State highways and along all rivers, lakes, ponds or designated wetlands. Buffer strips shall be cut lightly keeping at least a basal area of fifty (50) square feet per acre or residual trees, including large diameter trees (six (6) inches or larger). Trees shall be felled so that tops land away from roads. All hung-up, partly fallen, bent or broken trees shall be removed. Further, all landings shall have a one hundred (100)

foot setback from any Town, County, or State highways and a two hundred (200) foot setback along all rivers, lakes ponds or designated wetlands.

F. Commercial Recreation. Commercial recreation uses shall not be permitted within two hundred (200) feet of any adjoining residential lot line or any existing dwelling, and shall further be permitted only when the proposed use is compatible with and does not distract from surrounding uses, and where the Planning Board determines that any traffic, noise, light, or the assembly of person likely to be generated by any such activity will not create a hazard or nuisance

G. Drive-In Restaurant or Refreshment Stand. In addition to meeting the minimum yard and lot coverage requirements, such business shall be subject to the following regulations:

1. Such use shall not be closer than two hundred (200) feet to an adjacent residential lot line.
2. It shall have frontage on a public street.
3. Ingress and egress shall be so designed as to minimize traffic congestion, and for this purpose, the number and location of driveways shall be subject to review and approval of the Planning Board.
4. Such use shall be adequately fenced and screened from any adjacent residential property, and lighting shall be directed away from adjacent property.

H. Gasoline Station, Vehicle Fueling Station, Public Garage. In addition to the minimum yard and lot coverage requirements, any such establishment shall be subject to the following regulations:

1. Such use shall not be closer than 200 feet of any lot occupied by a residence, school, hospital or religious institution.
2. Bulk fuel shall be stored at least seventy-five (75) feet from any property line and shall meet all county and state requirements, in accordance with the Bulk Storage Program operated by the NYS Department of Environmental Conservation (DEC).
3. No exterior storage of dismantled vehicles, vehicle parts or salvage materials shall be permitted for a period of more than ten (10) days.
4. No exterior storage of disabled vehicles shall be permitted for more than thirty (30) days.

5. If such use ceases operation, all fuel storage tanks shall be removed within one year of such cessation.

I. Home Occupations. A home occupation may be approved only if it complies with the following:

1. It shall not display or create outside the building any evidence of the home occupation, except that one sign having an area of not more than four (4) square feet shall be permitted.
2. Such use is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not utilize more than twenty (20) percent of the gross floor area of the dwelling or its accessory buildings.
3. Off-street parking shall be provided at 1 space for every 400 square feet of business area (1:400) Such off-street parking shall be located at least ten (10) feet from any side or rear property line, shall be paved, screened or fenced as directed by the Board, and shall be so lighted that there will be no direct light into adjacent properties or streets.
4. No dwelling shall include more than one (1) home occupation.

J. School, religious institution, nursing home, funeral home, community center, membership club and open space recreational uses.

1. The proposed use will not interfere with the established character of the neighborhood nor the peaceful enjoyment of adjoining residential uses. In particular, this shall mean that the traffic, light and noise likely to be generated by such facility will not unduly interfere with adjoining uses and the neighborhood.
2. The location and arrangement for ingress and egress shall be so designed as to minimize traffic congestion and hazard.
3. Adequate and suitably located off-street parking shall be provided in accord with Section 22.
4. Such site amenities and landscaping as are needed to maintain or improve the visual character of the area and to provide a buffer between any adjoining use requiring such consideration shall be provided as required by the Board.

K. Livestock Holding Area, Kennel, Riding Stable, Animal Hospital. No such use shall be located within two hundred (200) feet of any adjoining residential lot line or any existing dwelling other than the principal residence on the same parcel. The Planning Board shall determine that any

such proposed use shall not jeopardize the health, well-being or useful enjoyment of any surrounding property before any Permit is authorized.

L. Mobile or Manufactured Home

1. One individual mobile home may be located on a farm of at least twenty-five (25) acres as an accessory dwelling unit and in the Residential-Agricultural District according to the conditions outlined below:
 - a. Adequate water and sewer installations shall be provided for each mobile home in accord with the **Construction and Maintenance Regulations for the Town of Madrid** (Local Law 1, 1973), as amended.
 - b. A Building and Zoning Permit shall be obtained for any addition or alteration to the mobile home, and such Permit shall include a provision for removing the structural addition at such time as the mobile home may be removed or relocated.
 - c. Special landscaping and screening may be required to achieve a satisfactory residential environment and prevent detrimental impact to adjacent property in accord with Article IV, Section 17-J of these Regulations.
 - d. An approved metal, wood or other suitable ‘skirt,’ properly ventilated and attached, shall enclose that area from the bottom of the mobile home to the ground.
 - e. All mobile homes shall be satisfactorily anchored, shall be placed on an approved foundation, and shall be located on a designated and identifiable parcel or lot in accordance with the **New York State Uniform Fire Prevention and Building Code**.
2. Individual mobile homes may be located in the Residential Hamlet District according to the conditions outlined above and, in addition, the following:
 - a. A mobile home shall be a minimum of six hundred (600) square feet in size and shall be located on a permanent foundation with its undercarriage removed.

M. Public Utility Structure, Use. Such uses shall include utility transmission lines, substations, transformers, switches and auxiliary apparatus serving a distribution area, and water and sewage pumping stations, and natural gas transmission lines, and shall be subject to the following regulations:

1. Such facility shall not be located on a residential street (unless no other site is available), and shall be so located as to draw a minimum of vehicular traffic to and through such streets.
2. The location, design and operation of such facility shall not adversely affect the character of the surrounding residential area.
3. Adequate fences, barriers and other safety devices shall be provided, and the facility shall be screen-planted in accordance with the provisions of Article IV, Section 17-M.)

N. Refuse Disposal Area, Lagoon, Sanitary Landfill. No refuse disposal area, lagoon (other than those permitted on farms per DEC regulations), or sanitary landfill shall be established hereafter in any area of the Town unless a Permit shall have been authorized by the Planning Board for such use. Before a Permit for a refuse disposal area, lagoon, or sanitary landfill is authorized, the applicant shall demonstrate compliance with all applicable NYS regulations. In addition, the Planning Board shall find that such use will not constitute a detriment to the public health, safety, well-being, convenience and property values by reason of dust, smoke, fumes, noise, traffic, odors, vermin or other conditions and may specify any reasonable requirements to safeguard the public interest including the following:

1. Said use shall not be located within two hundred (200) feet from any highway, right-of-way, body of water or property line; or five hundred (500) feet from any existing dwelling, church, school, hospital, public building or place of public assembly.
2. Any new refuse disposal area, lagoon, or sanitary landfill shall be completely surrounded with a fence which substantially screens said area and shall have a suitable gate which shall be closed and locked except during the working hours of said use.
3. Such fence shall not be erected nearer than two-hundred (200) feet from the right-of-way of public highway. All materials stored or deposited at the site shall be kept within the enclosure of the fence and below the top of the fence, except during transportation of same in the reasonable course of the business. All storage shall be accomplished within the area enclosed by the fence.
4. All refuse disposal areas, lagoons, or sanitary landfills existing at the time of adoption of these Regulations shall be limited to the size, area and scale of the present use and operations unless a Permit is issued in accordance with these Regulations.

5. In addition, an annual Operation Permit shall be required for all refuse disposal areas, lagoons, or sanitary landfills. All permits shall be effective until December 31 of the calendar year of their issuance. An application for a renewable Operating Permit shall be made to the Town Clerk ninety (90) days prior to expiration date of the previous Permit. Upon recommendation of the Enforcement Officer and Planning Board, the Town Board shall issue or deny such Permit in accord with the requirements set forth in these Regulations, the Town Land Use and Development Code, and the established fee schedule. See **Appendix F** for a “Refuse Disposal Area, Lagoon, Sanitary Landfill Annual Operation Permit Form”.

O. Restaurants and Bars.

1. Such use shall be adequately fenced and screened from any adjacent residential property, and lighting shall be directed away from adjacent property and the highway.
2. The location and situation of all structures shall be satisfactory to the Board relative to the visual character and travel safety along the roadway on which such facility fronts.
3. All signs shall be in accord with the provisions of the sign requirements of Section 24.
4. Ingress and egress shall be so designed as to minimize traffic congestion, and for this purpose, the number and location of driveways shall be subject to the explicit approval of the Board.
5. Sufficient and suitably located and arranged off-street parking shall be in accord with Section 22.
6. Trash containers and dumpsters shall be enclosed with fencing so as to eliminate view from the street. Trash shall be placed in covered containers to prevent wastepaper from blowing around the site or adjacent properties and to permit safe, easy removal by truck or hand.

P. Temporary Uses. The following temporary uses are allowed without a Building and Zoning Permit, provided that they meet the requirements established for each of the following:

1. **Garage Sales.** Sales of tangible personal property shall be held on the premises of an owner of goods for sale or on the property of a charitable organization. Such retail sales shall be conducted for no more than four (4) days in any calendar year.

2. Town-sponsored or –approved uses. Temporary uses or events sponsored or approved by the Town Board shall be permitted on a temporary basis.
3. Sale of a single motor vehicle. The display and sale of not more than one (1) motor vehicle at any one time is permitted as a temporary use.

Section 22 - Parking

- A. Off-street parking space shall be required for all principal buildings constructed or substantially altered after the effective date hereof. Each off street space shall consist of at least one hundred and eighty (180) square feet with a minimum width of nine (9) feet. In addition, space necessary for aisles, maneuvering and drives shall be provided and shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway.
- B. Parking requirements are specified in **Appendix B**, which has previously been made a part of these Regulations.
- C. For any building having more than one use, parking space shall be required for each use.
- D. Parking space in Residential-Hamlet Districts shall be located in the side or rear yard only. Overnight parking or storage out-of-doors in a Residential-Hamlet District of any vehicle licensed for commercial purposes having more than two axles and four wheels shall be prohibited. Parking or storage in any Residential-Hamlet Districts of mobile homes, recreational vehicles, utility trailers or boats out-of-doors shall be confined to the rear or side yard and not within ten (10) feet of any property line.
- E. For Home Occupations, off-street parking shall be provided for all clients, customers or patients in the side or rear yard. Such off-street parking shall be located at least ten (10) feet from any side or rear property line, and shall be paved, screened or fenced as directed by the Planning Board, and shall be so lighted that there will be no direct light into adjacent properties or streets.
- F. The Enforcement Officer shall have the power to cause the removal and disposition of any vehicle left unattended for more than twenty-four hours within the right-of-way of any Town highway or on any other public property of the Town, and on any highway cleared of snow and ice by the Town.

This shall include the power to cause the immediate removal, from the right-of-way of any Town highway, of any vehicle which obstructs or interferes with the use of such highway for public travel; or which obstructs or interferes with the construction, reconstruction or maintenance of such highway; or which obstructs or interferes with any operation of the Town Highway

Department during a public emergency. The owner of a vehicle moved under any of the provisions of this Section shall be charged the cost of removal, disposition and storage thereof.

Section 23 - Loading

- A. Off-street loading facilities shall be provided for each commercial or industrial establishment hereafter erected or substantially altered to have a gross floor area in excess of one thousand five hundred (1,500) square feet and shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway. Any required off-street loading berth shall have a clear area not less than twelve (12) feet in width by twenty-five (25) feet in length.
- B. An off-street loading space may occupy any part of any required side or rear yard, except no such berth shall be located closer than one hundred (100) feet to any adjacent residential lot unless wholly within a completely enclosed area or within a building.

Section 24 - Signs

- A. General. The following regulations shall apply to all permitted signs:
 - 1. A Zoning and Building Permit shall be required for the installation, alteration or reconstruction of any sign other than an official traffic sign.
 - 2. Signs must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.
 - 3. Illuminated signs shall be limited to a maximum area of eight (8) square feet. All illuminated signs shall be “dark-sky compliant”. See **Appendix E** for information on “Dark Sky Compliant” lighting.
 - 4. Signs, other than an official traffic sign, shall not be erected within the right-of-way lines of any street or highway, nor project beyond the authorized property lines.
 - 5. All temporary signs erected for a special event or property sale, rental or repair shall be limited to a maximum size of eight square feet. All temporary signs shall be removed after 30 days. All temporary signs shall be removed by the property owner or his agent when the circumstances leading to their installation no longer apply.

6. Home Occupations, except in Residential – Hamlet Districts, shall be permitted to have one sign having an area of not more than four (4) square feet.
 7. In any Planned, Land Conservation or Open Space District, the Planning Board shall review and approve any proposed sign.
- B. In Residential - Hamlet Districts, non-advertising signs are permitted, as follows:
1. One nameplate, identification or professional sign not to exceed two (2) square feet of sign area, showing the name and address of the resident or a permitted home occupation of the resident of the premises. In the case of a corner lot, such sign shall be located on the principal street frontage.
 2. One non-illuminated sale or rental sign not to exceed six (6) square feet of sign area during and pertaining to the sale, lease, or rental of the land or building. Such sign shall be of a temporary nature.
 3. One artisan's sign not to exceed six (6) square feet of sign area during and pertaining to construction, repairs or alterations on the property. Such sign shall be removed promptly upon completion of the work.
 4. Institutional or religious identification sign not to exceed twelve (12) square feet in area.
 5. Sign advertising the sale or development of a tract of land may be erected upon the tract by the developer, builder, contractor or owner. The size of sign shall not exceed twenty (20) square feet and not more than two (2) signs shall be placed upon the tract along any highway frontage. Such signs must be at least fifty (50) feet from the edge of the pavement.
- C. In the C-B and C-1 Districts, the applicable signs above are permitted and, in addition, the following:
1. Business signs erected hereafter in the C-B and C-1 District shall not project into a public street right-of-way and shall not be closer than ten (10) feet to any lot line except where such is attached to and flush with the face of any building.
 2. No sign attached or unattached shall be higher than the principal building to which it is accessory, and no sign shall be erected upon the roof any building.

3. The gross surface area of business signs in the C-B and C-1 Districts shall not exceed sixteen (16) square feet for non-illuminated signs, or eight (8) square feet for illuminated signs.
- D. In the R-A District, applicable signs above are permitted; however the gross surface area of any/all signs shall not exceed sixteen (16) square feet.

Section 25 - Nonconforming Situations

- A. The lawful use of any land or principal or appurtenant structure or use requiring a Permit under these Regulations and existing at the time of their adoption may be continued although such use or structure does not conform with the provisions of these Regulations and any such use or structure may be reconstructed, altered or changed in use subject to the following:
1. Additions. A nonconforming structure or use shall not be added to or enlarged unless such nonconforming structure or use is made to conform to the regulations of the district in which it is located.
 2. Alterations. A nonconforming structure or use may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost twenty-five (25) percent of the assessed value of the structure or use unless the use of structure is made to conform with the requirements of these Regulations for the district in which it is located. Alterations involving more than twenty-five (25) percent of the assessed value of a structure shall require a site plan review.
 3. Changes. A nonconforming structure or use shall not be changed or altered except in conformity with these Regulations.
 4. Discontinuance. Whenever a nonconforming structure or use has been discontinued, vacated or abandoned for a period of one (1) year, any future structure or use shall be in conformity to the provisions of these Regulations.
 5. Restoration. A nonconforming structure or use which has been damaged by fire or other natural causes may be restored, reconstructed or used as before provided the bulk, height and area requirements shall not exceed that which existed before said damage, if either of the two following criteria are met:
 - a. Not more than twenty-five (25) percent of its assessed value is destroyed.

- b. The owner, occupant, or tenant of record at the time of such destruction proposes to rebuild or reconstruct such use. Said reconstruction shall be completed within one (1) year of such occurrence, unless otherwise provided by the Planning Board, or the use of the building and/or land as a legal nonconforming use shall thereafter be terminated.
6. Removal. If any nonconforming structure or use is hereafter removed, the subsequent use of the land or structure shall conform with the requirements of the district in which it is situated.
 7. Validity of Permit. Any nonconforming structure or use for which a permit has been lawfully granted and on which construction, installation or location has been started and diligently prosecuted before the effective date of these Regulations may be completed.

Section 26 – Outdoor Wood Boilers It is generally recognized that the types of fuel used, and the scale and duration of burning by outdoor wood boilers, creates noxious and hazardous smoke, soot, fumes, odors and air pollution, can be detrimental to citizens' health, and can deprive neighboring residents of the enjoyment of their property or premises. Therefore, restrictions are placed upon the construction and operation of outdoor wood boilers furnaces within the Town of Madrid for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the Town and its inhabitants.

- A. The construction and operation of outdoor wood boilers are permitted in the Residential-Agricultural (R-A) and Commercial-Industrial districts. Such boilers are not permitted in any other district within the Town.
- B. Nonconforming uses. Except as hereinafter provided, the lawful use of any outdoor wood boiler existing at the time of the adoption of this Local Law may be continued, although such use does not conform to the provisions of this article.
 1. No outdoor wood boilers existing at the time of the adoption of this Local Law shall thereafter be extended or enlarged.
 2. Any existing outdoor wood boiler which is abandoned or discontinued for a period of seven consecutive months shall not be permitted to be re-established as a nonconforming use, and must be removed by the property owner from the subject premises.
 - a. If the property owner fails to remove the outdoor wood boiler by the end of said seven-consecutive-month period, the Code Enforcement Officer shall give written notice be certified mail or personal service to

the owner of the property upon which the outdoor wood boiler is located. Such notice shall provide that said owner shall remove the outdoor wood boiler within 15 days of the date the notice is either postmarked or personally served upon the owner.

- b. Should the outdoor wood boiler not be removed within the time specified, the Code Enforcement Officer shall take reasonable steps to effect its removal.
 - c. The costs incurred by the Town to effect said removal (including any attorneys' fees incurred by the Town to effect the removal), plus an amount equal to 50% of said costs of removal, shall be charged to the owner of said premises.
 - d. Said expenses shall be paid by the owner of the property so affected within 30 days from the date said costs are presented to the owner. If said expense is not paid within said 30-day time frame, then said expense shall be charged to the property so affected by including such expense in the next annual Town tax levy against the property.
3. No existing outdoor wood boiler which has been damaged by any reason to the extent of more than 75% of its assessed value shall be repaired or rebuilt.

Section 27 - Junk Yards. No junk yard, including an automobile junk yard, shall be established hereafter in any area of the Town unless an annual Operating Permit shall have been authorized by the Town Board for such use. Before a Permit for a junk yard is authorized, the Town Board shall find that such use will not constitute a detriment to the public health, safety, well-being, convenience and property values by reason of dust, smoke, fumes, noise, traffic, odors, vermin or other conditions and may specify any reasonable requirements to safeguard the public interest including the following:

- A. Said use shall not be located within two hundred (200) feet from any highway, right-of-way, body of water or property line; or five hundred (500) feet from any existing dwelling, church, school, hospital, public building or place of public assembly.
- B. Any new junk yard shall be completely surrounded with a fence which substantially screens said area and shall have a suitable gate which shall be closed and locked except during the working hours of said use.
- C. Such fence shall not be erected nearer than two-hundred (200) feet from the right-of-way of public highway. All junk and other materials stored or deposited at the site shall be kept within the enclosure of the fence and below the top of the fence, except during transportation of same in the reasonable

course of the business. All storage shall be accomplished within the area enclosed by the fence.

- D. Where the topography, land forms, natural growth of trees or other considerations accomplish the purpose of this Section in whole or in part, the fencing requirements hereunder may be reduced by the Planning Board, provided, however that such natural barrier conforms to the purposes of this Section. Where the topography, land forms, natural growth of trees or other considerations are such as to prevent effective screening, other means shall be designed or the use shall not be allowed in the particular location.
- E. All junk yard existing at the time of adoption of these Regulations shall be limited to the size, area and scale of the present use and operations unless a Permit is issued in accordance with these Regulations.
- F. In addition, an annual Operation Permit shall be required for all junk yards. All permits shall be effective until December 31 of the calendar year of their issuance. An application for a renewable Operating Permit shall be made to the Town Clerk ninety (90) days prior to expiration date of the previous Permit. Upon recommendation of the Enforcement Officer and Planning Board, the Town Board shall issue or deny such Permit in accord with the requirements set forth in these Regulations, the Town Land Use and Development Code, and the established fee schedule.
- G. A fee shall be charged at the time that application is submitted for an annual Operating Permit; this fee shall be set at one hundred dollars (\$100.), and may be changed as determined by the Town Board.
- H. Administration and Enforcement of Junk Yard regulations.
 - 1. These Junk Yard regulations may be enforced by the Code Enforcement Officer or by any police officer. Said persons shall have the authority to enforce the provisions of this Section and to inspect premises within the Town of Madrid as necessary for said enforcement.
 - 2. The Code Enforcement Officer shall make periodic inspections of Junk Yards within the Town to ensure that all existing Junk Yards have permits and that the requirements of this Section are met.
 - 3. The Town Board may revoke an Operating Permit upon reasonable cause should a permit holder fail to comply with any provision of this Section. Before an Operating Permit is revoked, a public hearing shall be held by the Town Board.

Notice of the public hearing shall be made in the official newspaper at least five (5) days prior to the date of the hearing. The Permit holder shall

be notified of the hearing by written notice prior to the hearing. Written notice may be served by personal service or through certified mail return receipt requested to the last known address of the property owner or junkyard operator (if different from the owner). Service of notice shall be made five (5) days before the scheduled hearing. When service is made by certified mail return receipt requested, service shall be deemed complete upon delivery of the notice.

4. If the Code Enforcement Officer or other police officer finds that an alleged junkyard exists without the necessary Operating Permit, the Code Enforcement Officer is hereby authorized pursuant to Criminal Procedure Law Section 150.20 (3) to issue an appearance ticket to any person whom the Code Enforcement Officer or other police officer has reason to believe has violated any provisions of this Section, and shall cause such person to appear before the Town Justice.
5. Any person who shall violate any of the provisions of this Section shall be guilty of a violation and subject to the following:
 - a. A fine not to exceed \$350.00 or imprisonment for a period not to exceed fifteen days, or both; or
 - b. A penalty of \$350.00 to be recovered by the Town in a civil action.
6. The Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provisions of this Section.
7. See **Appendix F** for the following forms:
 - a. Application For A Junk Yard Annual Operating Permit
 - b. Notice to Comply with Town of Madrid Junk Yard Regulations

ARTICLE VI - SITE PLAN REVIEW

Section 28 - Planning Board Review and Decision

- A. **Uses Requiring Site Plan Review.** All uses requiring a special permit require site plan review.

- B. **Procedure.** Within 62 days of receipt of a complete preliminary application as defined in **Article VI, Section 30** of this Local Law, the Planning Board may approve the preliminary application or schedule a public hearing. If a public hearing is held, the Planning Board shall approve, approve with modifications or disapprove the preliminary application within 62 days of the completion of the hearing.

In the event that the parcel boundaries are within the 500 foot threshold referenced in **Article I, Section 5-B** of this Local Law, the Planning Board may not take final action on the application until a copy of the application has been forwarded to the St. Lawrence County Planning Board and that Board has taken action on it pursuant to Section 239-m of New York State General Municipal Law. If a preliminary application is approved, the applicant and the Enforcement Officer shall be notified in writing by the Planning Board and a building permit issued within ten (10) days of receipt thereafter of a request from the applicant. The applicant shall not have to file a final site plan if the preliminary site plan is approved without modifications.

If the Planning Board approves the preliminary application with modifications the applicant shall submit a final detailed site plan to the Planning Board for approval according to the requirements set forth in **Article VI, Section 29** of this Local Law.

Within 62 days of receipt of the application for final site plan approval, the Planning Board shall render a written decision to the applicant and the Code Enforcement Officer, and such decision shall be signed by the Chairperson of the Planning Board.

- C. **Time Limitations.** The time periods of this Local Law within which Planning Board actions are required are the maximum times allowable. The Planning Board shall make every effort to act as quickly as possible in reviewing applications in order to minimize delays to the applicant. If the Planning Board does not complete their review within the times specified in this Local Law, this will constitute approval of the application, except where the review period has been extended by mutual consent of the applicant and the Planning Board.

D. **Justification and Notice**

1. The Planning Board shall apply all of the review standards described in this Local Law in reviewing site plans.
2. Decisions of the Planning Board shall be in writing and may include reasonable conditions to further the intent of this Local Law. Reasons for disapproval shall be clearly stated.

3. Decisions of the Planning Board shall be filed within five (5) days in the office of the Town Clerk and a copy mailed to the applicant by certified mail, with return receipt requested.
4. Approval of a Site Plan by the Planning Board shall be valid for a period of one (1) year from the date thereof for the purpose of obtaining a building permit. Failure to secure a building permit during this one-year period shall cause the Site Plan approval to become null and void. No building permit shall be issued and no site work shall commence until all necessary permits and approvals from Town, County, and State agencies are obtained and any required performance bond is filed with the Town Clerk.

Section 29 – Informal Sketch Plan Conference

- A. **Purpose.** Prior to submission of an application as defined in **Article VI, Section 30** of this Local Law an applicant has the option to request an informal Sketch Plan Conference with the Planning Board. The purpose of this conference is to save time and money and to make the most of opportunities for desirable development.

This conference may be used to review the basic site design concept, discuss site characteristics (advantages and limitations), determine the information to be required by the Planning Board on the preliminary site plan, and address environmental concerns as required by the New York State Environmental Quality Review Act (6 NYCRR 617) previously referred to in **Article II, Section 9**.

- B. **Sketch Plan Submission.** Prior to the Sketch Plan Conference, the applicant shall submit in as much detail as possible a written letter to the Code Enforcement Officer including, as a minimum, the following:
1. A statement describing the proposed use.
 2. A sketch map of the proposed activity, and adjacent property owners' boundaries, including north arrow, scale, and the locations of any easements of record.
 3. A copy of the deed for the lot.

Upon receipt of the Sketch Plan, the Code Enforcement Officer, in conjunction with the applicant, shall schedule a time for the Sketch Plan Conference which is mutually convenient to the applicant and the Planning Board, but not to exceed 30 days from the date of submission of the Sketch Plan.

C. **Sketch Plan Conference Actions.** After the Sketch Plan Conference has been held, the Planning Board shall take the following actions:

1. With regard to SEQR, determine if the applicant's proposal for site plan is a Type I, Type II, or unlisted action, and determine the lead agency for SEQR review.
2. Do one of the following:
 - a. Require a Preliminary Site Plan to be prepared by the applicant. The Planning Board may at this time and at its discretion, waive any preliminary requirements which are clearly not relevant to the proposed activity.
 - b. Declare the Sketch Plan to be incomplete. The applicant may resubmit it with the addition of the indicated missing information.

Section 30 - Preliminary Application Requirements

A. **Application.** An application for Preliminary Site Plan Approval shall be submitted in writing to the Code Enforcement Officer who shall then forward it to the Planning Board within 15 days after ensuring that it is complete. The application shall be accompanied by information drawn from the list in **Section B** below. The application for Site Plan approval shall be on a form adopted by the Planning Board.

B. **Required Documents.** The following shall be required, unless specifically waived by the Planning Board or otherwise indicated and shall constitute application for a Site Plan review:

1. Application form (as approved by the Planning Board and available from the Code Enforcement Officer and Town Clerk).
2. Location map with scale, north arrow, boundaries and dimensions of the parcel of property involved, and identification of adjacent properties including ownership and roads and any known easements or rights-of-way.
3. Map showing existing features of the site including structures, roads, bodies of water, flood-prone areas, wooded areas, land uses, water and sewer lines, paved areas, wells, and on-site sewage disposal facilities.

4. On the same or a separate map, indicate the location, dimensions, and arrangement of any proposed buildings or uses on the site, including roads, pathways, etc., providing ingress and egress.
5. Sketch of any proposed building or structure including exterior dimensions and elevations of front, side, and rear.
6. Name and address of applicant and any professional advisors.
7. Copy of deed to the property.
8. Authorization of the owner to apply for a permit if the applicant is not the owner of the property in question.

Section 31 - Final Application

- A. **Submission of Final Site Plan.** After receiving approval with modifications from the Planning Board on a preliminary site plan, the applicant shall submit a final, detailed site plan to the Planning Board for approval.

If more than sixty (60) days has elapsed since the date of the Planning Board's action on the preliminary site plan, and if the Planning Board finds that conditions have changed significantly in the interim, the Planning Board may require re-submission of the preliminary site plan for further review and possible revisions prior to accepting the final site plan for review.

Upon approval by the Planning Board, an applicant may apply for up to three thirty (30) day extensions in order to submit a final, detailed site plan to the Planning Board for approval.

- B. **Final Application Requirements.** The following additional information shall accompany an application for final site plan approval:

1. Record of application for and approval status of all necessary permits from Federal, State, and County agencies.
2. Detailed sizing, location, and materials specifications for all modifications specified in the initial conditional approval by the Board.
3. An estimated project construction schedule.

Section 32 - Site Plan Review Standards

- A. General Standards.** The proposed land use activity should not be in conflict with the Town's intent as expressed in Article I, Section 2 of this Local Law and community goals and objectives as expressed in the Town Plan or in future community planning documents.
- B. Specific Standards.** The Planning Board's review of the site plan shall include and evaluate, at a minimum, each of the following criteria:
1. Compatibility of development with natural features of the site and with surrounding land uses. The proposed use should not be located in such a manner on the site so as to:
 - a. Create a traffic hazard by limiting site distance.
 - b. Be located in a poorly drained area.
 - c. Be located on soils, which according to the USDA Soil Conservation Service criteria, are unsuitable for the particular proposed use.
 - d. Substantially obstruct an existing view of a river, stream, lake, historic structure, or other identified scenic vista.
 - e. Disturb existing bodies of water that contribute to the natural beauty of the site.
 - f. Be located on slopes too steep to accommodate roads, walkways, riding trails, or bike paths, as appropriate.
 2. On a corner lot, no fence, wall, hedge, sign, or other structure or planting more than three feet in height shall be erected, placed, or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street line at points which are 30 feet distance from the point of intersection.

All buildings on corner lots shall be located no less than 50 feet from the edge of a pavement or road. Buildings on corner lots shall be set back 50 feet from both road edges.
 3. Measures to prevent damage from floods. Uses shall be located in areas outside of designated flood hazard areas. Uses shall not be situated in such a manner that they would endanger life or property if carried away by a flood.

4. Landscaping arrangements and the retention of existing vegetation for aesthetic qualities. Existing stone walls, mature trees, and roads should be retained, insofar as it is possible, to the extent that they will enhance the visual and aesthetic appeal of the site
5. Buffers to protect neighboring properties against noise, glare, or other nuisances. If a proposed use is likely to generate noise, odor, vibration, or other emissions, the feasibility of using the following should be considered:
 - a. Berms
 - b. Fences
 - c. Mufflers
 - d. Limited hours of operation
 - e. Vegetation for screening

All berms, fences, mufflers and vegetation should fit with the character of the surrounding area. They must be constructed of quality material and maintained in good repair.

All buildings shall conform to the setback requirements of the zoning district as stated in **Appendix B**. No dwelling unit or multiple dwelling unit structure shall be located less than 30 feet from an adjacent dwelling unit or multiple dwelling unit structure.

Signs shall be designed so as not to be confused with any traffic sign or signal. Signs may be illuminated by a steady light provided the lighting does not directly illuminate the adjacent properties or road.

6. Vehicular traffic access and circulation, including intersections, road widths, pavement, surface dividers, and other traffic controls. Uses generating traffic should be reviewed for the following possible negative impacts:
 - a. Poor access off a State, County, or Town road.
 - b. Poorly designed parking arrangement that forces vehicles to back into a public roadway or block entrances or exits.
 - c. Unclear or confusing traffic control signs.
 - d. Traffic flow that creates hazards to pedestrians.
7. Parking Provisions. Adequate off-street parking facilities shall be provided for the use of occupants, employees, and patrons of all structures and facilities so that parking does not obstruct the flow of traffic. All parking lots shall be designed so that vehicles will be traveling forward

when exiting onto the road. A minimum number of parking spaces are required for certain uses and structures as shown in **Appendix B**.

8. Exterior lighting. Exterior lighting shall be neither too poor, nor excessively bright. Lighting should be directed at those areas where people are likely to come into contact with vehicles, machinery, etc. Site illumination should not be directed at residences adjacent to the site so as to create a nuisance. Exterior lighting shall be “Dark-Sky Compliant. See **Appendix E** for information on dark-sky compliance.
9. Fire protection provisions. The Fire Code of New York State regulates fire protection. The Planning Board shall consult with the Code Enforcement Officer regarding Code compliance.
10. Erosion control methods during and after construction. Existing vegetation should be retained insofar as possible. Hay bales, netting, retaining structures, sediment ponds, and timely seeding of ground cover should be considered depending on the erodibility of the site.
11. Storm water and drainage facilities. Provisions for control of storm water and drainage should be consistent with requirements of the “Subdivision Regulations of the Town of Madrid”.
12. Water Supply. Water supply must be clearly identified in the application and must comply with the Building Code of New York State.
13. Sewage disposal facilities. Sewage disposal facilities must comply with the Plumbing Code of New York State, or the Residential Code of New York State.
14. Preservation of scenic vistas. The Planning Board will evaluate the potential for adverse visual and aesthetic impacts on scenic areas and resources in the Town. The Planning Board may require preparation of a visual assessment, as applicable, and in the case where significant adverse impacts are identified, the Planning Board may require the applicant to employ reasonable and necessary measures to eliminate, mitigate or compensate for adverse aesthetic impacts.
15. Hours of operation. The Planning Board may reasonably limit the hours of operation for the purpose of controlling nuisance impacts to surrounding properties.

ARTICLE VII - TELECOMMUNICATIONS TOWERS REGULATIONS

Section 33 – General. Recent advances in wireless communications technology have resulted in a new generation of telecommunication services. These new services transmit electromagnetic waves of such a frequency and power that will likely require numerous antenna locations. These antennas may be located on buildings, water towers and other similar structures but will also frequently be located on new or enlarged towers. This requires that the Town of Madrid regulate these wireless communication system facilities in a different manner than conventional television and radio transmission towers which are able to transmit their signals at much greater distances.

Section 34 – Purpose. The intent of this regulation is to provide for the establishment and/or expansion of wireless telecommunication services within the Town of Madrid while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, siting and screening. More specifically this regulation has been developed in order to:

- Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the town.
- Encourage providers to co-locate their facilities on a single tower.
- Preserve property values and development opportunities.
- Minimize the visual impact of towers.
- Minimize the number of towers and their heights.
- Promote safety, general welfare and quality of life.
- Assure adequate access to wireless communication service for the community.

Section 35 – Application Procedure

- A. No communication installation, transmission tower, telecommunication tower, communication tower, accessory facility or structure, free-standing tower and/or pole or transmission reception antenna shall henceforth be erected, moved, changed or altered other than replacement in kind except after the approval in conformance with the provisions of these regulations.
- B. No existing structure shall be modified to serve as a transmission tower, telecommunication tower, communication tower accessory facility or structure freestanding tower, antenna and/or pole unless in conformity with this Local Law and other laws of the Town.
- C. Applicant must provide a copy (in applicant's name) of the certificate of need OR appropriate FCC License issued by the FEDERAL COMMUNICATIONS COMMISSION to provide the telecommunication services that the proposed tower is designed to support. If the appropriate applicant FCC license has not

been issued, applicant must show proof that the application has been filed and accepted by the Federal Communications and is under review for the granting of applicants license. "Speculative" applications of any type shall not be considered or acted upon by the Planning Board.

- D. All applications for installation of a new telecommunications tower shall be accompanied by a report containing the information hereinafter set forth. The report, shall be signed by the tower operator, and contain the following information:
1. Name (s) and address (s) of person(s) preparing the report.
 2. Name (s) and address (s) of the property owner, operator and the applicant.
 3. Postal address and tax map page, block and lot or parcel number of the property.
 4. Zoning District in which the property is situated.
 5. Size of the property on which the proposed construction is to occur and the location of all adjoining lot lines within 500 feet.
 6. Location of nearest residential structure measured in feet.
 7. Location of nearest occupied residential structure measured in feet.
 8. Location of all structures existing and proposed on the property, which is the subject of this application.
 9. Location, size and height of all proposed and/or existing antennae and all appurtenant structures.
 10. Type, size and location of all proposed and existing mitigating landscaping.
 11. The number, type, and design of the tower and antenna (e) proposed and the basis for the calculations of tower and system capacity.
 12. The make, model and manufacturer of the Communications Tower and antenna(e) with supporting construction details.
 13. A description of the proposed tower and antenna(e) and all related fixtures, structures, appurtenances and apparatus, including but not limited to, height above grade, materials, color and lighting.

14. The frequency, modulation and class of service of radio equipment.
 15. Applicant's proposed tower maintenance and inspection procedures and records systems.
 16. Certification that NIER levels at the proposed site are within threshold levels adopted by the FCC.
 17. Certification to the Town that the tower and attachments both are designed and constructed ("As Built") to meet all State and Federal structural requirements for loads, wind, ice, etc.
 18. A professionally prepared contour radio propagation map showing anticipated coverage from the site proposed.
- E. The applicant shall submit a complete long EAF, pursuant to SEQR, Type I/II and a complete Visual Environmental Assessment form (visual EAF addendum). The Town Planning Board, as lead agency, may require submission of a more detailed visual analysis based on the results of the Visual EAF. In addition the applicant shall address the environmental flight path of area species.

Section 36 – Siting Preferences

- A. **Shared use of existing towers.** At all times, shared use of existing towers shall be preferred to the construction of new towers. An applicant shall be required to present an adequate report inventorying existing towers within a reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities as an alternative to a proposed new tower.
1. An applicant proposing to share use of an existing tower shall be required to document intent from an existing tower owner to allow shared use.
 2. The Board shall consider a new telecommunication tower where the applicant adequately demonstrates that shared usage of an existing tower or other structure is impractical. The applicant shall be required to submit a report demonstrating good-faith efforts to secure shared use from existing towers as well as documentation of the physical and/or financial reasons why shared usage is not practical. Written requests and responses for shared use shall be provided.
- B. **Shared usage of site with new tower (clustering).** Where shared usage of an existing tower is found to be impractical, the applicant shall investigate shared usage of an existing tower site for its ability to accommodate a new tower and accessory uses.

1. An applicant proposing to share use of an existing tower site shall be required to document intent from an existing tower owner to allow shared use of that site.
 2. The Board shall consider a new telecommunication tower where the applicant adequately demonstrates that shared usage of an existing tower site is impractical. The applicant shall be required to submit a report demonstrating good-faith efforts to secure shared use of sites as well as documentation of the physical and/or financial reasons why shared site usage is not practical. Written requests and responses for shared site use shall be provided.
- C. **New tower at a new location.** The Board shall consider a new telecommunications tower on a site not previously developed with an existing tower. The applicant shall adequately demonstrate that shared usage of an existing tower site is impractical and shall submit a report demonstrating good-faith efforts to secure shared use from existing tower, as well, as documentation of the physical and/or financial reasons why shared usage is not practical. (Written requests and responses for shared use inquiries shall be provided.) Information regarding the required need for the new telecommunications tower shall be required to the form of empirical data illustrating said need.
- D. **Future shared usage of new towers.** The applicant must examine the feasibility of including a telecommunication tower in his proposed plan that will accommodate future demand for reception and transmitting facilities.

The Board reserves the right to impose reasonable conditions regarding reservation of tower space for future antennae including height, orientation and power and restriction or elimination of restrictive use covenants as part of tower use contracts and preservation of reasonable fee structures as part of the contract.

Section 37 - Standards Applicable To New Towers

- A. **Siting Considerations.** There will be no approval granted to proposals to construct new telecommunications towers and/or accessory structures or facilities within 1,500 feet of the following areas of county-wide and inter-community significance:
1. NYS Wildlife Management Areas (measurement made from property line or official designation boundary.)

2. State or County Forests (measurement made from property line or official designation boundary.)
3. Federal/State designated Historic Districts (measurement made from property line or official designation boundary), as may be established.
4. Shorelines of the Grasse River, Trout Brook, Lime Creek, Brandy Brook, (measurement made from the shoreline, as determined on USGS 7.5" quadrangle topographic maps.)

B. Lot size and setbacks for new towers

1. All proposed telecommunication tower and accessory structures shall be located on a single parcel and a set back from abutting residential parcels, public property or street lines a distance sufficient to contain on-site substantially all ice-fall or debris from tower failure and preserve the privacy of the adjoining residential properties.
2. Lot size of parcels containing a tower shall be determined by the amount of land required to meet the setback requirements. If the land is to be leased, the entire lot required shall be leased from a single parcel.
3. All tower bases shall be located at a minimum setback from any property line a minimum distance equal to one and one half (1-1/2) time the height of the tower.
4. Accessory structures shall comply with the minimum setback requirements in the underlying zoning district.

C. Visual impact assessment. The Board shall require the applicant to undertake a visual impact assessment of any proposed new towers or any proposed modification of an existing tower. The visual impact assessment shall include:

1. A "Zone of Visibility Map ", provided in order to determine location(s) where the tower may be seen.
2. Pictorial representatives of "before and after" views from key viewpoints both inside and outside of the town, including but not limited to state highways and other major roads, state and local parks, and areas of aesthetic interest.
3. Alternative tower designs and color schemes.

4. Description of visual impact of the tower base, guy wires and foundations, accessory buildings and overhead utility lines from abutting properties and streets/roads.

D. **New tower design.** Alternative designs shall be considered for new towers, including lattice and single pole structures. The design of a proposed new tower shall comply with the following:

1. Towers and antennas shall be designed to withstand the effects of the wind according to the standards designated by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association and Telecommunications Industry Association.
2. Unless specifically required by FAA or APA regulations, all towers shall have a finish compatible with the surrounding area that shall minimize the degree of visual impact.
3. The maximum height of any tower intended to be used as a telecommunication tower, shall not exceed that which shall permit operation without artificial lighting of any kind or nature in accordance with municipal, state and/or federal law and/or regulation.
4. The Board may request a review of the application by a qualified engineer for the evaluation of need for the design of any new tower; the cost of such review shall be borne by the applicant.
5. Facilities shall maximize the use of building materials, colors and textures designed to blend with the ambient surroundings.
6. No portion of any tower or related structure shall be used for advertising purposes

E. **Screening.** Deciduous or evergreen tree plantings may be required to screen portions of the tower and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where a site abuts a residential property or public property, including streets, screening shall be required.

F. **Access.** Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road construction shall, at all times, minimize grounds disturbance and vegetation cutting to within the toe of fill, the top of cuts or no more than ten (10) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

G. **Fencing.** Sites of proposed new towers and sites where modifications to existing towers are proposed shall be adequately secured to prevent unauthorized access by the general public. Specifically:

1. All antennae communication towers, antenna towers, monopoles and other supporting structures including guy wires, shall be made inaccessible to children and constructed or shielded in such a manner that they cannot be climbed or run into; and
2. Transmitters and communication control points shall be installed such that they are accessible only to persons authorized by the licensee to operate or service them.

H. **Signage**

1. Telecommunication towers/facilities shall be required one sign no larger than two (2) square feet to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmit capabilities. The sign shall also contain the names (s) of the owner(s) and operator (s) of the antenna(e) as well as emergency phone number(s). The sign shall be located so as to be visible from the primary access point to site.
2. Additional warning signs shall be affixed to the perimeter/boundary fence so as to be visible to all approaching the tower site from any direction.
3. No other signage shall be permitted on any antenna(e), antenna(e) supporting structure, monopole, or communication tower, structure unless required by Federal or State regulation.

I. **Color, Shape and Camouflage**

1. In scenic or historic area, companies are required to camouflage each tower, for example by putting it inside an artificial tree, a clock tower, a church steeple, silos or a flag pole.
2. Wireless towers are required to paint wireless devices or supporting structures in a neutral color designed to blend in with the background. Existing trees must be left as a buffer and additional trees may be required to be planted around the entire facility in order to provide screening.

J. **Health Concerns – Testing and Reporting.** Section 704 of the federal Telecommunications Act of 1996 allows localities to regulate wireless facilities on the basis of environmental or health effects. The tower company may be required to pay for regular inspections (annually) if such structure is located within 1000 feet of a residence or occupied structure

and provide the local governments with a copy of the inspection report to assure continued compliance with FCC emissions standards.

- K. **Notification.** Applicants must notify all landowners within one mile of proposed towers and/or antennas.

Section 38 - Review Process And Decisions

A. **Procedure.**

1. Within 62 days of receipt of a complete preliminary application as defined above, the Planning Board may approve the preliminary application or schedule a public hearing. If a public hearing is held, the Planning Board shall within 62 days of the completion of the hearing approve, approve with modifications or disapprove the preliminary application. Under the referral provisions of Section 239 of General Municipal Law, the Planning Board may not take final action on the application until a copy of the application has been forwarded to the St. Lawrence County Planning Board and that Board has taken action on it pursuant to Section 239-m of New York State General Municipal Law.
2. If a preliminary application is approved, the applicant and the Enforcement Officer shall be notified in writing by the Planning Board and a building permit issued within 10 days of receipt thereafter of a request from the applicant. The applicant shall not have to file a final site plan if the preliminary site plan is approved without modifications.
3. If the Planning Board approves the preliminary application with modifications the applicant shall submit a final detailed site plan to the Planning Board for final approval. Within 62 days of receipt of the application for final site plan approval, the Planning Board shall render a written decision to the applicant and Enforcement Officer, and such decision shall be signed by the Chairperson of the Planning Board.

- B. **Public hearings.** All public hearings shall be conducted in compliance with the provisions of the NYS Open Meeting Laws.

- C. **Time limitations.** The time periods within which Planning Board actions are required to act are the maximum times allowable. The Planning Board shall make every effort to act as quickly as possible in reviewing applications in order to minimize delays to the applicant.

- D. **Justification and notice.** The Planning Board shall apply all of the review standards described in this Local Law in reviewing site plans.

1. Decisions of the Planning Board shall be in writing and may include reasonable conditions to further the intent of this Local Law. Reasons for disapproval shall be clearly stated.
2. Decisions of the Planning Board shall be filed within five days in the office of the Town Clerk and a copy mailed to the applicant by certified mail, with return receipt requested.
3. Approval of a Site Plan by the Planning Board shall be valid for a period of one year from the date thereof for the purpose of obtaining a building permit. Failure to secure a building permit during the period shall cause the Site Plan approval to become null and void. No building permit shall be issued and no site work shall commence until all necessary permits and approvals from Town, County and State agencies are obtained and any required performance bond is filed with the Town Clerk.

Section 39 - Compatibility With Applicable State Or Federal Laws. All towers approved must comply with all other regulations of the State or Federal government, including Federal Communications Commission (FCC) regulations applicable to environmental and health effects of both transmitters and receivers.

Section 40 - Removal Of Towers. The applicant will provide a bond equal to the estimated cost of construction for the removal of such tower(s) due to nonuse for a period of six months or for noncompliance or discontinuance of use as determined by the municipality.

Section 41 – Exceptions. Residential accessory uses (e.g. television antennae, satellite dishes, ham radio, citizens band radio) under 50 feet in height are not affected by these regulations. Specifically, exceptions to these regulations are:

- A. New use that are accessory to residential uses; and
- B. Approved uses existing prior to the effective date of these regulations.

Such residential accessory uses shall be required to obtain a Special Use Permit.

Section 42 - Penalty For Non-Compliance. The burden will be placed upon the applicant to prove the facility clearly meets all the requirements of this Local Law. Monetary penalties for noncompliance will be imposed according to regulations at **Article X, Section 85**. In addition the facility could be subject to closure after due process. Any modifications to the use or configuration of a tower shall constitute the need to obtain a new permit (this includes increases in tower height or installation of bulky antennas or

work platforms on a tower). The company must provide evidence of general liability and property damage insurance.

ARTICLE VIII - REGULATIONS FOR WIND ENERGY CONVERSION SYSTEMS (WECS)

Section 43 – General. 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. 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.

Section 44 – Purpose. 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, for the following reasons:

- A. Wind Energy Facilities are defined here as “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”. (See Section 44 – Definitions.)
- B. Wind Energy Facilities may represent significant potential aesthetic impacts because of their large size, lighting, and shadow flicker effects. If not properly regulated, installation of Wind Energy Facilities can create drainage problems through erosion and lack of sediment control for facility and access road sites, and harm farmlands through improper construction methods.
- C. Wind Energy Facilities may present a risk to birds, bats and other creatures if not properly sited.
- D. If not properly sited, Wind Energy Facilities may adversely affect the property values of adjoining property owners.
- E. Wind Energy Facilities may be significant sources of noise, which, if unregulated, can negatively impact the quiet enjoyment of properties in the vicinity.
- F. Construction of Wind Energy Facilities can create traffic problems and damage local roads.

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

Section 45 - Definitions.

As used in these regulations, 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 Madrid on the date an application is received. A residence may be part of a multi-dwelling or multipurpose building, and shall include buildings such as hunting camps, seasonal residences, hotels, hospitals, motels, dormitories, sanitariums, nursing homes, schools or other buildings used for educational purposes, 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.

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 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 generate on-site power or reduce on-site consumption of utility power.

SOUND PRESSURE LEVEL - means the level which is equaled or exceeded a stated percentage of time. An L10 - 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.

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.

WIND OVERLAY ZONE – Those areas of the Town of Madrid which the Town Board has determined are appropriate for the development of wind energy conversion systems (WECS) and related infrastructure, electrical lines and substations, access roads and accessory structures.

Section 46 - Wind Site Assessment

The Town Board acknowledges that prior to construction of a WECS, an assessment is typically needed to determine local 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 Uses, but shall not be limited to those areas delineated as Wind Overlay Districts.

Section 47 - Applications for Wind Measurement Towers An application for a Wind Measurement Tower shall include:

- A. 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.
- B. 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.
- C. Address of each proposed tower Site, including Tax Map section, block and lot number.
- D. Site plan.
- E. Decommissioning Plan, including a security bond or cash for removal.

Section 48 - Standards for Wind Measurement Towers

- A. The distance between a Wind Measurement Tower and the property line shall be at least 1.5 times 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 twenty-six (26) months. Permits may be renewed if the Facility is in compliance with the conditions of the Special Use Permit.
- C. Anchor points for any guy wires for a Wind Measurement 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 sheathed in bright orange or yellow covering from three to eight feet above the ground.
- D. The New York State Department of Agriculture and Markets guidelines for agricultural mitigation for wind farm projects shall be adhered to both inside and outside of agricultural districts.

Section 49 - Application Review Process for Wind Measurement Towers

- A. Applicants may request a pre-application meeting with the Town Planning Board, or with any consultants retained by the Planning Board for application review. Meetings with the Planning 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. Unless the Planning Board waives any application requirement, no application shall be considered until deemed complete.
- D. If the application is deemed incomplete, the Planning 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 Wind Measurement Towers proposed is increased.

- E. Upon submission of a complete application, including the grant of any application waiver by the Planning Board, the Town Clerk shall transmit the application to the Planning Board.
- F. The Planning Board shall hold at least one public hearing on the application. Notice shall be given by first class mail to property owners within 1,000 feet of each proposed Wind Measurement Tower 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 Planning 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 Planning Board, 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 St. Lawrence County Planning Board, if required by General Municipal Law §239-1 and 239-m, and (2) to adjoining Towns under Town Law §264.
- I. Applications for Wind Measurement Towers are deemed Unlisted projects under SEQRA. The Planning Board 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 Planning Board's proceedings. The Planning Board may require an escrow agreement for the engineering and legal review of the applications and any environmental impact statements before commencing its review.
- 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 Planning Board may approve, approve with conditions, or deny the applications, in accordance with the standards in this Article.

Section 50 - Permits Required for Wind Energy Conversions Systems (WECS)

- A. No WECS shall be constructed, reconstructed, modified, or operated in the Town of Madrid, except in compliance with these regulations.
- B. No WECS shall be constructed, reconstructed, modified, or operated in the Town of Madrid, except in a Wind Overlay Zone, pursuant to a Special Use Permit approved pursuant to these regulations.

- C. No Special Permit shall be issued for construction, reconstruction, modification or operation of a WECS in the Town of Madrid, unless and until a Wind Overlay District has been created by act of the Town Board.
- D. No Special Permit shall be issued for construction, reconstruction, modification or operation of a WECS in the Town of Madrid, until all other permits as may be required (e.g., FAA, DEC, etc.) have been issued and evidence of same provided to the Town of Madrid.
- E. No Wind Measurement Tower shall be constructed, reconstructed, modified, or operated in the Town of Madrid, except pursuant to a Special Use Permit issued pursuant to these regulations.
- F. No Small Wind Energy Conversion System shall be constructed, reconstructed, modified, or operated in the Town of Madrid, except pursuant to a Special Use Permit issued pursuant to these regulations.
- G. Exemptions. No permit or other approval shall be required under this these regulations for mechanical, non-electrical WECS utilized solely for on-site 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 by the transferee of the obligations of the transferor under this regulation. No transfer shall eliminate the liability of an applicant or of any other party under this these regulations.
- I. Notwithstanding the requirements of this Section, replacement in kind or modification of a Wind Energy Facility may occur without Town Board approval when there will be (1) no increase in Total Height of the WECS; (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.

Section 51 - Applicability

- A. The requirements of these regulations shall apply to all Wind Energy Facilities proposed, operated, modified, or constructed after the effective date of these regulations.
- 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 these regulations, shall not be required to meet the requirements of these

regulations; 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 these regulations prior to recommencing production of energy.
 2. No modification or alteration to an existing Wind Energy Facility shall be allowed without full compliance with these regulations.
 3. Any Wind Measurement Tower existing on the effective date of these regulations shall be removed no later than twenty-six (26) 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 these regulations shall not be deemed expansions of a nonconforming use or structure.

Section 52 – Creation of Wind Overlay Zone

- A. The Town's Wind Overlay Zone coincides with the boundaries of its Residential-Agricultural Zone, which has been designated as an area appropriate for the development of wind energy conversion systems (WECS) and related infrastructure, electrical lines and substations, access roads and accessory structures.
- B. New WECSs or accessory structures or facilities may be added in the Wind Overlay Zone by grant of a Special Use Permit pursuant to the requirements of this Article.
- C. Construction, reconstruction, modification or operation of Small Wind Energy Conversion Systems (Small WECS) or Wind Measurement Towers, as defined in these regulations, shall not be limited to Wind Overlay Zones, as long as these other projects comply with all other regulations contained herein.

Section 53 - Applications for Wind Energy Conversion Systems An application for Special Use Permit for individual WECS shall include the following:

- A. 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.

- B. 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
 - 1. Confirming that the property owner is familiar with the proposed applications;
 - 2. Authorizing the submission of the application.
- C. Address, or other property identification, of each proposed tower location, including Tax Map section, block and lot number, latitude and longitude coordinates.
- D. A description of the project, including the number and maximum rated power output capacity of each WECS.
- E. For each WECS proposed, 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 existing structures and uses on Site, public roads, and adjoining properties within five hundred (500) feet of the Site.
 - 3. Location and ground elevation of each proposed WECS.
 - 4. Location of all above ground utility lines on the Site, and all related 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. Boundaries of the Wind Overlay Zone, to demonstrate that each proposed WECS is located within said overlay zones.
 - 7. To demonstrate compliance with the setback requirements of this Article, circles drawn around each proposed tower location equal to:
 - a. Radius equal to one and a half times the tower height.

- b. Five Hundred foot radius.
 - c. One Thousand foot radius.
 - d. Information shall be provided concerning ownership and land uses within the above-mentioned circles.
 - e. Location of the nearest residential structure on the Site and located off-Site, and the distance from the proposed WECS.
 - f. All proposed facilities, including access roads, electrical lines, substations, storage or maintenance units, and fencing.
8. Elevation 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.
 9. Landscaping Plan depicting vegetation describing the area to be cleared of vegetation and areas where vegetation shall be added, identified by species and size of specimens at installation, and their locations.
 10. 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.
 11. Decommissioning Plan: The applicant shall submit a decommissioning plan, which shall include:
 - a. the anticipated life of the WECS;
 - b. the estimated decommissioning costs in current dollars;
 - c. how said estimate was determined;
 - d. the method of ensuring that funds will be available for decommissioning and restoration;
 - e. the method, such by annual re-estimate by a licensed engineer, that the decommissioning cost will be kept current; and
 - f. the manner in which the WECS will be decommissioned and the Site

restored, which shall include removal of all roads, structures and debris to a depth of four (4) 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.

12. 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.
13. An application shall include information relating to the construction/installation of the wind energy conversion facility as follows:
 - a. A construction schedule describing commencement and completion dates and hours of construction; and
 - b. A description of the routes to be used by construction and delivery vehicles, the gross weights and heights of those loaded vehicles.
14. Completed Part 1 of the Full EAF.
15. Applications for Wind Energy Permits for Wind Measurement Towers subject to these regulations may be jointly submitted with the WECS.
16. 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.
17. 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.
18. 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. Fire Protection: 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: Property value analysis shall be prepared by a licensed appraiser in accordance with industry standards, regarding the potential impact of values of properties neighboring WECS Sites.
- f. Electromagnetic Interference: An assessment of potential electromagnetic interference with microwave, radio, television, personal communication systems and other wireless communication.
- g. Transportation Impacts: An analysis of impacts on local transportation shall be prepared, regarding impacts anticipated during construction, reconstruction, modification or operation of WECS. Transportation impacts to be considered shall include, at a minimum, potential damage to local road surfaces, road beds and associated structures; potential traffic tie-ups by haulers of WECS materials; impacts on school bus routes; impacts of visitors to the WECS facilities.
- h. Ground Water Impacts: An analysis of impacts on local ground water resources shall be prepared, regarding impacts anticipated during construction, reconstruction, modification or operation of WECS.
- i. Cultural Resources: An analysis of impacts on cultural resources shall be prepared, regarding impacts anticipated during construction,

reconstruction, modification or operation of WECS.

- j. Wildlife Impacts: An analysis of impacts on local wildlife shall be prepared, regarding impacts anticipated during construction, reconstruction, modification or operation of WECS. Wildlife impacts to be considered shall include, at a minimum, anticipated impacts on flying creatures (birds, bats, insects), as well as wild creatures existing at ground level.

19. 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.

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

Section 54 - Application Review Process Applicants may request a pre-application meeting with the Town Planning Board, or with any consultants retained by the Planning Board for application review. Meetings with the Planning Board shall be conducted in accordance with the Open Meetings Law.

- A. 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.
- B. 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. Unless the Planning Board waives any application requirement, no application shall be considered until deemed complete.
- C. If the application is deemed incomplete, the Planning 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.
- D. Upon submission of a complete application, including the grant of any application waiver by the Planning Board, the Town Clerk shall transmit the application to the Planning Board.
- E. The Planning Board shall hold at least one public hearing on the application. Notice shall be given by first class mail to property owners within 1,000 feet of each proposed WECS 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 Planning 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 Planning Board, and shall submit an affidavit of service. The assessment roll of the Town shall be used to determine mailing addresses.

- F. The public hearing may be combined with public hearings on any Environmental Impact Statement or requested variances.
- G. Notice of the project shall also be given, when applicable, to (1) the St. Lawrence County Planning Board, if required by General Municipal Law §239-1 and 239-m, and (2) to adjoining Towns under Town Law §264.
- H. Applications for WECS are deemed Type I projects under SEQRA. The Planning Board 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 Planning Board's proceedings. The Planning Board may require an escrow agreement for the engineering and legal review of the applications and any environmental impact statements before commencing its review.
- I. 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 Planning Board may approve, approve with conditions, or deny the applications, in accordance with the standards in this Article.

Section 55 - Standards for WECS The following standards shall apply to all WECS, unless specifically waived by the Planning Board as part of a permit.

- A. All power transmission lines from the tower to any building or other structure shall be located underground to the maximum extent practicable.
- B. No television, radio or other communication antennas may be affixed or otherwise made part of any WECS, except pursuant to the Town Zoning Law. Applications may be jointly submitted for WECS and telecommunications facilities.
- C. No advertising signs are allowed on any part of the Wind Energy Facility, including fencing and support structures.
- D. 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.

- E. All applicants shall use measures to reduce the visual impact of WECSs to the extent possible. 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.
- F. The use of guy wires is disfavored. A WECS using guy wires for tower support shall incorporate appropriate measures to protect the guy wires from damage which could cause tower failure.
- G. 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.

- H. 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.
- I. WECSs shall be designed to minimize the impacts of 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. All top soil disturbed during construction, reconstruction or modification of WECS shall be stockpiled and returned to the site upon completion of the activity which disturbed the soil.
- J. WECSs shall be located in a manner that minimizes significant negative impacts on animal species in the vicinity, particularly bird and bat species, including those that may be listed by the U.S. Fish & Wildlife Service as threatened or endangered.
- K. Wind energy conversion facilities shall be located in a manner consistent with all applicable state and Federal wetlands laws and regulations.

- L. Storm-water run-off and erosion control shall be managed in a manner consistent with all applicable state and Federal laws and regulations.
- M. The New York State Department of Agriculture and Markets guidelines for agricultural mitigation for wind power projects shall be adhered to, both inside and outside of agricultural districts.
- N. The maximum Total Height of any WECS shall be 500 feet.
- O. Construction of the WECS shall be limited to the hours of 7 AM to 7 PM Monday through Friday, unless the prior written approval of the Town Planning Board is received to allow deviation from such hours.
- P. If it is determined that a WECS is causing stray voltage issues, the operator shall take the necessary corrective action to eliminate these problems including relocation or removal of the facilities, or resolution of the issue with the impacted parties. Failure to remedy stray voltage issues is grounds for revocation of the Wind Energy Permit for the specific WECS or WECSs causing the problems.

Section 56 - 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. If the property owner submits a written request that 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 per week coverage. The Town Planning 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 or guyed towers.

- E. The minimum distance between the ground and any part of the rotor or blade system shall be thirty-five (35) 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.
- G. Copies of all reports concerning operating and safety inspections for each WECS shall be filed with the Town Clerk.

Section 57 - Traffic Routes 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.

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.

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.

Section 58 - Noise Standards and Setbacks for WECS

- A. The statistical sound pressure level (L_{10}) generated by a WECS shall not exceed 50 dBA when measured at the nearest inhabited off-site dwelling, school hospital, church or public building 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 A 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. 500 feet from the nearest edge of the Wind Overlay District
 - 4. 1,000 feet from the nearest off-site residence existing at the time of application, measured from the exterior of such residence.
 - 5. One -and-one- half times the Total Height of the WECS from any non-WECS structure or any above-ground utilities.
 - 6. 500 feet from state-identified wetlands or bodies of water. This distance may be adjusted to be greater 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, bats or other creatures.

Section 59 - Issuance of Special Use Permits

- A. Upon completion of the review process, the Planning Board shall, upon consideration of the standards in these regulations 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 Planning Board will issue a Special Use Permit for each WECS 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 these regulations.
- C. The decision of the Planning 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.

Section 60 - 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 Planning 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 Planning Board's 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 Planning 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. 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 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. All decommissioning funding requirements shall be met prior to commencement of construction.

Section 61 - Limitations on Approvals; Easements on Town Property Nothing in these regulations 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 these regulations 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.

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 or these regulations.

Section 62 - 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 these regulations 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 these regulations, 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.

Section 63 - Small Wind Energy Conversion Systems, Purpose and Intent The purpose 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 Article is to encourage the development of small wind energy systems and to protect the public health, safety, and community welfare.

Section 64 - Small WECS, Permitted Areas. Small Wind Energy Conversion Systems (Small WECS) may be permitted in any zoning district on a Site of at least 1 acre, upon issuance of a Special Use Permit. A Small WECS shall be set back from all property lines a distance equal to at least 1.5 times its height. For ag operations in an ag district, no permits shall be required, but site plan review will be required.

Section 65 – Small WECS, Application Requirements. Applications for Small WECS special use permits shall include:

- A. 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.
- B. 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:
 - 1. Confirming that the property owner is familiar with the proposed applications;
 - 2. Authorizing the submission of the application.
- C. Address of each proposed tower Site, including Tax Map section, block and lot number.

- D. Site plan of each tower site, including but not limited to showing the location of the tower in relation to other structures and lot lines, topography of the site, location of trees and other landscape elements.
- E. Ownership and land use information within a 500-foot radius of the location proposed for each tower.
- F. Evidence that the proposed tower height does not exceed the height recommended by the manufacture or distributor of the system.
- G. 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.
- H. Sufficient information demonstrating that the system will be used primarily to reduce on-site consumption of electricity.
- I. 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 to connect the system to the electricity grid, and so states so in the application.
- J. 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.

Section 66 – Small WECS, Application Review Process

- A. Applicants may request a pre-application meeting with the Town Planning Board, or with any consultants retained by the Planning Board for application review. Meetings with the Planning 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 section is included in the application. Unless the Planning Board waives any application requirement, no application shall be considered until deemed complete.

- D. If the application is deemed incomplete, the Planning 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 Small WECSs proposed is increased.
- E. Upon submission of a complete application, including the grant of any application waiver by the Planning Board, the Town Clerk shall transmit the application to the Planning Board.
- F. The Planning Board shall hold at least one public hearing on the application. Notice shall be given by first class mail to property owners within 1,000 feet of each proposed Small WECS 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 Planning 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 Planning Board, 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 St. Lawrence County Planning Board, if required by General Municipal Law §239-1 and 239-m, and (2) to adjoining Towns under Town Law §264.
- I. Applications for WECS are deemed Unlisted projects under SEQRA. The Planning Board 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 Planning Board's proceedings. The Planning Board may require an escrow agreement for the engineering and legal review of the applications and any environmental impact statements before commencing its review.
- 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 Planning Board may approve, approve with conditions, or deny the applications, in accordance with the standards in this Article.

Section 67 – Small WECS, 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.

- A. A Small WECS 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.
- B. Small WECSs may be used primarily to generate on-Site power or to reduce the on-Site consumption of electricity.
- C. Tower height may be allowed to vary, dependent on the technology employed. However, setbacks from all property lines shall be maintained, at a minimum, at one and a half times the total height of the tower. 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.
- D. 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.
- E. 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 shall use natural landforms and vegetation for screening.
- F. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.
- G. 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 Town if the project terrain is determined to be unsuitable due to reasons of excessive grading, biological impacts, or similar factors.
- H. 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.
- I. The system shall be operated such that no damage is caused by stray voltage.

If it has been demonstrated that a system is causing stray voltage, the system operator shall promptly mitigate the damage or cease operation of the system.

- J. 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.
- K. Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:
 - 1. Tower-climbing apparatus located no closer than 12 feet from the ground.
 - 2. A locked anti-climb device installed on the tower.
- L. 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 sheathed in bright orange or yellow covering from three to eight feet above the ground.
- M. 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.
- N. 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.
- O. 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.
- P. 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 manufacturer.
- Q. The New York State Department of Agriculture and Markets guidelines for agricultural mitigation for wind power projects shall be adhered to both inside and outside of agricultural districts.

Section 68 – Small WECS, Setback and Noise Standards A Small Wind Energy System shall comply with the following standards:

- A. 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.
- B. Noise. Except during short-term events including utility outages and severe windstorms, 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.

Section 69 – Small WECS, 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 Town of Madrid.
- B. All Small WECS shall be maintained in good condition and in accordance with all requirements of this section.
- C. The applicant shall submit a decommissioning plan, which shall include:
 - 1. the anticipated life of the Small WECS;
 - 2. the manner in which the WECS will be decommissioned and the Site restored, which shall include removal of all roads, structures and debris to a depth of four (4) 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.

Section 70 - Fees for All Wind Energy Facilities

- A. Non-refundable Application Fees shall be as follows:
 - 1. WECS Special Use Permit: \$100 per megawatt of rated maximum capacity
 - 2. Wind Measurement Towers: \$200 per tower.

3. Small WECS: \$150 per Small WECS
 4. Wind Measurement Tower Special Use Permit renewals: \$50 per Wind Measurement Tower.
- B. Building Permits. The Town of Madrid believes the review of building and electrical permits for Wind Energy Facilities requires specific expertise for those facilities. Accordingly, for such facilities an administrative fee of \$25 per permit request shall be charged 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. 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, document handling and storage.
- C. Nothing in these regulations 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.

Section 71 - Tax Exemption The Town of Madrid 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.

Section 72 - Enforcement; Penalties and Remedies for Violations.

- A. The Town Board shall appoint such Town staff or outside consultants as it sees fit to enforce these regulations.
- 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 these regulations or in noncompliance with the terms and conditions of any permit issued pursuant to these regulations, 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 six months, 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 these regulations, including the terms and conditions imposed by any permit issued pursuant to these regulations, 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.

ARTICLE IX- ALTERNATIVE/SOLAR ENERGY SYSTEMS

Section 73 - Purpose and Intent

- A. Solar Energy is a renewable and non-polluting energy resource that can prevent fossil fuel emissions and reduce the Town of Madrid's energy load. Energy generated from solar energy systems can be used to offset energy demand on the New York State power grid when excess solar power is generated.
- B. The ordinance aims to promote the accommodation of solar energy systems and equipment and the provision for adequate sunlight and the convenience of access necessary thereof.

Section 74 - Definitions:

Alternative Energy Systems Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or a stand-alone system.

Building-Integrated Photovoltaic Systems A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade and which does not alter the relief of the roof.

Flush Mounted Solar Panel Photovoltaic panels and tiles that installed flush to the surface of the roof and which cannot be angled or raised.

Freestanding or Ground-Mounted Solar Energy System A solar energy system that is directly installed in the ground and is not attached or affixed to an existing structure.

Net-Metering A billing arrangement that allows solar customers to receive a credit for excess electricity that they generate and deliver to the power grid, so that they only pay for their net electricity usage at the end a given month.

Permit Granting Authority The Town authority charged with granting permits for the operation of solar energy systems.

Photovoltaic System A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.

Qualified Solar Installer A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved.

Persons who are on the list of qualified photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as solar installers by the North American Board of Certified Energy Practitioners (NABCEP), shall deemed to be qualified solar installers for the purposes of this definition.

Persons not on either of these lists may be deemed to be qualified solar installers if the Town's Code Enforcement Officer determines that such persons have had adequate training to determine the degree and extent of the hazards and personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the use of special precautionary techniques and personal protective equipment as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

Rooftop or Building Mounted Solar System A solar power system in which solar panels are mounted on top of the structure of a roof either as a flush mounted system or as modules fixed to a frame which can be tilted toward the south at an optimal angle.

Small-Scale Solar Photovoltaic systems that produce up to ten (10) kilowatts (kW) per hour of energy, or solar thermal systems which serve the buildings to which they are attached, and do not provide energy for other buildings.

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

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

Solar Energy Equipment/System Solar collectors, controls, energy storage devices, heat pumps, heat exchangers and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into a another form of energy, stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic and concentrated solar.

Solar Panel A device for the direct conversion of solar energy into electricity.

Solar Storage Battery A device that stores energy from the sun and makes it available in an electrical form.

Solar-Thermal Systems Solar thermal systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water and heating pool water.

Utility-Scale Photovoltaic System A commercial solar collection system that produces a minimum of one (1) megawatt (MW) per hour of energy for the purpose of sale on the power grid.

Section 75 – Applicability to Solar Energy Systems

- A. The requirements of this local law shall apply to solar energy systems modified or installed after the effective date of this ordinance.
- B. Solar energy systems for which a valid permit has been properly issued or for which installation has commenced prior to the effective date of this article shall not be required to meet the requirements of this Local Law.
- C. All solar energy systems shall be designed, erected and installed in accordance with all applicable federal, state, local and industry codes regulations and standards.
- D. Solar energy collectors shall be permitted to provide power for use by owners, lessees, tenants, residents or other occupants of the premises which they erected, but nothing in this provision shall be construed to prohibit the sale of excess power through a “net billing” or “net-metering” arrangement in accordance with New York State Public Service Law or similar federal or state statute.
- E. Utility-scale solar energy collectors, properly permitted by the Town of Madrid, may be erected for the express purpose of generating electricity for sale as a commercial enterprise.

Section 76 – Permitting Solar Energy Systems

- A. No solar energy system or device shall be installed or operated in the Town of Madrid except in compliance with this article.
- B. To the extent practicable, the accommodation of solar energy systems and equipment and the protection of access to sunlight for such equipment shall be encouraged in the Town Code.
- C. Rooftop and building-mounted solar collectors are permitted in all zoning districts in the Town of Madrid subject to the following conditions:
 - 1. Building permits shall be required for the installation of all rooftop and building mounted solar collectors.
 - 2. The installation of rooftop and building mounted solar collectors shall be a standard use in all zoning districts, subject to building height restriction for the zoning district.
 - 3. The installation of rooftop and building mounted solar collectors shall be a standard use subject to site plan review in all zoning districts provided that the panels do not extend horizontally past the roofline. The installation of such systems on building listed on National or New York State Register of Historic Places is prohibited.
 - 4. Building-Integrated Photovoltaic Systems shall be a standard use subject to site plan review in all zoning districts. The installation of such systems on building listed on National or New York State Register of Historic Places is prohibited.
- D. Solar thermal systems shall be a standard use subject to site plan review in all zoning districts. The installation of such systems on building listed on National or New York State Register of Historic Places is prohibited.
- E. Solar energy systems and equipment shall be permitted only if they are determined by the Planning Board not to present any unreasonable risks to the public's health, safety and welfare, including but not limited to weight load and/or wind resistance.
- F. Ingress or egress in the event of fire or other emergency, for example, solar panels or collectors may not be installed in front of a window or door.
- G. Utility-scale photovoltaic collectors shall conform to the seismic standards of the NYS Uniform Fire Prevention and Building Code.
- H. Utility-scale solar collectors are permitted within the Residential-Agricultural (R-A) District, subject to site plan review and a special use permit.

- I. Ground-mounted and free standing solar collectors are permitted within the Residential-Agricultural (R-A) District, subject to site plan review and a special use permit, subject to the following conditions:
 1. Building permits shall be required for the installation of all ground-mounted solar collectors.
 2. The location of the solar collector meets all applicable set-back requirements.
 3. The height of the solar collector and any mounts shall not exceed 20 feet from finished grade when oriented at maximum tilt.
 4. Solar energy collectors and equipment shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of properties to the north, while still providing adequate solar access for the collectors.
 5. Free standing solar energy collectors shall be screened when possible and practicable through the use of architectural features, earth berms, landscaping, vegetation or other screening that will harmonize with the character of the property and surrounding area.
- J. An applicant for utility-scale solar collectors must provide one (1) parking space for each motor vehicle used in connection with the business and not less than five (5) additional spaces.

Section 77 - Safety

- A. All solar collector installations shall be performed by a qualified solar installer.
- B. Prior to operation, electrical connections must be inspected and approved by a qualified third Party electrical inspector as determined by the Code Enforcement Officer.
- C. Any connection to the public utility grid must be inspected and approved by the appropriate public utility.
- D. Rooftop and building mounted solar collectors shall meet the requirements of the New York's Uniform Fire Prevention and Building Code.
- E. If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of

the New York State Uniform Fire Prevention and Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of the Town of Madrid and any applicable federal, state, County or regional laws or regulations.

- F. If a solar collector ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the collector, mounts and associated equipment and return the site or building to its original condition no later than ninety (90) days after the end of the twelve (12) month period.

Section 78 - Decommissioning Plan for Utility-Scale Photovoltaic Systems. Any applicant proposing a utility-scale photovoltaic system shall submit a decommissioning plan, which shall include:

- A. the anticipated life of the utility-scale photovoltaic system;
- B. The estimated decommissioning costs in current dollars;
- C. How said estimate was determined;
- D. The method of ensuring that funds will be available for decommissioning and restoration;
- E. The method, such as by annual re-estimate by a licensed engineer, that the decommissioning cost will be kept current; and
- F. The manner in which the utility-scale photovoltaic system will be decommissioned and the Site restored, which shall include removal of all roads, structures and debris to a depth of four (4) 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.

Section 79 - Zoning for Future Solar Access

- A. New residential and non-residential structures will be sited to take full advantage of solar access insofar as practical, including the orientation of proposed buildings with respect to sun angles, the shading and windscreen potential of existing and proposed vegetation on and off site, and the impact of solar access to adjacent uses and properties.
- B. The impact of street trees on the solar access of the surrounding property will be minimized to the greatest extent possible in selecting and locating shade

trees. Every effort shall be made to avoid shading solar collectors. The use of compact trees, particularly under overhead electrical, telephone and CATV lines is strongly encouraged.

- C. In the event that it is necessary to remove an existing tree(s) on public property to accommodate a solar collector, the property owner shall mitigate the loss of shade by planting a tree(s) in the public domain (parklands, schools, public streets).
- D. When the Planning Board or Zoning Board of Appeals reviews and acts upon application for site plan approval or sub-division approval, area or use variance, it shall take into consideration whether the proposed construction would block or limit access to sunlight between the hours of 9:00 A.M. and 3:00 P.M. Eastern Standard Time for existing approved solar energy collectors or for solar collectors for which a permit or approval has been issued.

ARTICLE X - ADMINISTRATION AND ENFORCEMENT

Section 80 - Code Enforcement Officer

- A. **Creation.** The Town Board has previously established the Office of Code Enforcement Officer in the Town of Madrid. This Local Law ratifies the continuance of this Office. The Code Enforcement Officer shall be appointed by the Supervisor with the approval of the Town Board and be compensated at a rate to be fixed by said Board. In the absence of the Code Enforcement Officer, or in the case of the inability of the Code Enforcement Officer to act for any reason, the Supervisor shall have the power, with the consent of the Town Board, to designate a person to act in this capacity.
- B. **Duties and Powers.** The Code Enforcement Officer shall perform all of the functions identified in this Local Law and shall otherwise assist the Town Board in the administration and enforcement of this and other local laws. The Code Enforcement Officer shall provide regular reports of activities to the Planning Board.
- C. **Certificates and Training.** The Code Enforcement Officer shall obtain the required State certification for the position and attend training workshops and courses, as they become available.

Section 81 - Planning Board

- A. **Creation.** The Town of Madrid Planning Board has been previously established by the Town Board. This Local Law ratifies the continuance of this Board. The Town of Madrid Planning Board, pursuant to Section 271 of New York State Town Law, shall consist of five (5) members, each of whom shall reside in the Town of Madrid. Appointments shall be made by the Town Board.
- B. **Duties and Powers.** The Planning Board shall have the following duties:
1. Develop its official procedures and maintain records of its actions.
 2. Review subdivision plats and approve, approve with conditions, or disapprove them.
 3. Review special permits where applicable and approve, approve with conditions, or disapprove them.
 4. Review site plans and approve, approve with conditions, or disapprove them.
 5. Conduct studies, planning, or surveys as needed to further the purposes of this Local Law.
- C. **Meetings.** All meetings of the Planning Board shall be held at the call of the chairman and at such other times as such Board may determine. Meetings of the Planning Board shall be open to the public. The Planning Board shall keep minutes of its proceedings, and shall also keep records of its examinations and other official actions.
- D. **Quorum.** A quorum for the conduct of business shall be defined as a majority of members of the Planning Board.
- E. **All decisions of the Planning Board shall be by resolution,** and a copy of each decision shall be sent to the applicant, to the Town Clerk and to the Code Enforcement Officer. Every decision or determination of the Planning Board shall be filed in the Town office and shall be a public record.
- F. **Compensation.** Compensation of Planning Board members, as well as provision for expenses associated with their duties, may be fixed, from time to time, by resolution of the Madrid Town Board.

Section 82 – Board of Appeals

- A. **General.** The Town of Madrid Zoning Board of Appeals has been previously established by the Town Board; the Zoning Board of Appeals consists of five (5) members who shall function in the manner prescribed by law. The members of the Board of Appeals shall be residents of the Town of Madrid and shall be appointed by the Town Board to serve as prescribed by law.

The Town Board shall designate the chairman. Vacancies occurring in said Board by expiration of term or otherwise shall be filled in the manner as provided by law.

The Board of Appeals shall adopt such rules and regulations as it may deem necessary to carry into effect the provisions of these regulations, and all its resolutions and orders shall be in accordance therewith.

- B. **Procedure.** The Board of Appeals shall act in strict accordance with the procedure specified by law and by this Code. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal shall refer to the specific provision of this code involved, and shall set forth the interpretation that is claimed or the details of the Variance that is applied for, and the basis thereof.

At least ten (10) days before the date of the hearing required by law on an application or appeal to the Board of Appeals, the Board shall transmit to the Planning Board a copy of said appeal, together with a copy of the notice of the aforesaid hearing and shall request that the Planning Board submit to the Board of Appeals its opinion on said appeal, and the Planning Board shall submit a report of such advisory opinion prior to the date of said hearing. Upon failure to submit such report, the Planning Board shall be deemed to have approved the application or appeal.

- C. **Meetings.** All meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as such Board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. Meetings of the Board shall be open to the public. Such Board shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote indicating such fact, and shall also keep records of its examinations and other official actions.
- D. **Reports.** All decisions of the Board shall be by resolution and a copy of each decision shall be sent to the applicant, to the Town Clerk and to the Enforcement Officer. Every rule, regulation, amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in the Town office and shall be a public record. Each

decision shall set forth fully the reasons for the decision of the Board and the findings of fact on which the decision was based. Such findings and reasons shall include references to the standards pertaining thereto where applicable.

- E. **Appeal.** The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the Enforcement Officer. It shall also hear and decide all matters referred to it upon which it is required to pass under this Code.

The concurring vote of a majority of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Enforcement Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this Code, or to effect any variation in the regulations thereof. Such appeal may be taken by any persons aggrieved, or by an officer, department, board or bureau of the Town.

Such appeal shall be taken within 30 days or such additional time as shall be prescribed by the Board of Appeals by general rule, by filing with the Enforcement Officer and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Enforcement Officer shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

- F. **Stay.** An appeal stays all proceedings in furtherance of the action appealed from unless the Enforcement Officer, from whom the appeal is taken, certifies to the Board of Appeals after the notice of appeal shall have been filed with him, that by reason of acts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed, otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

- G. **Hearing and Determination.** The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and by publication at least once in the official newspaper five (5) days before the date of the hearing, and shall decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

The applicant shall bear the cost of advertising as required in connection with hearings. The Town Board shall establish and post a schedule of fees.

- H. **Jurisdiction.** The Board of Appeals shall have the following powers and duties prescribed by statute and by this Code:

- 1. **Interpretation.** On appeal from a determination of the Enforcement Officer, to hear and decide on questions where it is alleged there is an

error in any order, requirement, decision, or determination made by the Enforcement Officer involving the interpretation of any provision of this Code.

2. Variance. On appeal from a determination of the Enforcement Officer and in conformity with law, to vary the requirements as they apply to a particular lot where the property owner can show that his property was acquired in good faith and where the strict application of this code would result in practical difficulty or unnecessary hardship. No application for a variance shall be acted on until the required public hearing has been held. The Board of Appeals shall prescribe appropriate conditions and safeguards to carry out the requirements of this subsection and shall not grant any variance unless it shall make a finding of fact based upon the evidence as presented to it in each specific case that:

a. **Area Variance** –In making such determination the board shall consider:

- 1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties 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 requested area variance is substantial;
- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
- 5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the discussion of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

In any case, the granting of the variance will be in harmony with the intent and purpose of these regulations, will not constitute, in effect, an amendment of any district regulations or boundaries, or uses, and will not be injurious to the neighborhood.

b. **Use Variance.** No use variance shall be granted without a showing by the applicant that the zoning regulations have caused unnecessary hardship. In order to prove such hardship the applicant shall demonstrate to the Board of Appeals that that for each and every permitted use under the zoning regulations for the particular district where the property is located:

- 1) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated 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.

The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

In any case, the granting of the variance will be in harmony with the intent and purpose of these regulations, will not constitute, in effect, an amendment of any district regulations or boundaries, or uses, and will not be injurious to the neighborhood.

- I. **Compensation.** Compensation of Zoning Board of Appeals members and secretary, as well as provision for expenses associated with their duties, may be fixed, from time to time, by resolution of the Madrid Town Board.

Section 83 - Building and Zoning Permit

- A. There shall be submitted an application for a Building and Zoning Permit which shall include two (2) copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected, the location and type of water supply and sewage disposal facilities and such other information as may be necessary to determine and provide for the enforcement of this law.

- B. No building, structure or appurtenant system shall be erected, added to, or structurally altered until a Permit therefore has been issued by the Code Enforcement Officer. Except upon written order of the Board of Appeals, no such Building and Zoning Permit or Certificate of Compliance shall be issued for any building, structure or system where said construction, addition, alteration or use thereof would be in violation of any of the provisions of this Local Law.
- C. The Code Enforcement Officer will review the application and notify the applicant of the approval, disapproval, or such further review or other procedures as may be necessary within ten (10) days.
- D. If the Permit is denied, reasons for denial will be explicitly set forth in writing.
- E. In any instance where the Enforcement Officer determines the need for review, comment of determination by the Planning Board, the time within which the application must be reviewed and notification given is automatically extended, upon written notice to the applicant, to ten (10) days following the regularly scheduled monthly meeting of the Planning Board.
- F. One copy of the layout or plot plan together with the Permit shall be returned to the applicant when approved by the Code Enforcement Officer upon payment of a fee to be established by the Town Board.
- G. In the event that development authorized by the Permit has not been commenced and diligently prosecuted within one (1) year from the date of issuance, the Permit shall automatically lapse and be null and void, except that the one year limitation provided herein, upon written application stating reasons for delay, may be extended by the Board of Appeals for such additional periods of time as deemed appropriate.
- H. Nothing herein shall require any change in the plans, construction or designated use of a building or system actually under construction at the time of the effective date of these Regulations, so long as all improvements shall be completed within one (1) year from such effective date.

Section 84 - Certificate of Compliance

- A. No land shall be occupied or used and no building, structure or system hereafter erected, altered or exhausted shall be used or changed in use until a Certificate of Compliance shall have been issued by the Enforcement Officer, stating that the building, structure or system and proposed use thereof comply with the provisions of this Law.

- B. No permit for excavation for, or the erection or alteration of, or repairs to, any building, structure, or system shall be issued unless or until an application has been made for a Certificate of Compliance and the required fee paid.
- C. All Certificates of Compliance shall be applied for coincident with the application for the Building Zoning Permit. Said Certificate shall be issued within ten (10) days after the erection or alteration shall have been approved as complying with the provisions of this Law.
- D. The Town Clerk shall maintain a record of all Certificates and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.

Section 85 – Fees Fees for a Building and Zoning Permit and Certificate of Compliance shall be as established by the Town Board.

Section 86 - Enforcement

- A. This local Law shall be administered and enforced by the Code Enforcement Officer appointed by, and acting as the duly authorized agent of, the Town Board. No Building and Zoning Permit or Certificate of Compliance shall be issued by him or continue in force and effect, except when all provisions of these Zoning Regulations and other applicable portions of the Town Land Use and Development Code have been complied with.
- B. Any building, structure, appurtenant system or use of land found to be in violation of this Law shall be so recorded by the Enforcement Officer and official notice to this effect shall be given to the owner and/or tenant, user or occupant thereof. The owner, tenant, user or occupant shall correct such violation within sixty (60) days from the date of notification. If any such violation is not corrected within this sixty (60) day period, the Town may institute proceedings to compel compliance.

Section 87 - Violations; Penalties

- A. Any person or persons who commit or permit any acts contrary to the provisions of this Law shall be guilty of a violation thereof and, upon conviction, shall be subject to a fine not exceeding \$250 or imprisonment for a period not to exceed thirty (30) days, or both. Each week the violation continues shall constitute a separate and additional offense.
- B. In addition to the above provided penalties and punishment, the Town Board may also maintain an action of proceeding in the name of the Town in a court

of competent jurisdiction to compel compliance with, or to restrain by injunction, the violation of this Local Law.

Section 88 - Appeal; Judicial Review

- A. All appeals from this Law shall be directed to the Board of Appeals in writing within thirty (30) days from receipt of any decision by the Enforcement Officer. The Board of Appeals shall make a determination in accordance with their established procedures as set forth in Article **VIII**, **Section 43** of this Code.
- B. Any person or persons jointly or severally aggrieved by any final order under this Law may seek to have such order reviewed in the manner prescribed by Article 78 of the New York Civil Practice Law and Rules.

Section 89 - Amendment; Required Referral

- A. The Town Board may on its own motion, amend, supplement, repeal or change the regulations and applicable standards of this Local Law.
- B. The Planning Board may, by resolution, propose an amendment to the Town Board suggesting a change or repeal specific portions or applicable standards of these Regulations. Within sixty (60) days from the time such resolution is filed with the Town Clerk, it shall be the duty of the Town Board to hold the requisite public hearing and vote on such proposed amendment.
- C. Before any amendment, supplement or change in this Local Law, there shall be a public notice and hearing as required by Law. Such hearing may be held by the Town Board, by a committee of the Board, or by the Planning Board on request of the Town Board. After the public hearing, and referral to and report by the Planning Board, a majority vote of the members of the Town Board shall be required to amend the Zoning Regulations, except in the instance of a Protest Petition which process is described below.
- D. If a protest against a proposed amendment, supplement or change is presented to the Town Board, duly signed and acknowledged by the owners of twenty (20) percent or more of the area of the land included in such proposed change, or by the owners of the twenty (20) percent or more of the land immediately adjacent extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of at least a majority plus one of the members of the Town Board.

- E. All proposed amendments, supplements or changes originating by petition, or by motion of the Town Board, shall be referred to the Town Planning Board for a report and recommendation thereon. The Planning Board shall submit its report within thirty (30) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be approved of the proposed amendment.
- F. Whenever any amendment to this Local Law or any Special Use or Variance would change the district classification or regulation applying to, or otherwise affect, real property within a distance of five hundred (500) feet from any boundary line of properties in a neighboring municipality or upon any country or state property, said proposed amendment, Special Use or Variance shall be referred to the St. Lawrence County Planning Board.

The County Planning Board shall have thirty (30) days in which to report its recommendations to the Town Board and Planning Board. Failure of the Country Planning Board to report within thirty (30) days may be construed to be approval by the Planning Board and the Town Board.

If the Country Planning Board recommends disapproval or modifications not made, the Planning Board, Board of Appeals or Town Board shall not approve the application except by a vote of a majority plus one of all the members of the respective Board, after adoption of a resolution setting forth their reasons. Whatever the final action of the respective Board, the County Planning Board will be notified of the same within seven (7) days following such action.

Section 90 - Interpretation

- A. In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements, adopted for the promotion of the public health, safety and the general well-being. Whenever the requirements of these Regulations are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standard shall govern.

Section 91 – Repealer Local Law No. I (2008), the Zoning Regulations for the Town of Madrid, shall be repealed upon the filing of this Local Law with the New York Secretary of State.

Section 92 - Effective Date This Local Law shall take effect immediately upon filing with the New York Secretary of State and publication of an abstract in the official newspaper of the Town of Madrid.

Appendix A: Definitions

A. **GENERAL.** For the purpose of this Local Law, certain terms or words used herein shall be interpreted as follows:

1. Words used in the present tense shall include the future.
2. The singular number includes the plural and the plural the singular.
3. The word “lot” includes the word “plot” or “parcel”.
4. The word “person” includes a corporation, partnership, association or organization as well as an individual.
5. The word “building” includes the word “structure”.
6. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “built”, “arranged” or “designed” to be used or occupied”.
7. The word “shall” is mandatory.

B. DEFINITIONS

ACCESSORY BUILDING: A building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ALLEY: A service way which affords public means of vehicular access to abutting property.

ALTERATION: A change or rearrangement in the structural parts, or in the entrance and exit facilities or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

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

AUTO, FARM IMPLEMENT, MOBILE HOME, RECREATIONAL VEHICLE SALES AND SERVICE: Land used for the outside display, sale and service of operable motorized vehicles, equipment and manufactured housing. Said use does

not include the storage or disposal of inoperable vehicles, parts and equipment, or dilapidated mobile homes that do not meet habitability standards.

AUTO WASH: A structure designed or intended primarily for the washing of vehicles, including conveyor, drive-through and self-service types.

BANK OR FINANCIAL INSTITUTION: A business that conducts fiduciary activities and offers financial services to customers such as issuing loans and lines of credit, holding deposits and investments, exchanging currency and transmitting funds. The business may or may not include a drive-thru service.

BASEMENT: That portion of a building that is partly or completely below grade.

BED AND BREAKFAST: A dwelling occupied by an owner/manager that provides overnight lodging of up to five guest rooms and serves breakfast to transient travelers for commercial purposes.

BOARD: Means the duly appointed Planning Board of the Town of Madrid.

BTS (Base Transceiver Station): the central cell facility that contains all the receivers, transmitters and other apparatus needed for cellular/PCS operation.

BUILDING: Any roofed structure intended for a shelter, housing or enclosure of persons, animals or property. When a building is divided into entirely separate parts extending from the ground up, each part is deemed a separate building.

BUILDING AREA: The total ground floor area of a principal building and accessory buildings exclusive of uncovered porches, steps and terraces.

BUILDING, DETACHED: A building surrounded by open space on all sides on the same lot.

BUILDING, FLOOR AREA: The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, including basement areas devoted to residential use and the area of bays, dormers, roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

BUILDING, HEIGHT OF: The vertical distance measured from the established grade at the street center line or if no grade has been officially established on the street, measured from the average level of the proposed finished grade across the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE: A line parallel with the front, side or rear property lines, respectively, beyond which a structure may not extend as determined by these regulations.

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated.

CAMP: Any one or more of the following:

1. A tent, trailer, shelter, cottage or other accommodation for seasonal or other more or less temporary living accommodations, OR
2. A parcel of land on which is located two or more cottages, shelters, recreational vehicles, tents or other accommodation for seasonal or other more or less temporary living arrangements; OR
3. A parcel of land, including buildings and facilities thereon, used for the assembly of children or adults for what is commonly known as “day camp” purposes; OR
4. A parcel of land, including buildings and facilities thereon, used for overnight, weekend or longer periods of camping by organized groups.

CAMPGROUND: A lot used for the parking and use on individual camping sites by travel trailers, tent-trailers, tents or similar transportable accommodations, together with all yards, sanitary facilities, roadways, open space and other requirements as defined by this Local Law.

A campground shall not include use by mobile homes or other residential appurtenances on a permanent year-round basis, except where required for operation, maintenance or security of the campground. OR,

A parcel of land designed to accommodate two or more camp sites, recreational vehicles or other accommodations for seasonal or other more or less temporary or transitory living arrangements; OR

Buildings and facilities thereon, used for the assembly of children or adults for what is commonly known as “day camp” purposes; or for overnight, weekend or longer periods of camping by organized groups.

CAPACITY: The number of mobile users that can realistically be serviced by a BTS.

CELLAR: That space of a building that is partly or entirely below grade, and which space is not designed or used primarily for year-round living accommodations.

CODE ENFORCEMENT OFFICER: The duly designated official responsible for enforcing this Code as prescribed herein.

CO-LOCATION means locating wireless communications facilities from more than one wireless communications services provider on a single site.

COMMERCIAL RECREATION: Any establishment whose main purpose is to provide the general public with amusing or entertaining activity and where tickets are sold or fees are collected for the activity. Such establishments shall include those whose activities are conducted entirely within a building, and also those whose activities are conducted in open or partially enclosed or screened facilities.

COVERAGE: The general term that describes the ability of a BTS to send and receive wireless signals of sufficient strength to provide reliable cellular/PCS service

DAY CARE CENTER: A place other than an occupied dwelling that provides for the care of children or adults. Those receiving care are not all related to each other by blood or marriage and are not legal wards or foster children of the attendant adults, and for which care a payment, fee or grant is made.

DRIVE-IN RESTAURANT OR REFRESHMENT STAND: Any place or premises used for sale, dispensing, or serving of food, refreshments or beverages to persons in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

DRY CLEANING ESTABLISHMENT: An establishment which launders or dry cleans articles dropped off on the premises directly by the customer or where articles are dropped off, sorted, and picked up but where laundering or cleaning is done elsewhere.

DWELLING, CONDOMINIUM: Any apartment, town house or other residential building portion thereof, involving a combination of two kinds of ownership of real property:

1. Fee simple ownership of the individual dwelling unit; and
2. Undivided ownership together with other purchasers of the common elements of the structure, land and appurtenances, the management thereof controlled by a property owners' association.

DWELLING, GUEST HOUSE: An accessory dwelling unit built on the same lot with the principal dwelling and not for rent.

DWELLING, MULTIPLE-FAMILY: A building or portion thereof designed for year-round occupancy, containing separate dwelling units for three or more families living independently of each other, other than hotels, motels, camps and rooming houses.

DWELLING, ONE-FAMILY: A detached building designed for year-round occupancy by one family only, including a sectional dwelling or a modular home

located on a permanent continuous masonry foundation, other than a mobile home, recreational vehicle, camp or any temporary structure.

DWELLING, SEASONAL: A detached dwelling unit providing complete housekeeping facilities for one family designed for seasonal or non-year-round occupancy other than a mobile home, camp or recreational vehicle.

DWELLING, SECTIONAL: Two or more factory-finished units which are transported to the site, by means other than their own chassis, where they are placed on a permanent foundation and are joined to make a dwelling unit for year-round living. The term Sectional shall include the term “Modular”.

DWELLING, TOWN HOUSE: Three or more attached dwelling units designed for year-round occupancy and containing separate dwelling units for occupancy by one family per unit.

DWELLING, TWO-FAMILY: A detached building, designed for year-round occupancy by two families living independently of each other, other than a mobile home, recreational vehicle, camp or rooming house.

DWELLING UNIT: A building or portion thereof, providing complete housekeeping facilities for one family, including living, cooking, sanitary and sleeping facilities.

EAF: Environmental Assessment Form

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

EPA: The Environmental Protection Agency

FAA: The Federal Aviation Administration

FABRICATION AND ASSEMBLY PLANT: One or more buildings and/or facilities involved with the mechanical or chemical transformation of materials or substances into a new product, including component parts.

FAMILY: One or more persons occupying the premises related by blood, marriage, legal guardianship or adoption, living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, hotel or commune.

FARM: The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise.

Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

FCC: The Federal Communications Commission

FEED STORE/FARM SUPPLY SALES: An establishment engaged in the retail sale of supplies and inputs that support the day to day activities of agricultural production. Supplies and inputs include the storage and sale of animal feed, pesticides/herbicides and fertilizers.

FINAL PLAT, OR PLAN: The final map or drawing and supplementary information as required in **Appendix C**; which plan of subdivision or planned development is presented to the Board for approval.

FORESTRY PRACTICES: Any management, including logging, of a forest, woodland or plantation and related research and education activities, including the construction, alternation or maintenance of wood roads, skidways, landings, fences, and forest drainage systems.

FUEL OIL, GASOLINE, BULK STORAGE: Above-ground containers that store flammable or combustible liquids or gases for subsequent wholesale distribution.

FUNERAL HOME: A building used for the preparation of the deceased for burial, the display of the deceased, and a venue where services and rituals occur before burial and cremation.

GARAGE, PRIVATE: A roofed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein or space for more than one car is leased to a non-resident of the premises.

GARAGE, PUBLIC: A building or part thereof operated for gain and used for the storage, hiring, selling, greasing and washing, servicing or repair of motor driven vehicles.

GUYED TOWER: A construction technique that uses stabilizing cable to provide lateral support for a tower.

HEIGHT OF TOWER: means the vertical distance measured in feet from the average existing level of the ground surrounding the tower and within 10 feet thereof to the top point of the tower including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevation of the property at the time of application.

HOME OCCUPATION: Any use customarily conducted entirely within a dwelling or its accessory buildings and operated only by a resident of the premises and in which no non-residents are employed or engaged, which use is clearly incidental to

the use of the dwelling as a place of residence; and further provided that no article is sold or offered for sale except such as may be produced by a resident of the premises.

In particular, a home occupation includes, but is not limited to, the following:

1. Professional office of a physician, dentist, lawyer, engineer, architect, and other similar professions
2. Art or photographic studio
3. Dressmaker or seamstress
4. Barber or beauty shop

However, a home occupation shall not be interpreted to include a commercial stable or kennel, animal hospital, restaurant, tourist or boarding house, convalescent home, funeral home, nor stores, trades or businesses of the kind herein excepted.

HOSPITAL: A building or structure for the diagnosis and medical or surgical care of human sickness or injuries.

HOSPITAL, ANIMAL: A building or structure for the diagnosis and medical or surgical care of sick or injured animals.

HOTEL OR MOTEL: A building or group of buildings where transient guests are lodged for hire.

INN: A building that may be owner-occupied or have a manager in residence; provides up to 20 guest rooms to transient travelers; and offers meal service to its guests as well as to the general public.

INTERFERENCE: Any electromagnetic radiation or noise that is not the desired signal.

JUNK YARD: A lot, land, or structure, or part thereof, used for the collecting storage and/or sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery, vehicles, appliances, furniture, mobile homes, etc., and for the sale of the parts thereof.

It shall mean any place of storage or deposit, whether in connection with another business or not, where two or more unregistered, old, or second-hand vehicles, no longer intended or in condition for legal use on the public highways are held, whether for the purpose of resale of used parts therefrom; or reclaiming for use of some or all of the materials therein, whether metal, glass, fabric or otherwise; or disposing of the same; or for any other purpose.

Such term shall include any place of storage or deposit of any such purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk, two or more such vehicles.

KENNEL: A commercial establishment for the keeping, breeding, boarding or training of four or more mature dogs, cats or other domestic animals, excluding common farm animals (horses, cows, pigs, goats, sheep, etc.).

LATTICE TOWER: Description of the type of tower construction typified by cross-bracing between three posts that constitutes a rigid antenna support structure.

LAUNDROMAT: A business premises equipped with individual clothes washing or cleaning machines for use by retail customers, exclusive of laundry facilities provided in an apartment, fraternity, sorority, residential resort hotel or club.

LIBRARY: A building containing books, magazines, newspapers, reference materials and other publications in printed and electronic format that is used by the public for study, reference and enjoyment.

LIVESTOCK HOLDING AREA: A farm where cattle or other livestock are held and bulk fed commercially in a restricted area as distinguished from a pasture and other parts of an operating farm.

LOT: A parcel of land considered as a unit, occupied or capable of being occupied by a principal building or use and accessory buildings or uses, or by a group of buildings united by a common use or interest; and including such open spaces as required by this Local Law, and having its principal frontage on a public street or an officially approved place.

LOT, AREA: The total area included within side and rear lot lines and the street or highway right-of-way.

LOT, CORNER: A lot located at the intersection of and fronting on two or more intersecting streets, and having an interior angle at the corner of intersection of less than 135 degrees.

LOT COVERAGE: That portion of the plot or lot area covered by a building, including all roofed porches and accessory structures.

LOT, DEPTH: The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

LOT, INTERIOR: A lot other than a corner lot.

LOT, LINES: The property lines bounding the lot.

1. Lot Line, Front- The lot line separating the lot from the street right-of-way.
2. Lot Line, Rear- The lot line opposite and most distant from the front lot line.
3. Lot Line Side- Any lot line other than a front or rear lot line.

LOT, THROUGH: A lot having frontage on two approximately parallel or converging streets other than a corner lot.

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

MEDICAL OFFICE OR CLINIC: A building used to provide medical, dental, psychiatric or out-patient surgical services to sick or injured persons. Services include examinations, diagnoses, and treatment or therapy by physicians, dentists, psychologists, physical therapists and other health care professionals. Does not admit and hospitalize patients.

MOBILE HOME: A factory-finished movable dwelling unit (having a minimum floor area of 600 square feet) designed and built on frame and wheels to be towed on its own chassis and designed for and providing housekeeping facilities for year-round occupancy including living, and sleeping accommodations, a flush toilet, tub or shower, and kitchen facilities, and with plumbing and electrical connections provided for attachment to outside systems; after being transported to the building site. It does not include a recreational vehicle.

MOBILE HOME COURT: A parcel of land, which has been planned and improved for the placement of two or more mobile homes for dwelling purposes. The term shall include Mobile Home Park or other area planned and/or improved for two or more mobile homes.

MOBILE HOME SITE: A parcel of land occupied by a single mobile home.

MONOPOLE TOWER: A unified self-supporting structure typified by a smooth tapered steel pole similar to roadway light supports.

MUNICIPAL HIGHWAY GARAGE, EQUIPMENT STORAGE: One or more buildings with bay doors to store, service and repair municipal trucks, vehicles and heavy equipment that is often used for the repair and maintenance of municipal roads and rights of way. The facility may include above or underground fuel storage, as well as the outside storage of vehicles and equipment.

MUSEUM: One or more buildings used to acquire, assemble, conserve, study, interpret, and exhibit a collection of artifacts of historical interest for the instruction and enjoyment of the public.

NEIGHBORHOOD GROCERY OR CONVENIENCE STORE: A retail commercial establishment that supplies groceries and other daily household necessities to the immediate surrounding area.

NETWORK: The general term used to describe all the BTS facilities and equipment required to provide cellular/PCS services.

NIER: Non-Ionizing Electromagnetic Radiation

NON-CONFORMING LOT: Any zone lot in single ownership, which does not conform with the minimum area and/or dimensions required in the district in which it is situated or for any special use as the case may be and where the owner of said lot does not own any adjoining property, the subdivision of which could create one (1) or more conforming lots.

NON-CONFORMING SITUATION: Use of a building or of land that does not comply with the regulations for the district in which it is situated and where such use existed and/or was used legally at the time of adoption of these regulations.

NURSING HOME: A proprietary facility, licensed or regulated by the State of New York for the accommodation of convalescents or other persons who are not acutely ill or not in need of hospital care, but who require skilled nursing and related medical services which are prescribed by or performed under the direction of a person or persons licensed to provide such care or services in accordance with the laws of the State of New York.

OFFICIAL MAP: Means the map established by the Town of Madrid, if any, pursuant to Town Law showing the streets, highways and parks thereto laid out, adopted and established by law and any amendments thereto adopted by the Town or additions thereto resulting from the approval of subdivision plats by the Board and the subsequent filing of such approved plats. Streets not accepted by the Town as public streets may be shown thereon, but shall be marked as private streets.

OUTDOOR WOOD BOILER: An accessory structure, designed and intended, through the burning of wood, for the purpose of heating the principal structure or any other site, building, or structure on the premises.

PARKING SPACE: A space designated for the parking of one motor vehicle and having an area of not less than 180 square feet, exclusive of passageways and driveways thereto.

PATH LOSS: The attenuation experienced by the radio waves as they propagate from the BTS to the mobile phone or from the mobile phone to the BTS. Path loss will be the same for either direction over short periods of time.

PERSONAL SERVICE SHOP: A business where professional or personal services are provided for gain and where the sale of retail goods, wares, merchandise, articles or things is only accessory to the provision of such services, including but not limited to the following: barber shops, beauty shops, tailor shops, laundromats, shoe repair shops, etc.

PLANNED DEVELOPMENT DISTRICT: A tract of land in single ownership, or controlled by an individual, partnership, cooperative or corporation designed for and capable of being used for one or more residential, commercial, industrial or recreational uses which have certain facilities in common and which have been designed as an integrated unit.

PRELIMINARY PLAT OR PLAN: Means the preliminary drawing or drawings and supplemental information as required in **Appendix C** indicating the proposed manner or layout of the subdivision or planned development to be submitted to the Board for its consideration.

PRIVATE CLUB OR LODGE: Building and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

PROFESSIONAL OFFICE OR BUSINESS: Services provided to clients in an office environment by a person who is trained and/or licensed to engage in such work, e.g. lawyer, accountant, architect, surveyor, engineer, etc.

PUBLIC USE OR BUILDING: A building owned, operated or occupied by a local government or agency and is used provide services to the public.

PUBLIC UTILITY STRUCTURE, USE: A service essential to the health, safety and general welfare of the public, such as the generation, transmission or distribution of electricity, gas, steam, water, cable television, telecommunications or data access; the collection and treatment of sewage and solid waste; the collection, storage or diversion of surface waters from land; and the provision of mass transportation.

RECREATIONAL VEHICLE: A mobile recreational unit including travel trailer, pickup, camper, converted bus, tent-trailer, camper trailer, tent or similar device used for temporary portable housing.

RESTAURANT: A building where food and beverages are offered for sale to the public for consumption at tables or counter either inside or outside the building on the lot. As an accessory use, take-out service of food and beverages for off-site consumption may be provided.

RETAIL STORE: A building used for the display and sale of groceries, goods, wares and/or merchandise that is purchased by customers at retail prices.

RIDING STABLE: A farm where land and buildings are used to house horses and for their exercise and training, which may include a school, boarding stables, tack shop or other related uses.

ROADSIDE STAND: A semi-permanent structure, stand or location for the sale of any product or material on a temporary, part-time or seasonal basis.

SATELLITE ANTENNA: Shall be any parabolic dish, antenna or other device or equipment of whatever nature or kind, the primary purpose of which is to receive television, radio, light, microwave, or other electronic signals, waves and/or communications from space satellites.

SEQR: State Environmental Quality Review as described in 6 NYCRR Part 617.

SETBACK: The horizontal distance measured at right angles to the boundary of the parcel, lot or block of land, between the main wall of the building and the main boundary.

SIGN: Any device affixed to, painted, or represented directly or indirectly upon a building, structure or land and which directs attention to an object, product, place, activity, person, institution, organization or business. (These regulations shall not apply to any flag insignia of a government or government agency, school or religious group, or any official traffic control device.) Each display surface shall be considered to be a “sign”.

SIGN, ADVERTISING: A sign which directs attention to a business, commodity, service or entertainment sold or offered elsewhere than upon the premises where such sign is located, or to which it is affixed and only incidentally on the premises, if at all. A commercial billboard shall be construed to be an advertising sign.

SIGN, BUSINESS: A sign which directs attention to a business or profession conducted, or a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed. A “For Sale” or “To Let” sign relating to the lot on which it is displayed shall be deemed to be a business sign.

SIGN, FLASHING: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color when such sign is in use. For the purpose of these regulations, any revolving illuminated sign shall be considered a “flashing sign”.

SKETCH PLAN: An informal plan or plat indicating salient existing features of a tract and its surroundings, and the general layout of the proposed subdivision or planned development and such additional information as required in **Appendix C**.

SPECIAL USE: A use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

Such use may be permitted in certain zoning districts as a special use, if specific provision for such special use is made in these Zoning Regulations.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

STORY, HALF: That portion of a building between a pitched roof and the uppermost full story, and having a floor area at least half as large as the floor below. Space with less than five feet clear headroom shall not be considered as floor area.

STREET: A public or private way for vehicular traffic, including the following:

- Major streets are those principal through traffic arteries.
- Collector streets are those that interconnect, and carry traffic between, minor residential and major streets.
- Minor streets are those which are used primarily for access to abutting residential properties. A ‘cul-de-sac’ is a minor street with only one outlet and having a turning loop at the closed end.
- Frontage or access roads are generally parallel with and adjacent to a major street or highway designed to provide access to abutting properties and protection from through traffic.

STRUCTURE: Anything constructed or erected, the use of which required location on the ground or attachment to something having location on the ground.

STRUCTURAL ALTERATION: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

SUBDIVIDER: Means any person, firm, corporation, partnership or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

SUBDIVISION: Means the division of any parcel of land into five (5) or more lots, plots, sites or other division of land, for the purpose, whether immediate or future, for transfer of ownership or building development, of one or more of the parcels and shall include re-subdivision in whole or in part of any plat, filed or unfilled, which is entirely or partially undeveloped.

TAVERN: A building or part thereof where, in consideration of payment therefor, liquor, beer, or wine or any combination thereof are served for consumption on the premises, with or without food.

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

TELECOMMUNICATION TOWER: A structure intended to support wireless communications equipment used to receive and/or transmit electron magnetic waves. Design examples of towers might include but may not be limited too (a) self-supporting lattice (b) guyed and (c) monopoles structures (d) water towers.

THEATRE, OUTDOOR: An open lot or part thereof, with its appurtenant structures and facilities, devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis.

TOWER OPERATOR: The owner, manager and/or management firm of a telecommunication tower.

TOWN ENGINEER: A licensed professional engineer duly designated by the Town Board to carry out his duties.

TOWN PLAN: A comprehensive plan prepared for and by the Board setting forth the objectives and policies with regard to that general physical development of the Town, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

TRUCK TERMINAL: The use of land, buildings or structure for the purpose of maintenance, servicing, storage or repair of commercial vehicles, but does not include automobile service stations or transportation sales or rental outlets.

USGS: United States Geological Survey

VARIANCE: A departure granted by the Zoning Board of Appeals from the terms of this Local Law where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these regulations would result in unnecessary and undue hardship.

VEHICLE FUELING STATION: Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline or oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof. The term Vehicle Fueling Station shall be deemed to include filling station and service station.

WAREHOUSE: A building used for the storage and distribution of goods, wares, merchandise, substances or articles, and may include facilities for a wholesale or retail commercial outlet.

WIND MEASUREMENT TOWER: See Article VII, Section 45.

WIRELESS TELECOMMUNICATION SERVICES: means licensed wireless telecommunications services including, but not necessarily limited to: cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and other types of telecommunications services that are or may be marketed to the general public.

WIRELESS TELECOMMUNICATION SITE: means a facility operated by a licensed wireless telecommunication service provider which consists of the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunications services.

YARD, FRONT: An open space extending across:

1. The principal street side or
2. The waterfront side, of a lot measured between the side lot lines, the depth of which yard is the minimum horizontal distance between
 - a. The edge of the street right-of-way or
 - b. Shoreline at normal water level

And the building line or any projection thereof other than steps and unenclosed porches, extending not more than six feet from the front of the building, except as otherwise provided in these regulations.

All waterfront lots shall have front and rear yards as approved by the Planning Board.

YARD, REAR: An open space extending across the rear of a lot measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof other than steps and unenclosed porches extending not more than six feet from the rear of the building, except as otherwise provided in this Local Law. On both corner and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

YARD, SIDE: An open space from the front yard to the rear yard between the building and the nearest side lot line unobstructed from the ground upward, except for steps and unenclosed porches and as otherwise specified in these regulations.

Appendix B:

Summary of:

Districts;

Permitted Uses;

Dimensions;

Parking Regulations

Appendix B: Summary of Districts, Permitted Uses and Regulations

Commercial-Business (C-B)	MINIMUM LOT SIZE		MAXIMUM LOT COVERAGE	BUILDING HEIGHT		YARD SETBACK				OFF-STREET PARKING SPACES
	Area (sq ft or acres)	Lot Width (feet)	(percent)	Stories	Feet	Front (a, b)	Side	Total	Rear	
<i>PERMITTED USE</i>										
Existing one, two-family dwelling	15,000 sq ft *	100	25	2 ½	35	35	15	30	30	2 per dwelling
Accessory building, use	Same as primary use									15
Rooftop and building-mounted solar collectors	Same as primary use									15
<i>USE SUBJECT TO SITE PLAN REVIEW</i>										
New dwelling unit	15,000 sq ft *	100	25	2 ½	35	35	15	30	30	2 per dwelling
Home occupation	Same as dwelling									1 per 400 sq ft of floor area
Bed and breakfast										Same as dwelling
Retail store, personal service shop	20,000 sq ft	100	30	2 ½	35	25	15	30	30	
Business, professional office										
Bank, financial institution										
Laundromat										
Library										
Public building or use										
Private club, lodge										
Medical office, clinic	Same as dwelling									1 per 400 sq ft of floor area
<i>USE REQUIRING SPECIAL USE PERMIT</i> ®										
Tavern, restaurant	20,000 sq ft	100	30	2 ½	35	25	15	30	30	1 per 400 sq ft of floor area
Hotel, motel, inn										
Funeral home										

Appendix B: Summary of Districts, Permitted Uses and Regulations

Residential-Hamlet (R-H)	MINIMUM LOT SIZE		MAXIMUM LOT COVERAGE	BUILDING HEIGHT		YARD SETBACK				OFF-STREET PARKING SPACES	
	Area (sq ft or acres)	Lot Width (feet)	(percent)	Stories	Feet	Front (a, b)	Side	Total	Rear		
Farm	2 acres	200	25	N/A		35	15	30	30	2 per dwelling	
One, Two-family dwelling	15,000 *	100		2 ½	35						
	20,000 **										
	30,000 ***	150									
Accessory building/use	Same as primary use									15	
Rooftop and building-mounted solar collectors	Same as primary use									N/A	
USE SUBJECT TO SITE PLAN REVIEW											
Bed and breakfast	Same as dwelling									1 per guest room & 1 per non-resident employee	
Home occupation										1 per 400 sq ft of floor area	
USE REQUIRING SPECIAL USE PERMIT ®											
Mobile home	15,000 *	100	25	2 ½	35	35	15	30	30	2	
	20,000 **										
	30,000 ***										
Increase or decrease # of dwelling units in residential structure	20,000 *	100	25	2 ½	35	35	20	40	40	2 per dwelling	
	30,000 **										
	40,000 ***										
School, Church	1 acre	150	35	2 ½	35	50	25	50	50	1 per employee of largest shift and 1 per 3 persons based on occupant load	
Public building or use			25							1 per 400 sq ft of floor area	
Service/fraternal organization, club or lodge											
Medical office building											
Funeral home											
Public utility structure/use											1 per employee of largest shift
Public park, playground, golf course											
Cemetery	2 acres	200	N/A	20	50	50	50	50	See Article V, Section 21		
Alternative energy system									N/A		
Wind measurement tower	2 acres; Also see Article VIII, Section 47	200	N/A		20	50	50	50	50	1.5 x tower height in all directions; See also Article VII, Section 47	
Small wind energy conversion system	1 acre	150								1.5 x turbine height in all directions; See also Article VIII, Section 68	

- Notes:
- ® Site plan review required
 - a As measured from Right of Way (ROW)
 - b As measured from shoreline
 - * with public water and sewer
 - ** With public water or sewer
 - *** Without public water or sewer

Appendix B: Summary of Districts, Permitted Uses and Regulations

Commercial-Residential (C-R)	MINIMUM LOT SIZE		MAXIMUM LOT COVERAGE	BUILDING HEIGHT		YARD SETBACK				OFF-STREET PARKING SPACES			
	Area (sq ft or acres)	Lot Width (feet)	(percent)	Stories	Feet	Front (a, b)	Side	Total	Rear				
Farm	2 acres	200	25	N/A									
One, Two-family dwelling	15,000 *	100	25	2 ½	35	35	15	30	30	2 per dwelling			
	20,000 **												
	30,000 ***	150											
Accessory building/use	Same as primary use								15	30	15	N/A	
Rooftop and building-mounted solar collectors	Same as primary use												
USE SUBJECT TO SITE PLAN REVIEW													
Mobile home	15,000 *	100	25	2 ½	35	35	15	30	30	2 per dwelling			
	20,000 **												
	30,000 ***	150											
Increase or decrease # of dwelling units in residential structure	20,000 *	100	25	2 ½	35	35	20	40	40	2 per dwelling			
	30,000 **												
	40,000 ***	150											
Multi-family dwelling	Same as dwelling											1 per 400 sq ft of floor area	
Home occupation	Same as dwelling												
Bed and breakfast	Same as dwelling											1 per 400 sq ft of floor area	
Personal service shop	1 acre	150	25	2 ½	35	35	20	40	40	1 per 10,000 sq ft			
Business/professional office			N/A										
Medical office building, clinic											50	25	50
Public park, playground, golf course													
Cemetery	2 acres	200								See Article V, Section 21			
USE REQUIRING SPECIAL USE PERMIT ®													
Public building or use	1 acre	150	25	2 ½	35	50	25	50	50	1 per 400 sq ft of floor area			
Service/fraternal organization, club or lodge										1 per employee of largest shift & 1 per 4 seats			
School, church										1 per 400 sq ft of floor area			
Funeral home													
Gas station													
Auto wash													
Bank, financial institution													
Restaurant, tavern													
Retail store, personal service shop													
Museum													
Public utility structure/use	1 per employee of largest shift												
Wind measurement tower	2 acres; Also see Article VIII, Section 47	200	N/A			1.5 x tower height in all directions; See also Article VII, Section 47				1			
Small wind energy conversion system	1 acre	150	N/A			1.5 x turbine height in all directions; See also Article VIII, Section 68				N/A			

- Notes:
- ® Site plan review required
 - a As measured from Right of Way (ROW)
 - b As measured from shoreline
 - * with public water and sewer
 - ** With public water or sewer
 - *** Without public water or sewer

Appendix B: Summary of Districts, Permitted Uses and Regulations

Residential-Agricultural (R-A)	MINIMUM LOT SIZE		MAXIMUM LOT COVERAGE	BUILDING HEIGHT		YARD SETBACK				OFF-STREET PARKING SPACES					
	Area (sq ft or acres)	Lot Width (feet)	(percent)	Stories	Feet	Front (a, b)	Side	Total	Rear						
<i>PERMITTED USE</i>	2 acres	200	25	N/A		50	25	50	50	2 per dwelling					
Farm	30,000 ***	150	25	2 ½	35	50	25	50	50						
One, Two-family dwelling										N/A					
Accessory building/use	Same as primary use						15	30	15						
Rooftop/building mounted alternative energy system	Same as primary use														
Outdoor wood boiler	Same as dwelling; Also see Article V, Section 21 & 22		N/A	2 ½	35	50	25	50	50						
<i>USE SUBJECT TO SITE PLAN REVIEW</i>															
Bed and breakfast	Same as dwelling									1 per guest room & 1 per non-resident employee					
Home occupation	Same as dwelling; Also see Article V, Section 21 & 22									1 per 400 sq ft of floor area					
Roadside stand	Same as farm operation					25	15	30	15	1					
School, church	2 acres	200	35	2 ½	35	50	25	50	50	1 per employee of largest shift & 1 per 4 seats					
Public building or use			25							1 per 400 sq ft of floor area					
Public park, playground, golf course			N/A											1 per 10,000 sq ft	
Cemetery														See Article V, Section 21	
<i>USE REQUIRING SPECIAL USE PERMIT ®</i>															
Mobile home, seasonal dwelling, camp	30,000 sq. ft.	150	25	2 ½	35	50	25	50	50	1					
Commercial recreation	1 acre	200				60				Also see Article V, Section 21					
Drive-in restaurant, refreshment stand					50	200	400	200	50	200					
Commercial excavation			N/A										N/A		
Livestock holding area, stable			50	2 ½	35	50	25	50	50	1 per employee of largest shift & 1 per 400 sq ft of floor area					
Animal hospital, kennel	2 acres	200	N/A												
Commercial logging			N/A												
Refuse disposal area, lagoon, sanitary landfill			N/A												
Public utility structure/use			25		2 ½		35		50	25	50	50	1 per employee of largest shift		
Telecommunication tower											1				
Wind measurement tower	2 acres; Also see Article VIII, Section 47										N/A				
Small wind energy conversion system	1 acre	150													
Large wind energy conversion system			N/A		500	Also see Article VIII, Section 58				1					
Alternative energy system	2 acres	200	N/A		20	50	25	50	50						

Notes:

- ® Site plan review required
- a As measured from Right of Way (ROW)
- b As measured from shoreline
- * with public water and sewer
- ** With public water or sewer
- *** Without public water or sewer

Appendix B: Summary of Districts, Permitted Uses and Regulations

Commercial-Industrial (C-I)	MINIMUM LOT SIZE		MAXIMUM LOT COVERAGE	BUILDING HEIGHT		YARD SETBACK				OFF-STREET PARKING SPACES	
	Area (sq ft or acres)	Lot Width (feet)		(percent)	Stories	Feet	Front (a, b)	Side	Total		Rear
PERMITTED USE											
Rooftop and building-mounted solar collectors	Same as primary use									N/A	
USE SUBJECT TO SITE PLAN REVIEW											
Accessory building/use	Same as primary use						15	30	15	N/A	
Retail store, personal service shop	20,000 sq ft	100	30	2 ½	35	25	15	30	30	1 per 300 sq ft of retail floor area	
Business, professional office											
Bank, financial institution											
Laundromat											
Building supply, materials sales										1 per 1,000 sq ft of floor area	
Feed store, farm supply sales											
Auto, farm implement, mobile home, RV sales and service											
USE REQUIRING SPECIAL USE PERMIT ®											
Gas station, public garage	1 acre	200	30	2 ½	35	25	15	30	30	1 per 300 sq ft of floor area	
Auto wash											
Adult entertainment											
Tavern, restaurant											
Public utility structure, use										1 per employee of largest shift	
Fabrication and assembly plant											
Truck terminal, warehouse											
Municipal highway garage, equipment storage											
Fuel oil, gasoline, bulk storage	1 per 1,000 sq ft of floor area										

Notes:

- ® Site plan review required
- a As measured from Right of Way (ROW)
- b As measured from shoreline
- * with public water and sewer
- ** With public water or sewer
- *** Without public water or sewer

Appendix B: Summary of Districts, Permitted Uses and Regulations

Open Space (O-S)	MINIMUM LOT SIZE		MAXIMUM LOT COVERAGE	BUILDING HEIGHT		YARD SETBACK				OFF-STREET PARKING SPACES
	Area (sq ft or acres)	Lot Width (feet)		(percent)	Stories	Feet	Front (a, b)	Side	Total	
<i>PERMITTED USE</i>										
Fish, game club	25 acres	200	10	2 ½	35	100	100	200	100	1 per 400 sq ft of floor area
Seasonal dwelling, camp	10 acres									1 per camp
Fishing, hunting lodge										1 per 400 sq ft of floor area
Public park, recreation area										1 per 10,000 sq ft
Alternative/solar energy systems	2 acres									N/A
Rooftop and building-mounted solar collectors	Same as primary use									N/A
USE REQUIRING SPECIAL USE PERMIT ®										
Commercial recreation	10 acres	200	10	2 ½	35	100	100	200	100	1 per 300 sq ft of floor area
Forestry practices						See also Article V, Section 21				
Wind measurement tower	2 acres; Also see Article VIII, Section 47					N/A	1.5 x tower height in all directions; Also see Article VII, Section 47			

Notes:

- ® Site plan review required
- a As measured from Right of Way (ROW)
- b As measured from shoreline
- * with public water and sewer
- ** With public water or sewer
- *** Without public water or sewer

Appendix B: Summary of Districts, Permitted Uses and Regulations

Land Conservation (L-C)	MINIMUM LOT SIZE		MAXIMUM LOT COVERAGE	BUILDING HEIGHT		YARD SETBACK				OFF-STREET PARKING SPACES
	Area (sq ft or acres)	Lot Width (feet)	(percent)	Stories	Feet	Front (a, b)	Side	Total	Rear	
<i>PERMITTED USE</i>										
Alternative/solar energy systems	2 acres	200	N/A		20					1
<i>USE REQUIRING SPECIAL USE PERMIT</i> ®										
Wind measurement tower	2 acres; Also see Article VIII, Section 47	200	N/A			1.5 x tower height in all directions; Also see Article VII, Section 47				N/A

Planned Development (P-D)	MINIMUM LOT SIZE		MAXIMUM LOT COVERAGE	BUILDING HEIGHT		YARD SETBACK				OFF-STREET PARKING SPACES
	Area (sq ft or acres)	Lot Width (feet)	(percent)	Stories	Feet	Front (a, b)	Side	Total	Rear	
<i>PERMITTED USE</i>										
Uses proposed by applicant	2 acres; Also see Article V, Section 12									

Notes:

- ® Site plan review required
- a As measured from Right of Way (ROW)
- b As measured from shoreline
- * with public water and sewer
- ** With public water or sewer
- *** Without public water or sewer

Appendix C: Required Plat/Plan and Supplemental Data

Plans and data to be submitted in accord with the procedures as outlined in Local Law III for a Subdivision and IV for a Planned Development District include:

1. Sketch Plan

A. Site Plan – to scale

1. Location map showing location of proposed subdivision or planned development in the Town, boundaries of the tract, contiguous properties and zoning districts and easements.
2. Existing features including existing land use, land and water areas, topographical features and other important elements of the site.
3. General layout showing possible lot and street arrangement.

B. Development data

1. Total acreage of tract.
2. Proposed timetable or stages for sale or development.
3. Type of project, i.e., sale of lots, buildings, etc.
4. Existing and proposed utilities and service facilities.
5. Proposed number of lots and typical lot size.

C. Legal Data

1. Names and addresses of owner, subdivider, developer and professional advisors.

2. Preliminary Plat or Plan

A. Site Plan – Minimum scale of 1"=100"; Preferred scale of 1"=40' to include:

1. Title, scale, north arrow and date.
2. Tract boundaries and owners of record of adjoining properties.

3. Topographic data based on USGS or equivalent, and other site characteristics including soils, drainage, and tree cover.
4. Existing land use on and immediately adjacent to the parcel.
5. Lot layout, including number to identify each lot and letter to identify each block, minimum setback or building line.
6. Street layout, including right-of-way and improved surface widths, street names and typical cross-sections of proposed roadways.
7. Location and description of utilities on and adjacent to the tract and proposed connection thereto, or alternative means of water supply, sewage disposal, electric, telephone and other service facilities.
8. Location, dimension and purpose of any easement.
9. Existing drainageways and provision for collecting and discharging surface drainage and runoff.
10. Location, dimension and description of land or facilities to be dedicated or reserved for public use.

B. Development Data

1. As required for Sketch Plan, as it may have been amended.
2. Feasibility data on sewer, water and storm water drainage, including documentation from on-site investigation.
3. Lineal feet of streets, acres in park or recreation areas.

C. Legal Data

1. Application
2. As required for Sketch Plan.
3. Required fee, if any.

3. Final Plat or Plan

A. Site Plan – Scale to be same as for Preliminary Plat or Plan

1. As required for Preliminary Plat or Plan.

2. Tract boundary lines, right-of-way lines, easements and individual lot lines with accurate dimensions, bearings, radii, arcs, and central angles of all curves and location and description of all monuments.
3. Reference to adjoining platted land or names of owners of record of unplatted lands.
4. Topographic data showing contours at a minimum of two (2) foot intervals for developed areas and at five (5) foot intervals for undeveloped areas, related to USGS or other permanent bench mark.
5. All trees to be removed or within fifty (50) feet of any area where the natural contour is to be altered which are of eight (8) inch caliper or more as measured three (3) feet above ground level.
6. Typical cross-sections of streets, including pavement, shoulders, ditches, and walks and cross sections of drainage easements, as necessary.
7. Profiles of street center lines showing vertical curve data, slopes of tangents and elevations of street intersections and other critical points.
8. Profiles of storm and sanitary sewers, if any, showing diameter of pipe, and distance between manholes.

B. Development Data

1. As required for Preliminary Plan.
2. Detailed drawings and specifications for water supply, storm water disposal, sanitary sewage disposal, and any other required facilities, services or installations.

C. Legal Data

1. As required for Preliminary Plat or Plan.
2. Certification of title showing that applicant is the land owner.
3. Certification by surveyor or engineer of survey and plat accuracy.
4. Protective covenants in form for recording, including covens governing the maintenance of unceded public space or reservations.
5. Offers of cession dedicating streets, easements, open space and other facilities.

6. Endorsement and approval by the State or County Health Department as applicable of sewer and water facility drawings and proposals.
7. Sufficient building dimensions and data to assure that applicable provisions of Local Law 1, Construction and Maintenance Regulations, will be complied with.
8. Copies of agreements showing the manner in which areas reserved by the subdivider or developer are to be maintained.
9. Certificate by a licensed professional engineer and/or landscape architect that required facilities have been designed to meet the minimum standards of this Land Use Code or as otherwise required by law.
10. Any other data as may be required by the Planning Board for the enforcement of this Code.
11. Required fee.

D. As-Built Drawings

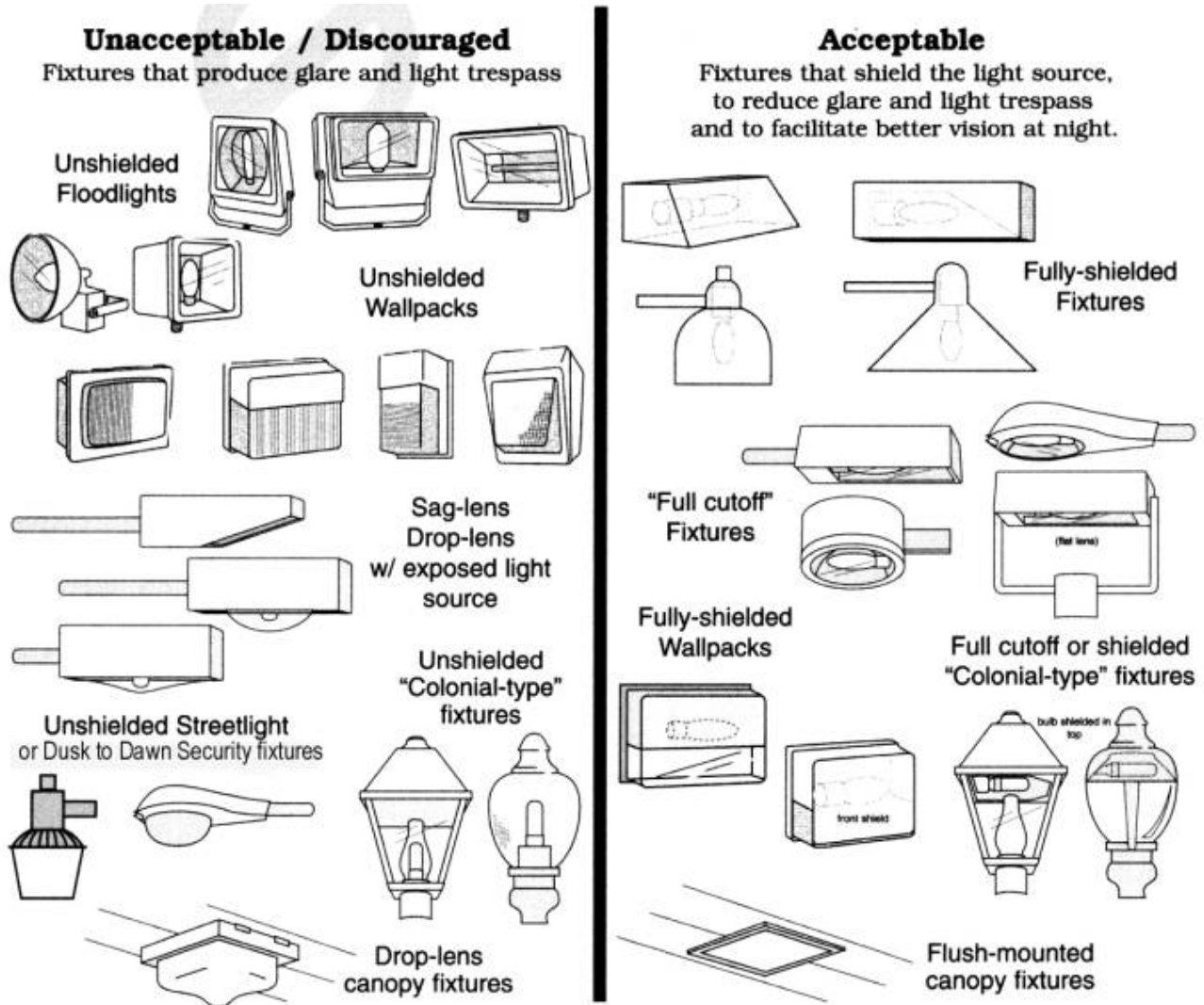
Construction drawings will be filed upon completion of any required improvements. No certified check or performance bond shall be released until the drawings and documents listed below have been filed with and approved by the Planning Board.

1. Facilities and improvements as located and constructed in accord with the Final Plat or Plan, certified to by a licensed land surveyor, professional engineer, and/or landscape architect, as is appropriate.
2. All offers of cession, deeds, abstracts and easements for any street, sewer, water or other facilities as approved and certified to by the Town Attorney.

Appendix D: Dark-Sky Compliance Materials

UNSHIELDED FIXTURES

Full Cutoff and Fully Shielded Fixtures



Diagrams courtesy of Bob Crelin

***** Ask your local electrical suppliers for "full-cut off" or "fully shielded" light fixtures. Once you have selected fixtures which are compatible with your architecture and community, contact the manufacturer's representative to see a sample of the fixture(s) and to ask for a free lighting plan. If you have a CAD file, the plan can be easily provided in a short period of time. *****

Most lighting manufacturers have Application Departments which will execute free lighting plans to meet local lighting codes.

See this website for links to manufacturers:

<http://www.darksky.org/mc/page.do?sitePageId=56422&orgId=idsa>

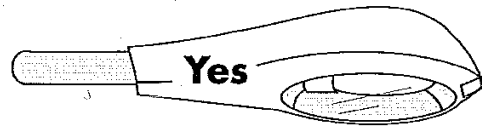
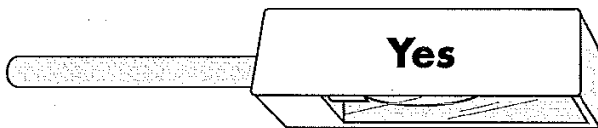
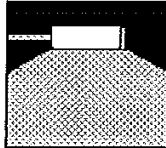
Sample of Web retailers:

www.starrynightlights.com and www.greenearthlighting.com

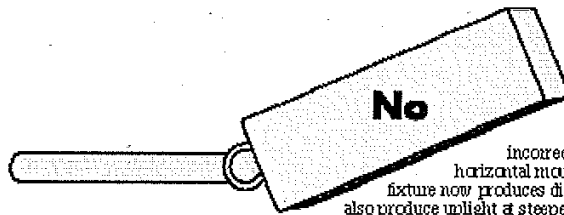
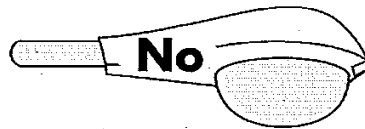
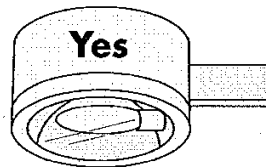
10/98

International Dark-Sky Association -- Information Sheet 143

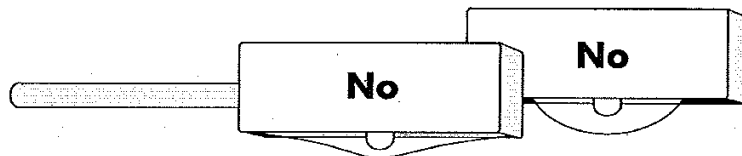
What is a True "Full Cutoff" Outdoor Lighting Fixture?



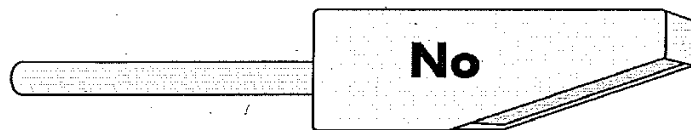
Flat glass lens, eliminates or minimizes direct glare, no upward throw of light. The housing for these fixtures is available in many styles.



Same fixture as above mounted incorrectly - defeating the horizontal mounting design. The fixture now produces direct glare, and can also produce uplight at steeper mounting angles.



Known as just "Cutoff". Center "drop" or "sag" lens with or without exposed bulb, produces direct glare.



Forward-Throw Style. Exposed bulb in the forward direction produces some direct glare.

Produced by Bob Crelin

© **IDA Inc.**, 3225 N. First Ave., Tucson, AZ 85719-2103 USA
Telephone: 1-520-293-3198 Fax: 520-293-3192 E-mail: ida@darksky.org Web: www.darksky.org

Appendix E: Forms for Junk Yard Permits / Notice to Comply

Appendix A: Sample Application for a Junkyard Permit

Application for Junkyard Permit

Name: _____
 Phone: _____
 Address: _____

Location of proposed junkyard - address: _____

OFFICE USE ONLY

Application No. _____
 Date of Application: _____
 Date of Public Hearing: _____
 Date of Final Action: _____
 Date Fee paid: _____

County Tax Map Section: _____ Block: _____ Lot: _____

Is the proposed location of the junkyard within a zoning district which permits junkyards? _____

Is a special use permit required? _____ If yes, has one been granted? _____

Attach the following items:

- _____ a description of the land to be included within the junkyard.
- _____ a description of the nature and development of surrounding property.
- _____ a list of property owners whose property is adjacent to property proposed to be used as a junkyard.
- _____ proof of legal ownership of the property or right to use the property for a junkyard.
- _____ a copy of a short environmental assessment form, part 1 completed.
- _____ payment of the application and permit fee.
- _____ A map drawn to scale which includes:
- _____ the area to be used as a junk storage area, indicating the type of material or junk to be stored in each junk storage area.
- _____ buildings located or proposed to be located within the junkyard area.
- _____ the location of proposed entrances and exits from the property.
- _____ identification of the roads servicing the site.
- _____ the location of proposed aisles, parking and loading areas within the site.
- _____ the location of gates, fencing and other barriers.
- _____ property lines and easements that are within _____ feet of the boundary lines of the area proposed to be used for the junkyard.
- _____ the location of any places of worship, schools, hospitals, public buildings or other places of public gathering within _____ feet of the boundary lines of the area to be used for the junkyard.
- _____ identification of any streams or bodies of water within _____ feet of the boundary lines of the area proposed to be used for the junkyard.
- _____ identification of a water supply available for fire protection purposes.
- _____ an indication of the existing drainage pattern and proposed drainage pattern after grading.
- _____ identification of any residential and/or recreational areas within _____ feet of the boundary lines of the area proposed to be used for the junkyard.

Please indicate what types of barriers you propose to use to screen the junkyard. _____

Have you ever been convicted of larceny or receiving stolen property? _____

If yes, please indicate when the conviction(s) occurred. _____

Applicant's Signature

Date

Appendix B: Sample Notice to Comply

Notice to Comply with Junk Storage Law

(name)

(address)

(city, state, zip code)

Dear _____,

According to records of the [Town, Village, City] of _____ Assessor, you are the owner of property located at _____ (violation address) _____. On (inspection date) _____, I observed an apparent violation of the Junk Storage Law/Junkyard Law on your property, specifically: _____ (description of violation) _____.

That activity is a violation of Article _____, Section _____ of the Junk Storage Law/Junkyard Law, a copy of which is attached for your information. I hereby request that you either eliminate the violation or file plans with this office for corrective measures by _____ (date) _____.

If you believe that you are not in violation of the Junk Storage Law/Junkyard Law, please contact this office to review the situation. If you intend to bring your property into compliance with the law, but you cannot meet the stated deadline, please contact this office and we will attempt to work with you on a short extension.

If you do not take the requested action or make other arrangements with this office by _____ (date) _____, we will begin formal enforcement action against you. You will **NOT** receive an additional warning before we begin formal enforcement action.

THIS IS THE ONLY LETTER YOU WILL RECEIVE. Your next communication from us will involve formal enforcement action.

If you wish to discuss any aspect of your case, you can call me at _____ (phone number) _____. Because I am often in the field, the best time to reach me is between _____ (time and days available) _____.

Sincerely,

(name and title)

(date)

Appendix F: Town of Madrid Zoning Map with Hamlet inset

Town of Madrid 2018 Zoning Districts

