

**TOWN OF CONSTANTIA
LAND DEVELOPMENT LAW**

**Local Law # 2-2013
As amended by:
Local Law #1 of 2014**

ARTICLE 1. INTRODUCTORY PROVISIONS

Section 110. Enactment

The Town Board of the Town of Constantia, Oswego County, New York, does hereby ordain and enact the Town of Constantia Site Plan Review Law pursuant to the authority and provisions of Section 10 of the Municipal Home Rule Law and Article 16 of the Town Law.

Section 120. Title

This local law shall be known as the "Town of Constantia Land Development Law."

Section 130. Intent and Purpose

It is the intent of this local law to promote the health, safety, and general welfare of the town. A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the town, and in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the town and the general welfare of its inhabitants. It is further the intent of this local law to ensure the optimum overall conservation, protection, preservation, development, and use of the natural and man-related resources of the town, through setting minimum standards for density of development, frontage of lots on public roads and yards, and by regulating land use activity within the town through review and approval of site plans. It is not the intent of this local law to prohibit per se any land use activity but to allow all land use activities which will meet the standards set forth in this local law.

Section 140. Prior Laws

This law shall replace and supersede the following laws:

Town of Constantia Sewage Disposal Law, Local Law No. 1 of 1978

Regulation of Manufactured Homes and Camp Trailers, Local Law No. 2 of 1978, as subsequently amended

Town of Constantia Site Plan Review Law, Local Law No. 1 of 1989

Town of Constantia Land Development Law, Local Law No. 2 of 2009

Telecommunications Towers, Local Law No. 1 of 1999

ARTICLE 2. DEFINITIONS

Except as otherwise defined herein, all words and terms used in this law shall have their ordinary and usual meaning. The following words and terms, as used in this law, shall be as follows:

Accelerated Erosion: The removal of the surface of the land through the combined action of man's activities and the natural processes at a rate greater than would occur because of the natural process alone.

Accessory Building: A detached building which is of secondary importance to the principal building and which is located on the same lot.

Accessory Facility (telecommunications): A telecommunications facility serving the principal facility, subordinate in extent and purpose to the principal use, and located on the same lot as the principal use (e.g. storage sheds, equipment buildings, etc.)

Agricultural Structures: Barns, storage buildings, equipment sheds, silos, and other structures on a farm customarily used for agricultural purposes.

Agricultural Use: Land used for the raising of crops, cows, horses, pigs, poultry and other livestock, horticulture or orchards, including the sale of products grown or raised directly on such land, and including the construction, alteration, or maintenance of fences, agricultural access, agricultural drainage systems and farm ponds.

Antenna: A system of electrical conductors that transmit or receive radio frequency waves, including but not limited to radio navigation, radio, television, and microwave communications, including cellular telephone, personnel communication and paging with a frequency generally between 10 hertz and 306,000 megahertz.

Area (of a Sign): The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, as included within the definition of a sign, together with the frame or, other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. On signs with more than one face, only that face or faces visible from any one direction at one time will be counted.

Building: Any structure having a roof supported by columns or walls and intended as a shelter, housing or enclosure for persons, animals or chattel.

Commercial Use: Any use involving the sale, rental, or distribution of goods and services, either retail or wholesale.

Cul de Sac: A passage with access only at one end.

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

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

Dumping: The act of abandoning, burying or disposing, in any manner, of garbage, sewage, trash, refuse, hazardous wastes, junk, discarded machinery, vehicles or parts thereof, or other waste or scrap in any location other than in a manner and/or at a facility which is approved by the town for such purpose.

Dwelling, One-family: A complete self-contained residential unit for permanent habitation by one family only, and containing one or more rooms and facilities for living including cooking, sleeping, and sanitary needs.

Dwelling, Two-family: Two complete but separate self-contained residential units each intended for permanent habitation by one family only in a single structure having a common wall roof, wall or ceiling and containing separate rooms and facilities for living including cooking, sleeping, and sanitary needs.

Earthmoving Activity: Any construction or other activity which disturbs the surface of the land including, but not limited to, excavations, embankments, lands development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth.

Enforcement Officer: An individual designated by the Town Board to represent them in particular

matters pertaining to this local law.

Erosion: The natural process by which the surface of the land is worn away by the action of water, wind or chemical action.

Erosion and Sedimentation Control Plan: A plan which is designed to minimize accelerated erosion and sedimentation.

Excavation: A cavity formed by digging, quarrying, uncovering, displacing, or relocating soil or rock.

Family: A person or persons related to each other by blood, marriage, or adoption (and/or not more than three individuals not so related), living together as a single housekeeping unit.

General Plan: A comprehensive or master plan for the development of the Town prepared by the Planning Board pursuant to Section 272-a of the Town Law.

Gross Floor Area (GFA): The gross size of the total floor area of the outside dimensions of a building. These dimensions shall include the length, width and height of the facility.

Gross Leasable Area (GLA): The gross size of the floor area of a commercial/retail facility which is leased.

Hazardous Materials: Chemical or biological materials, substances, or wastes that pose a potential hazard to human or environmental health.

Home Business: A nonresidential activity that is conducted for financial gain within a dwelling unit or in a building or structure accessory to a dwelling unit; and is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

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

Interim Dwelling: A temporary dwelling occupied during construction of a permanent dwelling.

Land Use Activity: Shall explicitly include, but shall not be limited to, the following: new structures, expansions to existing structures, new uses, changes in or expansions to existing uses, roads, driveways, and excavations for the purpose of extracting soil or mineral deposits. Shall not include reconstruction.

Large-product Retail and Services: Includes sales and service for new and used automobiles, trucks, manufactured homes, boats, and farm implements, auctioneers where auctions take place on-site, retail tree nurseries and garden shops, furniture and large appliance sales, and large restaurants.

Lot: A defined parcel of land considered as a unit occupied or capable of being occupied by a building and accessory buildings and/or uses.

Lot Area: The total area within the lot lines of a lot, excluding any road rights-of-way.

Lot Frontage: The length of a front lot line. Where there is more than one front lot line, both must meet the frontage requirement.

Lot Line: A boundary defining ownership of land as found in maps, deeds, and similar title documents.

Lot Line, Front: A lot line which abuts upon a road line or the right-of-way boundary of a private road.

Lot Line, Rear: A lot line generally parallel to or directly opposite a front lot line.

Lot Line, Side: A lot line extending between a front and rear lot line.

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

Manufactured Home, Double-Wide: Manufactured housing built on a chassis bearing a seal issued by the Federal Department of Housing and Urban Development. A double-wide manufactured home is manufactured in two or more sections off-site and transported individually to the placement site and assembled there.

Manufactured Home, Single-Wide: Manufactured housing built on a chassis bearing a seal issued by the Federal Department of Housing and Urban Development and which is sixteen (16) feet or less in width.

Manufactured Home Park: Any lot under single ownership on which three or more manufactured homes are located regardless of whether or not rent is charged for such lot accommodations.

Mobile Home: A factory-manufactured dwelling unit built prior to June 15, 1976, with or without a label certifying compliance with NFPA, ANSI or a specific state standard, transportable in one or more sections, which in the traveling mode, is 8 feet (2438 mm) or more in width or 40 feet (12192 mm) or more in length, or, when erected on site, is 320 square feet (29.7 m²) minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "mobile home" shall not include travel trailers or any self-propelled recreational vehicle.

Modular Housing: A building designed for long-term residential use having the following characteristics: (1) constructed or produced in a factory for transportation to a site for installation and use when connected to required utilities; (2) either an independent, individual building or a module for combination with other elements to form a building on the site.

Occupy: The term "occupy" shall mean to reside in or use for eating and/or sleeping on an overnight basis.

Offices and Business Services: Includes administrative and business offices, professional offices and services, securities and financial brokerage services, banks, and savings and loan offices (but not currency exchanges).

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

Portable Sign: Any sign which by its design is able to be and is commonly moved from place to place.

Principal Building: A building within which a principal use of the lot on which it is located is conducted. There may be more than one principal building on a lot.

Reconstruction: The action or process of reconstruction or being reconstructed; a structure that is being rebuilt to original size and use after being damaged or destroyed, the process to begin within one year from the damage or destruction.

Recreational Camping Vehicle: Any enclosed motor vehicle or trailer with current registration and inspection certificate used or designed to be used for recreational travel and temporary living and/or sleeping purposes including motor homes, truck campers, campers, travel trailers, tent trailers or overnight trailers, excluding manufactured homes.

Recreational Camping Vehicle Park: Any plot of ground upon which two or more trailers, pickup coaches, or similar recreational camping vehicles and/or tents intended for recreation, education, or vacation purposes are located and occupied.

Recreational Camping Vehicle Site: A parcel of land within a recreational camping vehicle park which has been equipped with the necessary utilities and improvements for the temporary placement thereon of a single recreational camping vehicle or tent.

Recreational Camping Vehicle Site, Overnight: A recreational camping vehicle site used only for a one-night stay at the park.

Recreational Camping Vehicle Site, Vacation: A recreational camping vehicle site normally used for stays in the park of two or more consecutive nights.

Residential Use: One-family dwelling, two-family dwelling, multiple-family dwelling, and manufactured home.

Retail and Services: May include but is not be limited to beauty/barber shops, key makers, shoe repair, gas stations and auto repair, restaurants, taverns, radio and TV sales and service; coin-operated laundries and dry cleaning; walk-in medical and ambulatory emergency services; medical and dental clinics and surgical centers; plumbing and heating sales and service; drug stores, florists, toy stores, book stores, furniture and antique stores, clothing and soft goods stores, sewing and small appliance stores, variety stores and discount stores and similar uses.

Road: The public right-of-way for vehicular and pedestrian traffic which affords the principal mean of access to abutting lots.

Road Line: The public right-of-way line of a road.

Road, Private: A non-public right-of-way for vehicular and pedestrian traffic which affords the principal means of access to abutting lots.

Sediment: Soils or other surficial materials transported by surface water as a product of erosion.

Sedimentation: The process by which sediment is deposited on stream bottoms.

Shopping Center: Facilities providing retail and services, large-product retail and services or offices and business services in excess of 25,000 square feet gross leasable area.

Shoreline: The high water mark of any lake, pond, river, or permanent stream.

Sign: Any structure or natural object or part thereof or device or inscription located upon, attached thereto or painted or represented on any land or on the outside of any building or structure or part thereof or affixed to the glass of a window so as to be seen from the outside of a building which shall be used to attract attention to any object, product, place, activity, person, institution, organization, or business, or which shall display or include any letter, words, numerals, emblems, symbols, models, banner, flags, pennants, insignia, trademarks, devices or representation used as, or which is in the nature of an announcement, direction, advertisement, attention-arrester, warning or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, industry, or public performance. Sign shall include any letter, word, model, banner, pennant, insignia, trade flag, or other device or representation used as, or which is in the nature of, an advertisement, announcement or direction, but excluding any public traffic or directional signs.

Stabilization: The proper placing, grading and/or covering of soil, rock or earth to insure their resistance to erosion, sliding, or other movement.

Structure: Any object constructed, installed, or placed on land to facilitate land use and development or subdivision of land, such as buildings, sheds, signs, tanks, and any fixtures, additions, and alterations thereto.

Structure, Accessory: Any structure designed to accommodate an accessory use but detached from the principal structure, such as a free standing garage for vehicles accessory to the principal use, a storage shed, garden house, or similar facility.

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

Temporary Sign: A sign intended to be in use for a limited period of time.

Waste Materials: Any discarded or unused items including but not limited to garbage, construction or demolition debris, household appliances, food scraps, and animal matter (not including animal matter ancillary to agricultural uses).

Wireless Service Providers: A company that offers transmission services to users of wireless devices through radio frequency signals rather than through end to end wire communication.

Yard: Space on a lot not occupied by a building or structure. Porches and decks shall be considered as part of the building to which they are attached and shall not project into the required yard.

Yard, Front: A yard between the roadway centerline and front line of a principal or accessory building extended to side lot lines, running parallel to the roadway centerline.

Yard, Rear: A yard between the rear lot line and rear line of principal building or accessory building extended to the side lot lines. The depth of the rear yard shall be measured as the shortest distance between the rear yard line and the building line.

Yard, Side: A yard between principal building or accessory building and a side lot line and extending through from front yard to rear yard.

ARTICLE 3. APPLICATION

- 1. Except as provided in subsection 2 below, no building or structure, including manufactured homes, shall hereinafter be constructed or placed in the Town of Constantia unless it conforms to the requirements of this law.
- 2. Accessory buildings less than or equal to 144 square feet in floor area may be placed in the minimum yard area of a rear yard.

ARTICLE 4. GENERAL STANDARDS FOR DEVELOPMENT

Section 410. Density

- ~~1.~~—The minimum lot area for all development in the Town of Constantia shall be 40,000 square feet.
- ~~2.~~—Wherever more than one principal building is placed on a lot, the minimum lot area shall be the applicable lot area provided in paragraph 1 of this section multiplied by the number of principal buildings to be placed on the parcel. The provisions of this section do not apply to a manufactured home park or recreational camping vehicle park approved in accordance with this law.

Section 420. Lot Frontage

All lots in the Town of Constantia shall have a minimum frontage on a road of 125 feet.

Section 430. Yards and Setbacks

- 1. All lots in the Town of Constantia shall maintain the following minimum yards:
 - Front yard.....80 feet from road centerline (town and private roads)
 - 80 feet from road centerline (county roads)
 - 80 feet from road centerline (state roads)
 - Side yard.....15 feet
 - Rear yard.....20 feet
- 2. Except as otherwise provided herein, no building or structure shall be permitted in any required yard.
- 3. Lots abutting two or more public or private roads shall maintain the minimum front yard along all roads.

Section 440. Manufactured Homes

- 1. The following requirement shall apply to any manufactured home, whether it is located on an individual lot or on a site within a manufactured home park.
- 2. **Manufactured Home Skirting**
 - a. Each manufactured home shall be provided with a skirt to screen space between the manufactured home and the ground.
 - b. Such skirts shall be of permanent material and provide a finished exterior appearance.
 - c. The material used shall be fire-resistant.

3. **Manufactured Home Stands**
 - a. Refer to New York State Residential Code appendix E.

4. A manufactured home being set up in the Town of Constantia (either inside or outside a manufactured home park) shall bear a HUD label, which certifies that the home is in compliance with all applicable federal construction and safety standards.
 - a. The home shall not have been modified structurally without certification.
 - b. Every manufactured home shall bear a date plate (affixed in the manufacturing facility) bearing not less than the following standards:
 - (1) The statement: “This manufactured home (manufactured home) is designed to comply with the federal manufactured home (manufactured home) construction and safety standards in force at the time of manufacture.”
 - (2) Reference to the structural zone and wind zone for which the home is designed.
 - c. A manufactured home being set up in the Town of Constantia, either in or outside a manufactured home park, shall be 12’ or wider, and 900 square feet or greater in floor area.

5. **Manufactured Home Fuel Supply and Storage**
 - a. **General Requirements.** All fuel oil supply systems provided for manufactured homes, service buildings, and other structures, shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction when provided.
 - b. **Specific Requirements:**
 - (1) All fuel oil tanks shall be placed at rear of manufactured home and not located less than five feet from any exit.
 - (2) It is recommended that a central fuel supply system be provided.
 - (3) Supports or standards for fuel storage tanks are to be of a non-combustible material.
 - c. **Gas Supply - Natural**
 - (1) Natural gas piping systems installed in manufactured home parks shall be maintained in conformity with accepted engineering practices.
 - (2) Each manufactured home lot provided with piped natural gas shall have an approved shutoff valve and cap to prevent accidental discharge of gas.
 - d. **Liquefied Gas**
 - (1) Such system shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
 - (2) Systems shall have at least one accessible means for shutting off gas. This means shall be located outside of individual manufactured homes.
 - (3) All liquid propane gas piping shall be well supported and protected against mechanical injury.
 - (4) Storage tanks shall not be less than 100 pounds and must be located at rear of manufactured home and no closer than five feet from any exit.
 - (5) It is recommended that a central underground gas -storage system be furnished.

Section 450. Height of Buildings

The height of all buildings shall be 40 feet, maximum. Building height shall be determined by measuring from the mean ground elevation of the building to the peak of the roofline.

Section 460. Access to Structures

Pursuant to the provisions of Section 280-a of the Town Law, the entire Town of Constantia is hereby designated an open development area, wherein development permits may be issued for the erection of structures to which access is given by right-of-way or easement, upon such conditions and subject to such limitations as may be prescribed by general or special rule of the planning board.

Section 470. Home Businesses

Home businesses that meet the following criteria shall require a permit:

1. One or more nonresidents are employed;
2. Total floor area devoted to the business exceeds 400 square feet;
3. The business is open to off-street customer or client traffic;
4. Two or more customers or clients are present on the site at one time.

Home businesses requiring permits shall be subject to the following standards:

1. Total floor area devoted to the business shall not exceed 15% of the total floor area of the principal residential use located on the lot.
2. Operation shall be limited to the interior of a building.
3. The exterior of a building containing a home business shall not be altered to accommodate the business.
4. Manufacturing and assembly operations shall be limited to five-horsepower tools.
5. Excessive noise, glare, vibrations, and/or electronic and microwave interference with radios, TVs and other household appliances shall not be produced.
6. Hours of operation shall be limited to 6 a.m. - 9 p.m. Monday through Saturday, and 7 a.m. - 8 p.m. on Sundays.
7. All parking shall be provided on-site in accordance with Section 815, and there shall be no on-street parking.
8. The business shall employ a maximum of three people.

ARTICLE 5. SPECIAL DEVELOPMENT STANDARDS

Section 505. Principal Residential Structures Per Lot

There shall be no more than one one-family or two-family dwelling on a single lot except in the following circumstance:

1. A permit may be issued allowing a maximum of two one-family or two-family dwellings on a single lot where it can be demonstrated that any future subdivision of the lot, which would result in the dwellings being located on separate lots, can be accomplished in such a way that: 1) the resulting dwellings and accessory structures will have front, side and rear yard depths in accordance with this law; 2) the resulting lots will have areas and dimensions in accordance with this law; and 3) all sewage and wastewater systems will be in accordance with the NYS Sanitary Code. All principal structures shall be separated by a distance of at least twice the side yard depth requirement, or such greater distance as deemed appropriate by the planning board so as to allow for lawful future subdivision.
2. A permit may be issued for one interim dwelling located on the site of the construction of a one- or two-family dwelling for which a valid building permit is in effect; for one interim manufactured home unit for commercial or industrial use on the site of the construction of a commercial or

industrial use for which a valid building permit is in effect; or for temporary uses and structures incidental to a construction project for which a valid building permit is in effect. All interim structures shall be removed within 60 days of the issuance of a certificate of compliance.

ARTICLE 6. NONCONFORMITIES

Section 610. Continuation of Nonconforming Structures

Any lawful structure existing at the time of the enactment of this law or prior to any subsequent amendment thereof applying to such structure may be continued although such structure does not conform to the provisions thereof.

Section 620. Construction Started Prior to this Law

Any structure for which construction was begun prior to the effective date of this law or prior to any subsequent amendment thereof pursuant to a properly authorized building permit may be completed and used in accordance with the plans and specifications for such structure provided that construction is completed within one year of issuance of the permit.

Section 630. Existing Undersized Lots

No variance shall be required for any lot of public record, lawfully created prior to the adoption of this law and whose lot area and/or lot frontage are less than the specified minimum lot requirements provided that:

1. Such lot does not adjoin any lot or lots held by the same owner whose aggregate area is equal to or greater than the minimum lot area requirements;
2. The minimum yard dimensions as provided in the law are maintained;
3. Any claimed hardship was not self-created;
4. The lot is improved with no more than one single family dwelling.

Section 640. Two Lot Division of Existing Conforming and Non-conforming Undersized Lots

1. As stated in Section 135 of the Town of Constantia Subdivision Law, the Planning Board may waive the subdivision review procedure of a subdivision creating no more than two lots under the following conditions:
 - a. An application and fee are submitted to the enforcement officer;
 - b. The applicant provides evidence acceptable to the enforcement officer that both lots will conform to the requirements of this law. Such evidence shall consist of proposed deeds, plot plans, or surveys of land included in the application. If one of the created lots is nonconforming, it can only be sold to the owner of adjacent property and must be merged with that property. Proof of merger application shall be provided;
 - c. A nonconforming lot may be subdivided if both created lots are purchased by the owners of adjacent properties. These lots must be merged with those properties. Proof of merger application shall be provided;
 - d. The proposed subdivision has no negative environmental significance pursuant to 6 NYCRR Part 617;
 - e. Lots created may not be resubdivided without subdivision approval.

Section 650. Exemptions of Lots Shown on Approved Subdivision Plats

In accordance with Town Law Section 265-a, any lot proposed for residential use in a subdivision whose plan delineates one or more new roads and which said subdivision plat has been properly approved by the Planning Board and filed with the office of the County Clerk prior to the passage of this law and whose area and/or frontage are less than the specified lot requirements of this law shall be considered as complying with such minimum lot requirements for two years after the filing of the subdivision plat.

ARTICLE 7. SITE PLAN REVIEW

Section 705. Planning Board Review of Site Plans

The Planning Board is hereby authorized to review and approve or disapprove site plans for land uses within the town as hereinafter designated pursuant to and in accordance with the standards and procedures set forth in this local law.

Section 710. Site Plan Required

No new land use activity or change in use of land, buildings or structures through the establishment of a new use, or through the expansion or enlargement of an existing use for which this law requires review and approval of site plans, shall be undertaken at any location within the town before a site plan together with any supporting data is submitted for review and approval in accordance with the standards and procedures set forth in this law. No permit shall be issued by the enforcement officer, except upon authorization by and in conformity with an approved site plan.

Section 715. Land Uses Exempted from Site Plan Review

All new land use activities and changes in use of land, buildings or structures through the establishment of a new use, or through the expansion or enlargement of an existing use within the town shall require site plan review and approval before being undertaken, except the following:

1. construction of one- or two-family dwelling, single-wide manufactured home, double-wide manufactured home, modular home, and ordinary accessory structures (less than 1,500 square feet in floor area), and related land use activities;
2. agricultural structures;
3. landscaping or grading which is not intended to be used in connection with a land use reviewable under the provisions of this law;
4. ordinary repair or maintenance of existing structures or uses;
5. any interior alteration of an existing structure where the existing use is retained;
6. Exterior alterations or additions to existing structures which have been through previous site plan review, and retain the same use, and which would not increase the square footage of existing structure by more than 25 %. If the existing structure has not been through previous site plan review, the alteration or addition shall be subject to site plan review. This exemption can only be used once per structure.

Section 720. Existing Uses and Structures

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

Section 725. Objectives of Site Plan Review

In order to provide for the orderly growth of the community, consistent with the objectives set forth in the General Plan, all land use activities requiring site plan approval shall be accompanied by a proposed site plan. In considering and acting on site plans, the Planning Board shall consider the public health, safety, welfare, and comfort and convenience of the public in general, the residents of the proposed development, and the residents of the immediate surrounding area. The Planning Board may prescribe such appropriate conditions and safeguards as may be required in order that the results of its action shall, to the maximum extent possible, further the accomplishment of the following objectives in particular:

1. Vehicular Access: That proposed access points are not excessive in number, but adequate in width, grade, alignment, and visibility; not located too close to intersections or places of public assembly; and other similar safety consideration.
2. Circulation and Parking: That adequate off-road parking and loading spaces are provided to prevent parking of vehicles on public highways by any persons connected with or visiting the development, that the interior circulation system is adequate to provide safe accessibility to all required parking lots, and that it provides adequate separation of pedestrian and vehicular movements.
3. Landscaping and Screening: That all parking, storage, loading, and service areas are reasonably screened at all seasons of the year from the view of adjacent residential areas and that the general landscaping of the site is in character with the surrounding areas.
4. Natural Features: That the proposed use, together with its sanitary and water service facilities, are compatible with geologic, hydrologic, and soil conditions of the site and adjacent areas and that existing natural scenic features are preserved to the extent possible.

Section 730. Procedures - Generally

Prior to undertaking any new land use activity except for uses specifically exempted in Section 715 above, a site plan approval by the planning board is required. Applicants for site plan approval shall follow the procedures related to the sketch plan conference as hereinafter set forth, and must comply with all other procedures and requirements of this local law.

Section 735. Sketch Plan Conference

A sketch plan conference shall be held between the planning board and the applicant prior to the preparation and submission of a site plan. The intent of such a conference is to enable the applicant to inform the planning board of his proposal prior to the development of a detailed site plan; and for the planning board to determine the proposals conformity to the general plan, review the basic site design concept, advise the applicant as to potential problems and concerns, and to generally determine the information to be required on the site plan. In order to accomplish these objectives, the applicant shall provide the following:

1. A statement and sketch map showing:

- a. location and dimensions of principal and accessory structures.
 - b. access signs (with descriptions).
 - c. existing and proposed vegetation and other planned features.
 - d. anticipated changes in the existing topography and natural features.
 - e. existing wetlands.
 - f. existing flood hazard areas and any measures and features to comply with flood hazard and flood insurance regulations and local laws.
 - g. Public and private water supplies.
2. An area map showing:
 - a. parcel under consideration.
 - b. all properties, subdivisions, roads, rights-of-way, easements, and other pertinent features within 200 feet of the boundaries of the parcel.
 3. A topographic or contour map of adequate scale and detail to show site topography.

Section 740. Site plan Application

Eight copies of the application for site plan approval shall be filed with the enforcement officer together with the appropriate fee as determined by the fee schedule adopted by town board resolution. The application shall be filed with the enforcement officer at least 10 business days prior to the planning board meeting in which it will be considered. The application and plan shall be accompanied by information drawn from the following checklist as determined necessary by the planning board at the sketch plan conference.

1. Name and address of applicant and owner, if different, and of the person responsible for preparation of such drawings;
2. Date, north arrow, written and graphic scale;
3. Boundaries of the area plotted to scale, including distances, bearings, and areas;
4. Location and ownership of all adjacent lands as shown on the latest tax records;
5. Location, name, and existing width of adjacent roads;
6. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use or adjoining the property;
7. Complete outline of existing or proposed deed restrictions or covenants applying to the property;
8. Grading and drainage plan, including existing hydrologic features, including watercourse, existing and proposed contours at five foot intervals, rock outcrops, depth to bedrock, and soil characteristics;
9. Location, design, type of construction, proposed uses, and exterior dimensions of all buildings;
10. Location, design, construction materials of all parking and truck loading areas with access and egress drives thereto;
11. Provision for pedestrian access, including public and private sidewalks;
12. Location of outdoor storage, if any;
13. Location, design, and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences;
14. Description of the method of sewage disposal and the location, design, and construction materials of such facilities;
15. Description of the method of securing public water and location, design, and construction materials of such facilities;
16. Location of fire lanes and other emergency zones including the location of fire hydrants;
17. Location, design, and construction materials of all energy distribution facilities, including electrical, gas, and solar energy;
18. Location, size, design, and construction materials of all proposed signs;

19. Location and proposed development of all buffer areas including indication of existing and proposed vegetative cover;
20. Location and design of outdoor lighting facilities;
21. Designation of the amount of Gross Floor Area (GFA) and Gross Leasable Area (GLA) proposed for retail and services, office, and other similar commercial or industrial activities;
22. Number and distribution by type of all proposed dwelling units;
23. An estimated project construction schedule;
24. General landscaping plan and planting schedule;
25. An agricultural data statement pursuant to Town Law Section 283-a, when applicable;
26. A statement of the nature and extent of the interest of any state employee, or officer or employee of the town in the applicant pursuant to General Municipal Law Section 809, when applicable;
27. An environmental assessment form (EAF) and, when applicable, a draft environmental impact statement (EIS) pursuant to 6 NYCRR Part 617;
28. Other elements integral to the proposed development as considered necessary by the planning board including identification of any federal, state, or county permits required for the project's execution.

Section 745. Materials to be Submitted by Applicant

1. **Vicinity Map:** This map at a scale of 2,000 feet to the inch or larger shall show the relationship of the proposal to existing community facilities that may affect or serve it such as roads, shopping areas, schools, employment centers, etc. It shall show all properties, subdivisions, roads, and easements within 300 feet of the proposal. Such a sketch may be superimposed on a USGS map of the area.
2. **Topographic Map:** This shall be drawn at a scale of 40 feet to the inch or larger and shall show existing topography at a contour interval of not more than two feet. This map shall also show the location of pertinent natural features that may influence the design of the proposed use such as water courses, swamps, wetlands, rock outcrops, wooded areas, areas subject to flooding, etc.
3. **Site Development Plan:** This map of the property on which the proposal is to be situated shall be drawn at a scale of 40 feet to the inch or larger and shall show the location of all automobile parking and all parking for commercial vehicles while loading and unloading, the location and width of all driveways, exits, and entrances, the location of all existing or proposed site improvements including drains, culverts, retaining walls, and fences; provide a description and show the location of sewage disposal facilities, water facilities, show location and size of all signs, the location of proposed buffer areas, and the design of lighting facilities, and such other facilities as indicated in the preliminary site plan checklist.
4. **Elevations and/or Sections:** The site plan shall be accompanied by preliminary elevations and/or sections at the same or larger scale as required for the site plan, drawn in sufficient detail to delineate clearly the bulk and height of all buildings and other permanent structures included in the proposal.
5. **Engineering Plans:** Preliminary engineering plans including road improvements, drainage system, and public or private sewer and/or water systems, and other such supporting data as may be necessary.

Section 747. Waiver of Submission Requirements

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

Section 750. Site Plan Elements Reviewed

The planning board's review of the site plan shall include, as appropriate, but shall not be limited to, any of the following items. The planning board may consult with local and county officials, its designated consultants, and representatives of federal, state, and county agencies including but not limited to the Soil Conservation Service, the New York State Department of Environmental Conservation, Department of Health, and the Department of Transportation in the review of these items:

(General Considerations)

1. Status of any federal, state, or county permits required.
2. Existing or proposed deed restrictions.
3. Environmental, social, physical, and environmental impact on community and adjacent areas.
4. Age and mobility of design population.
5. Compatibility with General Plan.

(Landscaping and Screening)

6. Location and proposed development of buffer area including vegetative cover.
7. Outdoor lighting and time of use proposed.
8. General landscaping plan and planting schedule, including adequacy, type, and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
9. Location, size, design, and construction materials on signage.
10. Any areas subject to flooding, pondage, storm water overflow or erosion, or in a wetlands area, with special attention to the adequacy and impact of structures, roadways, and landscaping in or adjacent to those areas.
11. Location of existing water course, wetlands rock outcrop, forest, gorge, designated Natural Heritage sites, -or other unique natural features.
12. Proposed fencing construction and material.
13. Clearing, alteration, or removal of any existing natural feature.

(Access and Circulation)

14. Entrances and exits to public roads.
15. Deceleration strip.
16. Traffic control measures.
17. Speed limits and adjacent roads.
18. Traffic volume on and adjacent to site.
19. Special access for emergency vehicles.
20. Internal circulation including road width, pavement surfaces, separation of pedestrian and vehicular traffic; and adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, and overall pedestrian convenience.
21. Intersections.
22. Existing or proposed easements.
23. Existing or proposed setbacks.

(Parking, Loading, and Storage)

24. Location, design, and construction materials.
25. Adequacy to meet standards for occupants, visitors, employees.
26. Separate access for truck loading facilities.
27. Outdoor storage.
28. Snow removal.
29. Storm water collection and treatment.
30. Solid waste collection and removal.

(Architectural Features)

31. Location, size, design, proposed use and height, and general site compatibility of building, lighting, and signs including overall compatibility with adjacent properties and areas.
32. Space devoted to retail sales, storage, service, wholesale, or other commercial facilities.
33. Number and type of housing units per building and proposed site density.
34. Floor plans, elevation, and sections of typical structures.
35. Lot coverage - density.

(Site Characteristics and Utilities)

36. Suitability of soil for proposed use.
37. Existing topography.
38. Proposed grading and drainage plan including calculated storm water runoff.
39. Measures to control erosion.
40. Description of sewage disposal system including location, design, construction materials, and estimated cost of facilities.
41. Description of method to secure public (or source of) water including location, design, and construction material for proposed facilities.
42. Location of fire and/or emergency zones including special access, if any.
43. Location, design, and construction materials of all energy distribution facilities including but not restricted to electric, gas, and solar.

Section 753. Referral to County Department of Planning and Community Development

At least 10 days before the hearing, the planning board shall refer all matters that fall within those areas specified under General Municipal Law Section 239-1 and -m to the County Department of Planning and Community Development. This shall include any use that falls within 500 feet of the following: the boundary of the town or any village within the town; a state or county park or recreation area; a state or county highway or expressway; a state or county owned drainage channel; state or county land where a public building or institution is located; or a farm operation in an agricultural district. If the county planning board does not respond within 30 days from the time it received a full statement on the referral matter, then the planning board may act without such report.

Section 755. Public Hearing

The planning board may conduct a public hearing on the site plan if considered desirable by a majority of its members. Such hearing shall be held within 62 days of the acceptance of a completed application for site plan approval by the planning board, and shall be advertised in the town's official newspaper, or if there is none, in a newspaper of general circulation in the town at least five days before the public

hearing.

Section 760. Planning Board Decision

Within 62 days of the acceptance of a completed application for site plan approval by the planning board, or if a public hearing is held, within 62 days of the public hearing, the planning board shall render a decision. In its decision the planning board may approve, approve with modifications, or disapprove the site plan. The time period in which the planning board must render its decision can be extended by mutual consent of the applicant and the planning board. The decision of the planning board shall be filed in the office of the town clerk within five business days of the decision.

1. Approval. Upon approval of the site plan, and payment by the applicant of all fees and reimbursable costs due the town, the planning board shall endorse its approval on a copy of the site plan and shall file it and a written statement of approval with the enforcement officer. A copy of the written statement of approval shall be mailed to the applicant.
2. Approval with Modifications. The planning board may conditionally approve the final site plan. A copy of the written statement containing the modifications required by the conditional approval will be mailed to the applicant. After adequate demonstration to the planning board that all conditions have been met, and payment by the applicant of all fees and reimbursable costs due the Town, the planning board shall endorse its approval on a copy of the site plan and shall file it and a written statement of approval with the enforcement officer. A copy of the written statement of approval shall be mailed to the applicant.
3. Disapproval. Upon disapproval of the site plan, the decision of the planning board shall be filed with the enforcement officer and a copy thereof mailed to the applicant, along with the planning board's reasons for disapproval.

Section 765. Report to County Department of Planning and Community Development

Within 30 days of final action on any matter referred to the County Department of Planning and Community Development pursuant to Section 753 above, the planning board shall file a report of the final action it has taken with the County Department of Planning and Community Development.

ARTICLE 8. SITE PLAN REVIEW STANDARDS

Section 801. Site Plan Review Standards

The standards of this article shall apply to all uses and structures approved by the planning board pursuant to the site plan review and approval provisions of Article 7 of this law.

Section 805. Access

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

Section 810. Lighting Systems

1. Performance: Adequate lighting shall be provided on a site to ensure safe movement of persons and vehicles and for security purposes. Lighting standards shall be of a type approved by the

planning board. All lighting shall be designed and arranged so as to minimize glare and reflection on adjacent properties and public roads.

2. Design: The following design standards shall be followed on all site development plans:
 - a. The style of the light and light standard should be consistent with the architectural style of the principal building.
 - b. The maximum height of free standing lights should be the same as the principal building but not exceeding 25 feet.
 - c. All lights should be directed downward (down shielded).
 - d. Where lights along the property lines and public roads will be visible to adjacent residents, the lights should be appropriately shielded.
 - e. Spotlight-type fixtures attached to buildings should be avoided.
 - f. Free-standing lights should be so located and protected to avoid being easily damaged by vehicles.
 - g. Lighting should be located along roads, parking areas, at intersections, and where various types of circulation systems merge, intersect, or split.
 - h. Pathways, sidewalks, and trails should be lighted with low or mushroom type standards.
 - i. Stairways, sloping or rising paths, building entrances, and exits should be illuminated.
 - j. Lighting should be provided where buildings are set back or off-set.
 - k. The following intensity in foot candles should be provided:
 - (1) Parking lots - an average of one foot candle;
 - (2) Intersections - two foot candles;
 - (3) Maximum at property lines 0.6 foot candles;
 - (4) In residential areas - an average of 0.6 foot candles.

Section 815. Parking

1. All uses shall be provided with off-road parking for all vehicles during typical peak use periods. Off-road parking may be located off-site but must be within 300 feet of the site.
2. A parking space shall not be less than nine feet by 20 feet exclusive of access ways and driveways.
3. Existing uses need not provide additional off-road parking unless one or more of the following conditions occur:
 - a. The use changes.
 - b. The use expands its gross floor area by 20 percent or more if the dollar value of the rehabilitation of the facility for purposes of expansion exceeds 50 percent of the prior value of the facility.
 - c. The use is destroyed and seeks to be re-established.
4. To the greatest extent possible all parking areas shall be located behind the facility served and out of roadside view. Where parking areas must be located in front of a facility adjacent to a public highway, appropriate landscaping or visual barriers shall be provided.
5. To the greatest extent possible the size of all parking areas other than those for dwelling units and dwelling units with a home occupation shall be based on gross leasable area. Where gross leasable area figures are unavailable, the same standards will be used with the phrase "gross floor area" substituted for "gross leasable area."

6. Minimum standards are:
 - a. Two spaces per dwelling unit.
 - b. For each dwelling unit with a home business:
 - (1) adequate space to accommodate all vehicles during typical peak use periods, or
 - (2) one space for each 200 square feet of gross floor area.
 - c. Offices and business services: one space for each 200 square feet of gross leasable area.
 - d. Retail and services: one space for each 200 square feet of gross leasable area.
 - e. Large-product retail and services: one space for each 400 square feet of gross leasable area.
 - f. Shopping centers:
 - (1) A shopping center site containing between 25,000 and 400,000 square feet of gross leasable area inclusive must provide one space for each 250 square feet of gross leasable area.
 - (2) A shopping center site containing between 400,000 and 600,000 square feet of gross leasable area must provide one space for each 225 square feet of gross leasable area.
 - (3) A shopping center site containing 600,000 square feet or more of gross leasable area must provide one space for each 200 square feet of gross leasable area.
 - (4) Office space occupying greater than ten percent of gross leasable area must meet office standards.
 - g. Facilities with drive-up service windows: Three 20 feet car length waiting spaces for each drive up lane. Where multiple drive up windows exist, there shall be one additional waiting space which shall be a common lane.
 - h. Public facilities (churches, municipal buildings): one space for each four seats.
 - i. Funeral homes: one space for each 50 square feet of gross leasable area.
 - j. Industrial facilities: one space for each 200 square feet of gross leasable area unless documentation can be presented to show an unusually low ratio of employees to floor space.
 - k. Marinas and Boat storage facilities: one space for every four boats stored.
7. All fractional portions of parking spaces as calculated by Gross Leasable Area shall be deleted if the fraction is less than .50; otherwise one additional parking space is required.

Section 820. Off-Road Loading

1. All uses other than dwelling units or dwelling units with home occupations must comply with the following off-road loading standards:
 - a. For the first 5,000 square feet of gross leasable area, one berth shall be provided.
 - b. For each additional 10,000 square feet of gross leasable area, one additional berth shall be provided.
2. With the exception of funeral homes, each loading berth shall be a minimum of 12 feet wide, 50 feet long and 14 feet in height.
3. Loading area berths for funeral homes shall be a minimum of ten feet wide, 25 feet long and eight feet in height.
4. Where the use, traffic generation or function of a site is such that the use can show that the number of berths required is not justified, the Planning Board may waive these requirements.

Section 825. Signs

1. Refer to standards and requirements of Article 9 of this law.

Section 830. Soil Erosion and Sedimentation Control

1. General: All earthmoving activities within the Town shall be in compliance with all NYS regulations and shall be conducted in such a way as to prevent accelerating erosion and the resulting sedimentation. To accomplish this, a person engaged in earthmoving activities shall develop, implement, and maintain erosion and sedimentation control measures which effectively minimize accelerated erosion and sedimentation. These erosion and sedimentation measures must be set forth in a plan as described below and must be available at all times at the site of the activity.
2. Erosion and Sedimentation Control Plan
 - a. The erosion and sedimentation control plan shall be prepared by a person trained and experienced in erosion and sedimentation control methods and techniques.
 - b. The erosion and sedimentation control plan shall be designed to prevent accelerated erosion and sedimentation and shall consider all factors which contribute to erosion and sedimentation including, but not limited to, the following:
 - (1) The topographic features of the project area;
 - (2) Types, depth, slope, and area extent of the soils.
 - (3) The proposed alteration to the area;
 - (4) The amount of runoff from the project area and the upstream watershed area;
 - (5) The staging of earthmoving activities;
 - (6) Temporary control measures and facilities for use during earthmoving;
 - (7) Permanent control measures and facilities for long-term protection; and
 - (8) A maintenance program for the control facilities including disposal of materials removed from the control facilities or project area.
3. Restoration
 - a. Upon completion of the project, all areas which were disturbed by the project shall be stabilized so that accelerated erosion shall be prevented.
 - b. Any erosion and sedimentation control facility required or necessary to protect project areas from erosion during the stabilization period shall be maintained until stabilization is completed.
 - c. Upon completion of stabilization, all unnecessary or unusable control facilities shall be removed, the areas shall be graded and the soils shall be stabilized.

Section 845. Landscaping

1. General Requirements:
 - a. Where the proposed land use is potentially incompatible with the adjacent uses, an effective vegetative screen shall be developed and maintained to visually separate the proposed use from view from adjacent inhabited areas.
 - b. Consideration should be given to maintaining areas of native plants in unprogrammed spaces and native plant species should be considered for new planting.
2. Traffic Movement: In areas where landscape materials are used to define paths of traffic movement, the following guideline shall be used:

- a. Plants shall be selected to achieve not more than three feet mature height. Planting height shall be 18 to 24 inches.
3. Parking Areas: In areas where landscape materials are used to complement parking areas, branching of trees shall begin at a height no less than ten feet and no greater than 12 feet.
4. Screen: Where landscape materials are used for screening purposes, the following guidelines shall be used:
 - a. When sufficient space is available, a dense screen of evergreen plant materials shall be used.
 - b. Plant materials shall be not less than six feet and not more than 12 feet in height when planted and shall be spaced to form an opaque screen either in a single row or in multiple rows with alternate spacing.
 - c. Where limited space is available, stockade or other approved fence may be used in conjunction with climbing or trellis plants.
 - d. Where possible, areas of existing vegetation should be used to advantage in creating vegetative screens.

Section 850. Shoreline Standards and Considerations

1. All construction on any shoreline lot shall be carried out in such manner as to minimize interference with the natural course of such waterway, to avoid erosion of the shoreline, to minimize increased runoff of ground and surface water into the waterway, to remove only that vegetation which is necessary to the accomplishment of the project, and to generally maintain the existing aesthetic and ecological character of the shoreline.
2. Any boat pump-out or other connection to provide for the accommodation of sanitary wastes shall be connected to an adequate disposal system and shall comply with all NYS regulations.
3. Any marina, boat service facility, or any storage of petroleum products within 100 feet or reasonable setback as determined necessary by the Planning Board of the shoreline shall include adequate provisions for ensuring that any leak, rupture, or spill will be contained and not be introduced into or affect the adjacent waterway. In particular, a raised earthen or paved berm or dike shall be constructed in such manner as to afford adequate protection and shall comply with all NYS regulations.
4. Any paved or otherwise improved parking, loading, or service area within 100 feet of any shoreline shall be designed and constructed so as to minimize surface runoff and the entrance of any chemical pollutants or earthen siltation into the waterway.

ARTICLE 9. SIGNS

Section 910. Purpose

The purpose of this section is to promote and protect the public health, welfare and safety by regulating existing and proposed signs. It is intended to protect property values, create a more attractive economic and business climate, and enhance and protect the physical appearance of the community. It is further intended to reduce distractions and obstructions that may contribute to traffic accidents and reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way.

Section 920. Permits

All signs shall require a permit except those listed in Section 930 and Section 940.

Section 930. Permit Exempt Temporary Signs

A permit shall not be required for the following temporary signs:

1. **Announcing Signs:** One sign per road frontage of a building which is under construction, structural alteration or repair, announcing the character of the building enterprise or the purpose for which the building is intended, or one sign per other construction project, including names of architects, engineers, contractors, developers, financiers, and others, not to exceed 64 square feet. Placement shall not exceed 30 days following completion of the project.
2. **Real Estate Signs:** One sign per road frontage not to exceed 32 square feet advertising the sale, rental, or lease of the premises on which displayed. Placement shall not exceed 30 days following the sale, rental or lease of the property. All such signs shall be set back at least 15 feet from side lot lines.
3. **Subdivision Signs:** One sign per road entrance to the subdivision and located on the property to be subdivided, not to exceed 64 square feet. Such sign may not be erected until the subdivision has been approved by the appropriate officials. Placement shall not exceed one year from the date of subdivision approval. The display period may be extended upon approval of the planning board for a reasonable period of time, not to exceed one year at any given time.
4. **Sale Ad Signs:** Signs advertising special sales of goods or merchandise which will be on sale for no longer than one month. Such signs shall be removed immediately following termination of the sale.
5. **Political Signs:** Political posters, banners, promotional devices and similar signs, not to exceed 32 square feet. Placement shall not exceed 30 days.
6. **Window Posters:** Nonilluminated window signs and posters.
7. **Roadside Stand Signs:** Multiple signs for roadside stands selling agricultural produce grown on the premises in season, not to exceed a total of 64 square feet.

Section 940. Permit Exempt Permanent Signs

A permit shall not be required for the following signs:

1. **Institutional Signs:** One sign per road front, setting forth or denoting the name of any public, noncommercial, charitable, or religious institution when located on the premises of such institution, not to exceed 32 square feet.
2. **Public Signs:** Signs of a public or noncommercial nature, which shall include community service information signs, public transit service signs, public utility information signs, safety signs, danger signs, trespassing signs, signs indicating scenic or historic points of interest, traffic control signs, and all signs erected by a public officer in the performance of a public duty.

3. Mobile Home Park, or Subdivision Name Signs: One sign not to exceed 32 square feet per exclusive entrance to a subdivision or park; such signs are restricted to the subdivision or mobile home park name.
4. Multiple Dwelling Signs: One sign, building or ground mounted, indicating the name of the dwelling, not to exceed 32 square feet.
5. Gasoline Station Signs: Integral graphics or attached price signs on gasoline pumps. Two auxiliary signs per station, each not to exceed 32 square feet.
6. Flags: Official flags of government jurisdictions, including flags indicating weather conditions and flags which are emblems of on-premises religious, charitable, public, and nonprofit organizations.
7. Plaques: Commemorative plaques placed by historical agencies recognized by the town, the county or state.
8. Architectural Features: Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
9. Parking Signs: Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
10. Residential Signs: Signs bearing only property numbers, post box numbers, or names of occupants of premises, not to exceed five square feet.
11. Vegetative Signs: Signs made exclusively of vegetative material.

Section 950. Prohibited Signs

The following sign types shall not be allowed at any location:

1. Signs which have flashing, moving, rotating or intermittent lights other than to show time and temperature.
2. Signs having moving parts; banners, ribbons, streamers, pennants, spinners, or other similar moving, fluttering, or revolving devices; projections beyond its area; mirror or mirror-like surfaces; or dayglowing or other fluorescent paint or pigment.

Section 960. General Sign Standards

1. All signs shall be properly maintained. They shall be in good structural repair, not a safety hazard, and attractively painted so as to be legible and not an eyesore.
2. Signs may be placed in required yards, providing such placement does not interfere with traffic safety.
3. No sign shall be placed closer than 15 feet to a right-of-way line and 15 feet from a side lot line.
4. Flood lights and other external lighting fixtures used in the illumination of signs shall be permitted if located and/or shielded so as not to produce direct glare at neighboring residences

and highway traffic.

5. Any business, enterprise, institution, or other advertising entity that ceases operations shall remove their signs within 90 days of such cessation. The owner of the property on which any such signs stand shall be ultimately responsible for sign removal.

Section 970. Specific Sign Standards

1. All exterior wall signs (including awning and canopy signs) are subject to the following standards:
 - a. Each building is allowed one sign per wall.
 - b. Exterior wall signs shall not exceed 100 square feet or 5% of the applicable wall area, whichever is less.
 - c. Exterior wall signs shall be flush against the wall, not cover architectural features or details, and not extend beyond the roof line or outer edges of the building.
2. All free standing signs are subject to the following standards:
 - a. Each property is allowed two free standing signs.
 - b. Free standing signs shall not exceed 32 square feet in message area (maximum two faces).
 - c. Free standing signs shall be no taller than 20 feet.
3. Light Emitting Diode (LED) sign shall be subject to the following standards:
 - a. A minimum distance of 100 feet shall be required between any two LED signs or any LED sign and a residential use.
 - b. Signs must be off between the hours of 10:00 pm and 6:00 am.
 - c. Signs shall not include animation.

ARTICLE 10. RECREATIONAL CAMPING VEHICLE PARKS

Section 1010 - Park Location and Conditions

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

immediate vicinity of the park and shall maintain accurate records of the names of park residents; home address; and make, description, year, and license or identification number of the trailer. These records shall be available to any law enforcement official or the enforcement officer.

5. A minimum of 10% of the total area of the recreational camping vehicle park, not including the required setback, shall be dedicated to a recreation area and shall be fully maintained by the park owner.
6. Recreational camping vehicle sites shall be located on generally level terrain, not to exceed eight percent slope, that is well drained, free of flood hazard.
7. The corners of each recreational camping vehicle lot shall be clearly and permanently marked, and each lot numbered for identification.
8. Where the park terrain is adequate, "pull-through" lots will be provided.
9. Sewer, water, and other utilities shall be provided in accordance with the requirements of Chapter 1, Part 7, of the New York State Sanitary Code, which is adopted herein by reference, and subject to any other town requirements.
10. All recreational camping vehicle parks shall provide a building containing at least one automatic washing machine, and unless admission to the park is restricted to recreational camping vehicles equipped with these facilities, one toilet, lavatory and shower for each sex, for each 20 recreational camping vehicle lots. At least one public telephone shall be provided in each recreational camping vehicle park.
11. No person in the Town of Constantia shall occupy a recreational camping vehicle except in a recreational camping vehicle park which has been approved by the planning board or allowed by section 1010.12
12. No person shall place a recreational camping vehicle outside a recreational camping vehicle park for a period exceeding 120 days per calendar year. Recreational camping vehicles shall not be stored on a vacant lot after the 120 day limit. All recreational camping vehicles must have on site disposal of sewage by health department approved means.
13. Storage of a recreational camping vehicle on residential or commercial property outside a recreational camping vehicle park is exempt from the time limit imposed by section 1010.12

ARTICLE 11. MANUFACTURED HOME PARKS

Section 1110 - Park Location and Conditions

The proposed manufactured home park:

- a. shall be located where orderly development of a manufactured home park can be undertaken in harmony with development of the surrounding area in terms of traffic generation, ease and safety of vehicular access to and circulation within the park, safety of pedestrian movement, location of structures, adequacy of off-road parking, placement and sizing of sewage treatment and water supply systems and other utilities, safety of fuel storage and supply, provision of open space, recreation facilities or areas, delivery of services and adequacy of landscaping and buffering;
- b. shall have generally level to gently rolling topography over an area of sufficient size to

allow development of the manufactured home park in compliance with this law without significant alteration or disturbance of existing natural amenities or features such as stands of mature trees, stream courses, shorelines, wetlands, or bedrock outcroppings; and

- c. shall be essentially free from adverse, unsafe or unhealthful conditions including, but not limited to, flooding, ponding, poor drainage, erosion, slumping or other soil instability, breeding areas for insects or rodents, smoke, noise, odors, heat, glare, or toxic or volatile substances.
- d. Recreational camping vehicles shall not be parked, whether permanently or temporarily, in any manufactured home park. Manufactured home parks shall be separated from recreational camping vehicle parks by a minimum distance of 250 feet.
- e. No manufactured home park shall be less than three acres in size.

Section 1111 - Restrictions on Occupancy

- 1. Refer to standards and requirements of Section 440.4 of this law.

Section 1112 - Manufactured Home Skirting

- 1. Refer to standards and requirements of Section 440.2 of this law.

Section 1113 - Manufactured Home Stands

- 1. Refer to standards and requirements of Section 440.3 of this law.

Section 1114 - Manufactured Home Sites

Each manufactured home park shall be divided (exclusive of internal roads, open space or common areas) and marked-off into manufactured home sites numbered consecutively, the number being conspicuously posted on each lot with such number to correspond to the lot shown on the site plan submitted. Each manufactured home site shall satisfy the following requirements:

- a. minimum site size shall be 12,000 square feet. In special cases where innovative park design for manufactured home parks of ten or more manufactured homes provides clustering and allows for wide roads or a greater amount of usable recreation area or open space exceptions may be granted. In no case, however, shall the site area be reduced below 9,000 square feet.
- b. minimum 100 foot site width. Where exceptions have been made as provided in a. above, minimum 75 foot site width; and,
- c. minimum 120 foot site depth.

Section 1115 - Manufactured Home Setbacks and Spacing

- a. All manufactured homes, including expansions, extensions or other additions thereto, patios, porches or garages and all other structures in a manufactured home park shall satisfy the following setback requirements. A detached structure accessory to and located on, the same site with an individual manufactured home shall be considered part of the manufactured home for the purpose of spacing requirements.
 - (1) minimum of 150 feet from the centerline of any public road.
 - (2) minimum of 35 feet from the center line of any roadway internal to the manufactured home park.

- (3) minimum of 40 feet spacing between adjacent manufactured homes and any other structures in the manufactured home park.
- (4) minimum of 20 feet from rear site lines.
- b. No internal roadway, parking lot, recreation area or storage facility for fuels, supplies or equipment shall be located within 50 feet of an adjoining property line.
- c. The setback area shall be seeded and adequately landscaped to provide a screen from the roadway.

Section 1116 - Manufactured Home Park Access

Each manufactured home park shall provide for safe, legal means of access from one or more public roads as follows:

- a. access roads shall meet the public roads at right angles and at compatible grades;
- b. entrances shall be located directly opposite a three-way intersection or at least 200 feet from a four-way intersection of public roads, if any, and at least 150 feet from any other entrances to the manufactured home park, if any;
- c. entrances shall have sufficient width to allow reasonable turning movements of vehicles with manufactured homes attached and of service or delivery vehicles;
- d. entrances shall be located to allow safe line-of-sight distances to and from their points of intersection with the public road;
- e. at least one common entrance and access road shall be required to serve any manufactured home park having three or more manufactured homes;
- f. at least two independent entrances and access roads shall be required to serve any manufactured home park having 20 or more manufactured homes; and
- g. access roads shall meet town road standards for minor roads.

Section 1117 - Manufactured Home Park Internal Roads

- a. Internal roads shall be privately owned and maintained and shall provide for the safe and convenient movement of vehicles, with or without manufactured homes attached.
- b. All manufactured home sites shall face on and be serviced by such internal roads.
- c. All roads shall be designed, graded, and leveled as to permit the safe passage of emergency and other vehicles at a speed of 15 miles per hour.
- d. Circular cul de sacs shall be provided in lieu of closed end roads with a turn around having an outside roadway diameter of at least 150 feet.
- e. Private, interior roadways shall be adequately lighted.

Section 1118 - Manufactured Home Park Parking

- a. Each manufactured home shall be provided with at least two off-road parking spaces adjacent to the manufactured home.
- b. At least one additional off-road parking space for each three manufactured homes in the manufactured home park shall be provided to accommodate guest parking, service or delivery vehicles, boat or camp trailer storage or other parking or storage demand. Such spaces shall be in centrally located parking areas without interfering with the traffic circulation of internal roads.
- c. Each parking space shall measure at least nine feet by 20 feet.
- a. Parking spaces or areas shall have at least eight inches of crushed stone base or two inches of pavement over four inches of crushed stone base.

Section 1119 - Manufactured Home Park Recreational Areas and open Space

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

Section 1120 - Manufactured Home Park Walkways

A four foot wide hard surfaced pedestrian walkway may be provided along and at least five feet from each access road between the entrance to the public highway and either the first manufactured home unit or such location within the manufactured home park, as may be required by the Planning Board, to assure pedestrian safety.

Section 1121 - Manufactured Home Park Water Supply

An adequate supply of water shall be provided for all manufactured homes and service buildings. Where public water is available, connection shall be used exclusively, unless local authorities deem otherwise. If a public water system is not available, the development of a private water supply system shall be approved by the Oswego County Health Department and all applicable state agencies.

Section 1122 - Manufactured Home Park Sewage

An approved sewage system shall be provided in all manufactured home parks for the conveying, disposing, and treatment of sewage from manufactured homes, service buildings, and other accessory facilities. Such system must be designed, constructed, and maintained in accordance with the New York State Department of Health and Oswego County Health Department standards and regulations.

Section 1123 - Manufactured Home Park Garbage and Refuse

Each manufactured home lot shall be provided with at least two 20-gallon metal or plastic garbage cans with tight fitting covers. The cans shall be kept in a sanitary condition at all times. It shall be the responsibility of the park owner to ensure that garbage and rubbish shall be collected and properly disposed of outside of the manufactured home park. Exterior property areas shall be maintained free from organic and inorganic material that might become a health, accident, or fire hazard.

Section 1124 - Manufactured Home Park Fuel Supply and Storage

1. Refer to standards and requirements of Section 440.5 of this law.

Section 1125 - Manufactured Home Park Electrical Service

- a. Every manufactured home park shall contain an electrical wiring system consisting of wiring fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power companies' specifications and regulations. All wiring fixtures must have the New York Board of Fire Underwriters' approval.
- b. Each manufactured home stand shall be supplied with not less than a 100 ampere service.
- c. Adequate lights shall be provided to illuminate roads, driveways, and walkways, for the

safe movement of vehicles and pedestrians at night. A minimum lighting level of 0.3 foot candles shall be provided.

- d. All electrical distribution lines shall be placed underground.

Section 1126 - Manufactured Home Park Telephone Service

When telephone service is provided to manufactured home sites, the distribution system shall be placed underground.

Section 1127 - Manufactured Home Park Office and Storage Facilities

Owner or manager of a park shall maintain office and storage facilities in the immediate vicinity of the park.

Section 1128 - Manufactured Home Park Storage Facilities

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

Section 1129 - Manufactured Home Park Service Buildings

Service buildings, if provided, housing sanitation facilities and/or laundry shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems. All service buildings and the grounds of the manufactured home park shall be well lighted and maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

Section 1130 - Manufactured Home Park Fire Protection and Control

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

Section 1132 – Utilities

Proper planning and early communication with utility company is recommended to provide necessary easements by utility companies, i.e., gas, electricity, and telephone.

Section 1133 - Responsibilities of Manufactured Home Park Operators and Park Occupants

- a. The person to whom a permit for a manufactured home park is issued shall operate the park in compliance with the standards set forth in this local law and shall provide adequate supervision to maintain the park, its common grounds, roads, facilities, and equipment in good repair and in a clean and sanitary condition.
- b. The park operator shall place or supervise the placement of each manufactured home stand which includes ensuring its stability by securing all tie-downs and installing all utility connections.
- c. The park operator shall maintain a register containing the names of all occupants and the make, year, and serial number, if any, of each manufactured home. Such register shall be

- available to any authorized person inspecting the park.
- d. The park occupant shall be responsible for the maintenance of his manufactured home and any appurtenances thereto, and shall keep all yard space on his site in a neat and sanitary condition.
 - e. A list of operator and occupant responsibilities shall be posted in the park office or made available upon request.

ARTICLE 12. MANUFACTURED HOME PARK AND CAMPGROUND LICENSE

Section 1210 – Applicability

Any new manufactured home park or modifications or expansion to the original manufactured home park or recreational camping vehicle park site, as shown on the approved application form, shall require a license. The procedure for this license shall be the same as for a newly proposed park. Expansion of a park existing prior to the effective date of this local law shall also require a license. Violation of this section may result in the revocation of any existing license.

Section 1220 – Renewal

The manufactured home park license shall be renewed prior to July 1st of each year, and it shall be the responsibility of the manufactured home park owner to initiate the renewal procedure no later than June 1st of each year. Renewal application forms may be obtained from the enforcement officer. After investigating the site for health and safety irregularities or design modifications, the enforcement officer shall either approve or disapprove the license renewal application in writing.

Section 1230 – Recreational Camping Vehicle Park Permit

The recreational camping vehicle park permit shall be renewed annually from the original date of approval and it shall be the recreational camping vehicle park owner's responsibility to initiate the renewal procedure by completing the renewal application form and submitting it to the enforcement officer 30 days prior to the expiration of his current permit. After investigating the site for health and safety irregularities or design modifications, the enforcement officer shall either approve or disapprove the permit renewal application.

Section 1240 – Health Department Review

Prior to the granting of final site plan approval or the renewal of a license for a manufactured home park or recreational camping vehicle park, the park site plan and all modifications shall have been reviewed and approved by the Oswego County Health Department, where applicable.

ARTICLE 13. TELECOMMUNICATION TOWERS

Section 1310 - General

The Town of Constantia recognizes the increased demand for wireless communications transmitting facilities and the need for the services they provide. Often these facilities require the construction of a telecommunications tower. Telecommunications towers shall be sited in manner consistent with sound land use planning by:

- a. Minimizing visual effects of towers through careful design, siting and vegetative screening;
- b. Avoiding potential damage to adjacent properties from tower failure or falling debris through engineering and careful siting of tower structures; and
- c. Maximizing use of any new or existing tower and encouraging the use of existing buildings and/or structures to reduce the number of towers needed; while also allowing wireless service providers to meet their technological and service objectives for the benefit of the public.

Section 1320 - Enabling Authority

The planning board is hereby authorized to review and recommend, recommend with modifications, or disapprove site plans for telecommunications towers and facilities consistent with this law. Final approval, approval with modifications or disapproval of any such site plan shall be made by the town board after review and recommendation by the planning board.

Section 1330 - Applicability

No tower shall hereafter be used, erected, moved, reconstructed, changed or altered except after approval of a site plan application prepared in conformity with these regulations. No existing structure shall be modified to serve as a tower unless in conformity with these regulations.

Section 1340 - Application Contents

An application for site plan approval for telecommunications towers shall be accompanied by the following:

- a. Proof that the space on the facility has been leased or will be operated by a provider licensed by the FCC to provide service in the area,
- b. A duly executed Landowner Consent and Agreement Form,
- c. An applicant Maintenance and Removal Agreement,
- d. A site plan prepared to the standards given in Article 8 of this law, and submitted with the materials required in Article 7 of this law, and
- e. An existing cellular/personal communications services coverage propagation plot showing existing operational neighboring sites up to five mile beyond the boundaries of the town.

Section 1350 - Additional Site Plan Elements

The following additional site plan elements shall be included in an application for a telecommunication tower or facility. These elements shall be reviewed by the planning board when considering the application for site plan review.

- a. Shared use of an existing tower and tower site shall be the preferred location of new antenna(e) or towers. If application is for a new site, the applicant shall present written documentation indicating the location, height, and function of all existing telecommunication towers within a five mile radius of the proposed tower site and correspondence from each tower and site owner indicating their inability to accommodate the applicant's good faith effort to utilize their existing tower and site.
- b. The order of preference for the siting of towers on a new site shall be as follows:
 - (1) On existing nonresidential structures;
 - (2) In land excavation, borrow pit and mine areas;
 - (3) In areas deemed primarily industrial;
 - (4) In areas deemed primarily commercial;

- (5) In areas deemed primarily rural/agriculture.
Applicant shall provide documentation providing the basis for the site selected. Siting of towers in areas deemed environmentally sensitive or primarily residential is generally prohibited. Applications for such locations shall include documentation demonstrating the technical necessity for this site as opposed to the preferred site locations.
- c. Towers shall be set-back from all lot lines of the parcel and all residences a distance no less than the height of the tower plus 50 feet. Additional set-backs may be required to preserve the privacy and safety of residential and/or public areas.
 - d. Preferred tower design shall be as follows:
 - (1) Designed and constructed in a manner which minimizes visual impact to the extent practical;
 - (2) Non-guyed structure;
 - (3) Painted light gray, or in compliance with FAA standards;
 - (4) Tower height shall be no greater than that required to provide the required service area coverage and shall be so demonstrated. In no instance shall the tower height be greater than 199 feet.
 - e. Signage shall be limited to necessary informational sign(s) located at the tower base.
 - f. Site access shall be suitable for emergency vehicles.
 - g. Structural engineering drawings for tower and foundation, stamped by a New York State Registered Professional Engineer shall be provided prior to the issuance of a building permit.
 - h. Environmental Assessment Form (Long Form EAF) with Visual EAF Addendum and, if applicable, a Draft Environmental Impact Statement (DEIS) as per 6 NYCRR Part 617.
 - i. A security bond in the amount of ten percent of the tower, antenna and accessory building(s) assessed value shall be provided to the town clerk prior to the issuance of a building permit to assure the ongoing maintenance and ultimate removal upon its disuse for a period in excess of six months.
 - j. A landscaping plan shall be provided with the site plan demonstrating adequate screening and preservation of the area's visual character.
 - k. The tower and accessory building(s) shall be suitably fenced to a height of eight feet to preclude unauthorized access. The tower design shall include a non-climbable section for the first ten feet above grade.
 - l. All radiating antenna shall conform to FCC regulations regarding radio frequency radiation and applicant shall provide documentation certifying their compliance.
 - m. A letter addressed to the planning board must accompany the site plan which is signed and notarized by an authorized representative of the tower owner which states that the tower and tower site will be made available, in good faith and at market rate, for multiple usage by others.
 - n. Proof of the landowners consent, if the applicant does not own the property.
 - o. The applicant shall in writing identify the location of any additional sites that they are or will be considering or reviewing for telecommunications towers/facilities in the town and all adjacent towns, for a period of two years from date of application and must be updated annually.
 - p. All telecommunications facilities shall be located on a single parcel which is in conformance with this law. A lot leased or owned for the purpose of construction of a telecommunications facility/tower shall not result in the creation of a nonconforming lot.
 - q. The site plan shall show all of the following, in addition to those items specified in Section 740 and Section 745 of this law:
 - (1) The exact location of the proposed telecommunications facility and/or tower, together with any guy wires and anchors;
 - (2) The maximum height of the proposed tower and accessory facilities;

- (3) Detail of the tower type (i.e. monopole, guyed, free-standing or other, etc.);
 - (4) The location, type and intensity of any lighting on the tower.
- r. Applicant shall provide USGS topographic map(s) showing the spot location of the proposed tower and all other existing towers within a radius of five miles, for use by the planning board.

ARTICLE 14. FINANCIAL GUARANTEES FOR PUBLIC IMPROVEMENTS

Section 1410. Required Public Improvements

1. All public improvements required pursuant to the approval of special uses shall be constructed and completed to the standards required by state and local laws, rules, and regulations.
2. The construction or installation of any improvements or facilities, other than roads, for which a financial guarantee has been made pursuant to this Section shall be completed within one year from the date of the approval of the subdivision plat or special use. Road improvements shall be completed within two years from the date of approval of the subdivision plat or special use.
3. The applicant may request an extension of time to perform required public improvements provided he can show reasonable cause for inability to construct and install said improvements within the required time. Such extension of time shall not exceed six months. At the end of such extension of time, if the required public improvements are not completed and accepted by the Town, the Town may use as much of the financial security required by this Section to construct and install, maintain, or perfect the improvements as necessary to meet all applicable state and local laws, ordinances, rules, and regulations.
4. At least five days prior to commencing construction of required public improvements, the applicant shall pay to the enforcement officer the inspection fee required by the municipality and shall notify the Town Board or an official designated by the Town Board in writing of the time when the construction of such improvements will be commenced so that the Town Board may cause inspections to be made to assure that all applicable specifications and requirements shall be met in the construction of such improvements, and to assure the satisfactory completion of public improvements required by the Planning Board.

Section 1420. Required Financial Security

Applicants for special use approvals shall provide the Town with acceptable financial security in an amount sufficient to guarantee the installation of basic public improvements. Such public improvements may include public water supply, sewage disposal systems, storm drains and sewers, roads, pavement markings and traffic signs and signals, sidewalks, and other public improvements commonly required of applicants for special use approvals. Acceptable financial security shall be provided to the Town in one of the following ways:

1. The applicant shall furnish a bond executed by a surety company in an amount equal to the cost of construction of the public improvements required by the Planning Board pursuant to this law.
2. The applicant shall present to the enforcement officer a certified check in an amount equal to the cost of construction of the public improvements required by the Planning Board pursuant to this law.

3. The applicant shall present to the enforcement officer an irrevocable letter of credit drawn in favor of the Town in an amount equal to the cost of construction of the public improvements required by the Planning Board pursuant to this law.

Section 1430. Review of Proposed Financial Security

For each of the above options, the required public improvements shall be shown on subdivision plats or special use, and the total amount of the required financial security shall be based thereon. Such estimates shall be certified by a licensed professional engineer, and shall be reviewed by the Town Board for financial adequacy as a guarantee of construction and of reasonable performance during a warrantee period. The Town Board and the Town Attorney shall jointly review the guarantee agreement for sufficiency of form and execution and for the soundness of the financial guarantee offered by the applicant.

Section 1440. Schedule of Improvements

When a guarantee agreement has been approved by the Town Board and the required surety bond, certified check, or letter of credit has been received by the enforcement officer, the Town and the applicant shall enter into a written agreement itemizing the required public improvements, establishing a schedule for the construction and installation of such improvement, and itemizing the cost of construction and installation for each improvement. Whenever feasible, costs shall be organized by logical phases of work completion in order to facilitate the partial release of funds held as a financial guarantee by the municipality to the applicant as work is satisfactorily completed.

Section 1450. Staged Refunding of Financial Guarantees

At such times as the applicant wishes to have guarantee funds released in consideration of work performed and accepted, the applicant shall cause to be prepared an accurate statement of the work performed and accepted as of a date certain. This statement shall use the same item structure as was employed in the written agreement itemizing the required public improvements. The applicant, after preparing such statement, shall submit it for review, approval, and signature by an engineer acting on behalf of the town, by the appropriate municipal inspectors, and by the Town fiscal officer. If the statement is approved by the Town fiscal officer, the statement shall be forwarded promptly to the enforcement officer, together with a recommendation that the amount approved on said statement be released from the financial guarantee provided by the applicant. Where the financial guarantee provided by the applicant makes staged refunding possible, the enforcement officer will then direct in writing to the surety company of financial institution having custody of the guarantee funds to release the approved amount of those funds to the applicant.

Section 1460. Acceptance of Required Public Improvements

When the project inspector, following final inspection of the project, certifies to the Planning Board and the Town Board that all required public improvements have been completed in accordance with all applicable requirements, the Town Board may act by resolution to accept the public improvements.

Section 1470. Required Maintenance Guarantee

Upon acceptance of the required public improvements, a maintenance guarantee shall be established. All such guarantees shall be for 10% of the financial guarantee originally required of the applicant. The

applicant may provide a maintenance guarantee by one of the methods provided for in Section 1420 above, but no maintenance bond shall be for less than \$5,000 (face value). All maintenance guarantees required by this section shall commence immediately upon acceptance of the required public improvements by the municipality and shall extend for two years therefrom or for two years from the June first next succeeding the acceptance of the required public improvements, whichever period is longer.

ARTICLE 15. ADMINISTRATION

Section 1510. Interpretation

In interpreting and applying the provisions of this law, the acting board shall be held to be the minimum requirements necessary for the promotion of the public health, safety and general welfare.

Section 1520. Enforcement

The Town Board may appoint an enforcement officer to carry out the duties assigned by this local law. If appointed, the enforcement officer shall be responsible for the overall inspection of site improvements including coordination with other officials and agencies, as appropriate.

Section 1530. Building Permits Required and Construction in a Town Highway Right of Way

1. A building permit shall be required for any work which must conform to the Uniform Code and/or the Energy code including but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Enforcement Officer.

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

- a. Erection, re-erection or movement of a building or structure;
 - b. Change of the exterior structural dimensions, height, or number of rooms of a building or structure;
 - c. Change in use of land, buildings or structures through the establishment of a new use, or through the expansion or enlargement of an existing use;
 - d. The resumption of any use which has been discontinued for a period of 12 months or longer;
 - e. Establishment or change in dimensions of a parking area for nonresidential or multi-family residential uses;
 - r. Placement of a sign as regulated in Article 9 of this law.
 - g. Any activity from the New York State Residential Code Appendix J, Existing Buildings and Structures except as in 1532-12, and the Existing Building Code of New York State.
2. Permission is required to construct or improve an existing road cut (driveway) in a Town Highway Right of Way. Permission will be granted by the Town of Constantia provided the project is in the town and public interest. Construction is regulated because of the potential for visual and safety impacts to motorists and pedestrians. Depending on the size and scope of the

project the review process may vary considerably. Any project which requires the use of Town Highway Right of Way shall be brought to the attention of the Code enforcement office prior to planning such project. Permit application and a required fee must be made thirty (30) days prior to start of construction.

Section 1532. Building Permit Exceptions

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

1. Construction or installation of one-story, detached structures associated with one or two-family dwellings or multiple single-family dwellings (townhouses), which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.88 square meters);
2. Installation of swings and other playground equipment associated with a one or two-family dwelling or multiple single-family dwellings (townhouses);
3. Installation of swimming pools associated with a one or two-family dwelling or multiple single-family dwellings (townhouses), where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
4. Installation of fences less than six feet tall which are not part of an enclosure surrounding a swimming pool;
5. Construction of retaining walls unless such walls support a surcharge or Impound Class I, II or IIIA liquids;
6. Construction of temporary motion picture, television and theater stage sets and scenery;
7. Installation of window awnings supported by an exterior wall of a one or two-family dwelling or multiple single-family dwellings (townhouses);
8. Installation of partitions or movable cases less than 5' 9" in height;
9. Painting, wallpapering, tiling, carpeting or other similar finish work;
10. Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
11. Replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications;
12. Repairs provided that such repairs do not involve
 - (i) the removal or cutting away of a load-bearing wall, partition or portion thereof, or of any structural beam or load-bearing component;
 - (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;
 - (iii) the enlargement, addition, or relocation of any building system;
 - (iv) the removal from service of all or part of a fire protection system for any period of time.
13. Non-structural agriculture and forest management uses.

Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

Section 1534. Temporary Building Permit

Temporary building permits may be issued by the enforcement officer upon site plan approval by the planning board for a period not to exceed six months for temporary uses and structures incidental to a construction project. Such a temporary building permit shall be conditioned upon agreement by the applicant to remove any nonconforming uses or structures upon expiration of the permit. The planning board may place such appropriate conditions on the use so as to protect the character of the surrounding area. A temporary building permit may be extended by the enforcement officer one time for a period of six months upon showing of special necessity to the enforcement officer.

Section 1536. Application Procedure for Building Permits

1. Applications for building permits shall be submitted to the enforcement officer and shall include two copies of a layout or plot plan showing the actual dimensions of the lot to be used; the size and location on the lot of existing and proposed structures and accessory structures; the setbacks of structures from all lot lines, road lines, mean high water lines of lakes, streams, ponds and wetlands, and any other features of the lot; and such other information as may be necessary to provide for the enforcement of this law. This information, and other relevant application data, shall be provided on forms issued by the enforcement officer.
2. Applications requiring site plan review by the planning board shall be submitted in conformity with the provisions of Article 7 of this law.
3. When establishing measurements to meet the required setbacks and yard sizes, the measurements shall be taken from the lot line, road centerline, or nearest mean high water line to the furthestmost protruding part of the use or structure. This shall include such projecting facilities as porches, carports, attached garages, etc.
4. The enforcement officer shall take action to approve or disapprove the application, or forward the application to the planning board for site plan review within 15 days of the receipt of a completed application by the enforcement officer and the payment of all applicable fees.
5. A building permit shall expire one year from the date of issue if construction is not substantially started or the use has not commenced. Such permit may be renewed for one additional year upon payment of all applicable fees. a building demolition permit shall be issued for one year only.

Section 1538. Fees

A fee as determined by town board resolution shall be paid for each application for a building permit, site plan review, appeal, or manufactured home park or campground license issuance or renewal. No permit shall be issued until full payment has been received by the enforcement officer.

Section 1539. Certificate of Compliance and Certificate of Occupancy

No use or structure requiring a building permit shall be occupied, used, or changed in use until a certificate of compliance or certificate of occupancy has been issued by the enforcement officer stating that the use or structure complies with the provisions of this law and the New York State Building Code. All certificates of compliance or certificates of occupancy shall be applied for coincidentally with the application for a building permit and shall be issued within ten days after the use or structure has been approved as complying with the provisions of this law and the New York State Building Code.

Section 1540. Planning Board

1. The Town of Constantia Planning Board shall be responsible for implementing the provisions of this law related to site plan and subdivision review. No subdivision or site plan shall be approved unless it is in compliance with the requirements of this law.
2. During the course of site plan review, the planning board may waive, subject to their judgment and appropriate conditions, the provisions of any and all site plan review standards that are not requisite in the interest of public health, safety and general welfare or that could cause hardship to the applicant.
3. The planning board shall have the following powers and duties with respect to this law:
 - a. Approval of site plans.
 - b. Approval of the issuance of temporary permits by the enforcement officer.

Section 1550. Board of Appeals

1. Creation, Appointment and Organization - A Board of Appeals is hereby created and its chairman designated. Said Board shall consist of five members. The Board shall appoint a secretary and shall prescribe rules for the conduct of its affairs. Of the members of the Board first appointed, one shall hold office for the term extending to the end of the calendar year in which this law is adopted and the others shall hold terms expiring at the end of each of the four calendar years thereafter. Their successors shall be appointed for the term of five years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term. Any member of the Board may be removed for cause and after public hearing.
2. 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. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of such 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 examination and other official actions. Every decision or determination of the Board shall be filed in the office of the Town Clerk within five business days and shall be a public record.
3. Powers and Duties - The Board of Appeals shall have all the powers and duties prescribed by law and by this law, which are more particularly specified as follows:
 - a. Interpretation-- Upon appeal from a decision by the Enforcement Officer, to decide any question involving the interpretation of any provision of this law.
 - b. Use and Area Variances: Upon appeal from a decision by the Enforcement Officer, or upon referral by the planning board, to vary the strict application of any of the requirements of this local law, taking into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. The Board of Appeals shall also 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 decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Board of Appeals, in the granting of use and 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. The Board of Appeals shall have the authority to impose such reasonable conditions and restrictions on any variance granted as are necessary to minimize any adverse impact such variance may have on the neighborhood or community.

- 4. Procedure for Appeal from Land Development Regulation
 - a. The Board of Appeals shall act in strict accordance with the procedure specified by the Town law and by this law. All appeals to the Board shall be in writing, on forms prescribed by the Board. Every appeal shall refer to the specific provision of the law involved, and shall exactly set forth the interpretation that is claimed, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.
 - b. Time of Appeal - An appeal to the board shall be taken within sixty days after the filing of the order, requirement, decision, interpretation or determination being appealed.
 - c. Stay Upon Appeal - An appeal will halt any further action by any administrative officials, unless an official can show just cause because of imminent peril to life or property, in which case proceedings are not halted unless a restraining order is granted by the Board of Appeals or by a court of record on the application. At that time, the administrative official from whom the appeal was taken shall be notified and due cause shown.
 - d. Hearing on Appeal - the Board of Appeals shall fix a reasonable time for the hearing and give public notice by publishing a notice of the hearing in a newspaper of general circulation in the town at least five days prior to the date of the hearing and shall notify the applicant.
 - e. Time of the Decision - The Board of Appeals shall decide upon the appeal within 62 days after the hearing. The time within which the Board of Appeals must render its decision may be extended by mutual consent of the applicant and the board.
 - f. Filing of the Decision - Every decision of the Board of Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case including a record of the vote of each member. The decision of the Board of Appeals on the appeal shall be filed in the office of the Town Clerk within five business days after the day that the decision is rendered. A copy of the decision shall be mailed to the applicant.

ARTICLE 16. MISCELLANEOUS PROVISIONS

Section 1610. Amendments

The Town Board may on its own motion, on petition, after public notice and hearing, amend this local law pursuant to all applicable requirements of law.

Section 1620. Appeals

Any person aggrieved by any decision of the Town Board or any officer, department, board, or bureau of the Town, may apply to the Supreme Court for a review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within 30 days after the filing of a decision in the office of the Town Clerk.

Section 1630. Enforcement

1. Any person, firm, or corporation violates any of the provisions of this law shall, upon conviction, be deemed guilty of a violation, punishable by a fine of not more than \$250, or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment. Each day an offense is continued shall be deemed a separate violation of this law.
2. In addition to the penalties provided above, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this law.

Section 1640. Effect on Other Laws

No provision in this law shall be interpreted as superseding any greater restriction or regulation contained in any other law of the Town of Constantia, the County of Oswego, the State of New York, the United States of America or any other authorized public body or agency. Any provision of this law which provides stricter or more comprehensive regulations of any use or activity than is provided for in another law of the Town of Constantia, Oswego County, the State of New York or the United States shall supersede the lesser restrictions of the other law or ordinance except that where the authority of the Town to regulate such activities is limited under State or Federal law, such State or Federal law shall take precedence.

Section 1650. Severability

The provisions of this local law are severable. If any article, section, paragraph, or provision of this local law shall be invalid, such invalidity shall apply only to the article, section, paragraph, or provisions adjudged invalid, and the rest of this local law shall remain valid and effective.

Section 1660. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.