

Zoning Laws For the Town of Sidney

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Local law 1

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Executive Summary *(Amended on January 13, 2023)*

The goal of the proposed zoning law is to balance landowners' rights to use and develop their land with the corresponding rights of neighboring landowners to live without undue disturbances. This goal is accomplished by promoting compatible development and safeguarding against detrimental activities.

The proposal defines two new zoning districts for the hamlet of Sidney Center. The Sidney Center Hamlet Residential District (SC-R) allows for customary residential structures and small, low intensity businesses. The Maywood District (MD) is the parcels in the hamlet that border Route 23 and will allow all uses in SC-R plus the opportunity for compatible, medium intensity businesses under the special use permit process.

Special Use Permits:

A special use permit requires a site plan review by the planning board, written notification to contiguous landowners and landowners within 500 feet of the proposed project, and a publicized public hearing through proper legal notices.

In order to obtain a special use permit, businesses shall not produce, or be able to mitigate any offensive odor, noise, smoke, dust, heat, electrical interference, or glare detectable to normal sensory perception beyond property lines. In addition, businesses must have provisions for off-street loading/unloading and parking. Minimum lot size must be adequate for the project and building architecture, signage, and landscaping must harmonize with the surroundings. The use must also be compatible with zoning provisions.

The two new hamlet districts were created for the purpose of protecting the hamlet from future zoning changes in the rest of the town that might be detrimental to the hamlet. Separated from the rest of the town, future hamlet zoning changes will be just for the hamlet.

Land values and taxes are not affected by zoning per se. Values and taxes are based on "what's there now," not what "might be." As the character of an area changes over time, values and taxes will be adjusted accordingly. Therefore, there will be no immediate impacts.

The proposed ordinance was designed to strike the right balance between continued growth and prosperity for the township while preserving the rights of existing landowners.

The Town of Sidney affirms the Right to Farm Law passed by Delaware County in 1992. No article in this local law is intended to place undue restriction on agricultural or farming operations.

In Loving Memory of Raymond Eugene Pigford
Sidney Town Supervisor January 1, 2014- June 6, 2021

ARTICLE I

TITLE

Section 100. Title - This Local Law shall be known and may be cited as "The Town of Sidney, New York, Zoning Local Law."

Section 101 Enacting Clause-The Town Board of the Town of Sidney in Delaware County, New York, acting under the authority of Town Law and the Municipal Home Rule Law of the State of New York, hereby adopts and enacts this chapter as the comprehensive zoning law of the Town of Sidney.

ARTICLE II

PURPOSE

Section 200. Purpose - There is hereby established a comprehensive zoning plan for the unincorporated area of the Town of Sidney, which plan is set forth in the text and map that constitute this Local Law. This plan is adopted in accordance with Sections 261, 262 and 263 of the Town Law in order to promote the public health, safety, morals and the general welfare of the Town, to provide adequate light, air, and convenience of access, to prevent the overcrowding of land, to avoid undue concentration of population, to lessen congestion in the streets, to secure safety from fire, flood, panic and other dangers, and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

ARTICLE III

DEFINITIONS

Section 300. Definitions - For the purpose of this Local Law certain terms or words herein shall be interpreted or defined as follows: When not inconsistent with the context, words used in the present tense include the future tense, the singular number includes the plural and the plural the singular. The word "person" includes a corporation as well as an individual. The word "lot" includes the word "plot" or "parcel". The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied." The term "shall" is always mandatory.

ACCESSORY BUILDINGS AND GARAGES – A separate structure on the same lot or connecting lot under the same ownership and of a nature customarily incidental and subordinate to the principal use or structure. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building. Accessory buildings must be on the same lot or adjoining lot which is under the same ownership as the residence.

ACCESSORY USE – A use or occupancy of premises in conjunction with, or for the service of, the primary use of the lot. Such accessory use may be located within the primary building or on the same or adjoining premises and may include the following:

1. Offices for the building management.
2. Public dining rooms, banquet rooms, public kitchens and ballrooms.
3. Recreation and play rooms.
4. Laundries for the use of occupants, provided by or in connection with the management and operation of a residential building.
5. Maintenance and workshops, storage rooms for linen, bedding, furniture, supplies and occupants' equipment and effects.
6. Stores, rooms or space for the sale or display of merchandise.
7. Garages used for the storage of motor vehicles.

ADULT BOOKSTORE-An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, other periodicals, films, slides and video tapes and which establishment is customarily not open to the public generally but excludes any minor by reason of age.

ADULT DRIVE-IN THEATER-A drive-in theater that customarily presents motion pictures that are not open to the public generally but excludes any minor by reason of age.

ADULT STORES An establishment that has a substantial or significant portion of its stock in trade, books, magazines and other matter or paraphernalia which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement

ADULT THEATER -A theater that customarily presents motion pictures, films, videotapes or slide shows that are not open to the public generally but exclude any minor by reason of age.

AGRICULTURE-The use of land for farming purposes, including tilling of the soil, dairying, pasture, apiculture, arboriculture, horticulture, floriculture, viticulture, forestry, animal and poultry husbandry and the necessary accessory uses for packing or storing of products, provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities, and provided further that such uses shall not include the commercial feeding of garbage and offal to swine or other animals.

AGRICULTURAL SERVICE USE- Any agricultural pursuit such as a milk, cheese, meat, maple products processing facility or feed storage supply facility, farm machinery or implement sales and service facility; storage and processing facility for fruits, vegetables, cheese, maple and other agricultural products or similar use directly and customarily related to the supply, processing or service of an agricultural use.

AGGRIEVED PERSON- Anyone who could be "aggrieved" by the decision or action of the enforcement officer, has standing to take an appeal before the ZBA. A person is "aggrieved" if his or her property value is affected negatively by the enforcement officer's action. Commonly, a property owner who either has been refused a permit or has been served with an enforcement action, is the "aggrieved party." Also note, as stated above, that a landowner who has submitted an application for subdivision, site plan, or special use permit approval, may apply to the ZBA for an area variance without a decision of the enforcement officer. A neighboring landowner may also be an "aggrieved party", if he or she believes the enforcement officer's decision in issuing a permit was improper, and will negatively affect their property value. In addition, any officer, board or commission of the municipality may appeal a decision of the enforcement officer, whether or not that officer, board or commission is aggrieved.

AIR BNB- An online marketplace which lets people rent out their properties or spare rooms to guests.

ALTERATIONS — As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another.

ALTERNATIVE ENERGY SYSTEMS — Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal structure. Examples include windmills and solar facilities.

ANIMAL – Cats, chickens, dogs, ducks, geese, poultry, swine, goats, rabbits, horses, cattle, reptiles, ferrets and animals typically considered to be wild but which are being housed or sustained by a person.

ANIMAL HOSPITAL — A business that treats animals and regularly houses them on the premises overnight and for extended periods for treatment.

AUCTION HOUSE- An auction house is a company that facilitates the buying and selling of assets, such as works of art and collectibles. An auction house may sometimes refer to the facility that an auction is taking place in, most commonly refers to the company running the auction

AUTOMOBILE SALES- A premises, including open areas other than a street or right-of-way and including showrooms enclosed within a building, used for the display, rental or sale of automobiles, boats, mopeds, motorcycles, snowmobiles, trucks and recreational vehicles.

BED-AND-BREAKFAST- A private residence with at least two (2) guest rooms but not more than five (5) to rent to transient guests to provide food service in the morning only. Such premises must be the prime residence of the operator thereof. No more than two (2) employees outside of the family shall be permitted.

BUILDING - Any structure which has one or more floors and a roof and is intended for the shelter, housing or enclosure of persons, animals or stored goods.

BUILDING HEIGHT - The vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof, but not including chimneys, spires, mechanical penthouses, towers, tanks and similar projections

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

BUILDING/FARM SUPPLY BUSINESS— A retail business that specializes in the sale of building materials and farm supplies (i.e. lumber, feed, machinery parts, seeds, etc.) It shall not include manufacturing or fabrication facilities.

BUSINESS— An occupation, profession, or trade; the purchase and sale of goods in an attempt to make a profit; a person, partnership, or corporation engaged in commerce, manufacturing, or a service; a store, office, factory, etc. where commerce is carried on.

BUSINESS/PROFESSIONAL OFFICES - Offices in which an occupation or vocation requiring training and advanced study in a specialized field is practiced. Includes offices for a physician, dentist, lawyer, surveyor, engineer, architect, accountant, salesman, real estate agent, insurance agent, or other similar occupation.

BUSINESS WHOLESALE AND STORAGE- The storage, sale and/or resale of goods or products in large quantity to retailers or jobbers rather than consumers.

CAFÉ - A suitable and permanent building, kept, used, maintained, advertised and held out to the public to be a place where food and non-alcoholic beverages are served for sale at retail for consumption on or off the premises but which does not necessarily serve hot meals.

CAMOUFLAGING - The construction of facilities to house or support telecommunication towers or antennas so that the towers and/or antennas blend readily with the landscape, neighborhood, and adjacent architectural features.

CAMP/CAMPGROUNDS – A group of tents, cabins, huts, campers or other shelter used for the temporary or seasonal shelter. This shall also mean any lands used for the purpose of providing recreational or educational facilities for a limited period of time, such as summer camp, day camp and religious camps. Camps or Campgrounds will be considered on lot sizes 20 acres or greater.

CEMETERIES— Property used for the interring of the dead.

CHURCH AND RELIGIOUS INSTITUTIONS – Any building wherein persons regularly assemble for religious worship which is used only for such purpose and those accessory activities as are customarily associated therewith. Includes church, temple, synagogue, mosque or other similar place of worship. This definition includes the term “religious place(s) of worship”.

CO-LOCATION_ The mounting of antenna(s) or other telecommunications equipment used by two or more providers, persons, firms or corporations on the same antenna support structure, monopole, or antenna tower.

COMMERCIAL RECREATION - A parcel of land which may include facilities for recreation purposes, utilized by the public for a fee. Activities include, but are not limited to, bowling alleys, ski slopes, tennis courts, golf courses, swimming pools, and drive-in theaters, and cooperative hunting preserves where a fee to hunt is required.

COMMERCIAL RECREATIONAL ESTABLISHMENTS- Any area of land or water, including any building or group of buildings, open to use by or catering to the general public, where recreational, athletic or amusement facilities are provided, and operated primarily for profit, including controlled-access facilities accessory to commercial uses, but not including any outdoor or drive-in theaters or facilities for automobile or animal racing.

COMMERCIAL STORAGE- a commercial land use consisting of the rental of space for the storage of personal property in an enclosed structure not visible from the exterior such as a mini-warehouse, or the storage of recreational vehicles such as boats, motor homes, camping trailers, and other recreational vehicles. A commercial storage facility shall require a special use permit. An industrial warehouse is not considered commercial storage.

COMMERCIAL VEHICLES- Any vehicle registered with NYS DMV for use on public highways with a weight of over 10,000 pounds.

COMMON PLAN OF DEVELOPMENT- (*Amended on December 14, 2023*) Any major subdivision or development plan where a contiguous area is divided or used for the purpose of developing multiple separate and distinct construction activities that may take place at different times on different schedules under one common approved plan. The common plan as approved by the Town of Sidney Planning Board must be reviewed and evaluated for development potential as one action and all potential impacts must be evaluated cumulatively to determine mitigation and buildability. The plan must be filed accordingly in the Delaware County Clerk's Office.

COMMUNICATION TOWERS AND FACILITIES - A site development including a structure on which antennas or other telecommunications devices are located for television, radio, data, imagery, telephone or other forms of telecommunications and all related structures and improvements necessary for the operation of such facility.

CONSERVATION PROJECTS- Conservation Projects- Programs undertaken by conservation and environmental organizations to protect biodiversity, wildlife, wild places or endangered species.

CONSERVATION EASEMENT-Conservation Easement- A grant of a property right stipulating that the described land will remain in its natural or agricultural state and precluding future or additional development.

CONSERVATION SUBDIVISION- A residential subdivision where the dwelling units that would result on a given parcel under a conventional subdivision plan are allowed to be placed on the parcel in a flexible manner, where lot sizes, road frontages, and other bulk dimensions are allowed to be relaxed and where a majority of the remaining land is left in its natural open space condition in perpetuity.

CRAFT BREWERY, WINERY, DISTILLERY, CIDERY, MEADERY, AND/OR FOOD MANUFACTURING FACILITY- An establishment which produces on the premises beer, wine, cider, vinous beverages, spirits or edible goods for off- and/or on-site consumption in accordance with New York State Liquor Authority, Department of

Health and other applicable agency regulations. Such an establishment may include a public component, such as a tasting room, restaurant and/or a retail establishment.

CREMETORY- a structure in which cremation occurs.

DAYCARE, ADULT - An establishment for group care of non-resident adults such as adult day health centers or social day care as defined by the New York State Department of Social and Health Services.

DAY CARE CENTER - Any program or facility caring for children for more than three hours per day.

DAY CARE, FAMILY- A program or facility caring for children for more than three hours per day in which child day care is provided in a family home for three to six children. A family day care provider may, however, care for seven or eight children at any one time if no more than six of the children are less than school age and the school-aged children receive care primarily before or after the period such children are ordinarily in school, during school lunch periods, on school holidays, or during those periods of the year in which school is not in session in accordance with the regulations of the New York State Social Services Law.

DWELLING-

- A. Any structure or portion thereof designed or used exclusively as a residence or sleeping place of one or more persons.
 - 1. SINGLE-FAMILY DWELLING — A detached residential dwelling designed for and occupied by one family only.
 - 2. TWO-FAMILY DWELLING — A detached residential building containing two dwelling units, designed for occupancy by not more than two families.
 - 3. MULTIPLE-FAMILY DWELLING — A residential building designed for or occupied by three or more families with the number of families in residence not exceeding the number of dwelling units provided.
 - 4. SEASONAL DWELLING — A single-family dwelling unit intended for occupancy only during certain seasons of the year, principally for recreational use by the owner, including beach cottages, hunting cabins, vacation cottages, summer cottages and vacation lodges.

DWELLING, MANUFACTURED HOME – as prescribed in the New York State Uniform Fire Prevention and building Code.

DWELLING, MODULAR - as prescribed in the New York State Uniform Fire Prevention and building Code.

DWELLING UNIT - One or more rooms designed for occupancy by one family for cooking, living and sleeping purposes.

EDUCATIONAL INSTITUTION - An institution, either public or private, providing regular scheduled instruction and a course of study which meets the requirements of the New York State Education Law or a nursery, day care or kindergarten which meets all pertinent requirements set by the New York State Education Law and/or the New York State Health Code.

ESSENTIAL SERVICES — Erection, construction, alteration, operation or maintenance of equipment or facilities owned or operated by municipal agencies or public utilities including telephone dial equipment centers, electrical or gas substations, water treatment or storage facilities, pumping stations and similar facilities.

FAMILY – One or more persons (related or unrelated) occupying a dwelling as a single housekeeping unit with single culinary facilities.

FARM - Any parcel of land which is used for the raising of agricultural products, livestock, poultry and dairy products by a resident owner or tenant.

FARM MARKET – A seasonal or year-round facility selling produce and other food products grown or produced on a farm. The market may sell products from other farms or distributors to the general public.

FARM STAND – A seasonal road-side stand where plants, flowers, produce and other food products grown or made on the property are sold to the general public.

FARM STRUCTURE - Any structure necessary to the operation of a farm and for the storage of farm equipment, except dwellings, garages used for the storage of non-farm vehicles, and structures used for the sale of products raised on the premises and accessible to the public.

FILLING STATION - Any establishment supplying and selling gasoline or other equivalent fuel direct to motor vehicles from a pump or pumps located outside a building and on private property.

FINANCIAL INSTITUTIONS- A building or structure utilized for the direct transactional services to the public, including the maintenance of checking and savings accounts, certificates of deposits, etc., and the providing of a related incidental financial services associated with a bank.

FOREST MANAGEMENT-Management of natural vegetation for timber harvesting, firewood, wildlife habitat improvement, and water quality.

FLOOR AREA GROSS – The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet.

FOUNDATION- The base of a wall or structure.

FUNERAL HOME, UNDERTAKER - a facility that holds and transports human remains to and from the premises; embalms and caskets remains; allows visits to view the remains and conduct business with the establishment; and conducts funeral and memorial services, including organization of funeral processions

GARAGE (PRIVATE) - A detached accessory building or portion of a main building, used for the storage of self-propelled vehicles used by the occupants of the premises, including space for not more than three passenger vehicles used by others.

GARAGE (PUBLIC) - A commercial structure or portion thereof, other than a private or community garage, used for the storage, hire or repair of self-propelled vehicles or trailers.

GOVERNMENT/PUBLIC BUILDINGS – Any structures that houses a department, commission, independent agency, or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, township, authority, district, or other governmental unit.

GLARE- The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GRAVEL MINE– (QUARRY, SAND PIT, GRAVEL PIT, TOPSOIL STRIPPING) - A lot or land or part thereof used for the purpose of extracting stone, sand, gravel or topsoil for sale or use, as an industrial or commercial operation, but does not include the process of grading a lot preparatory to the construction of a building which has an approved building permit.

GREENHOUSE – A business where plants, trees and items related to growing are sold. Often one or more structures, primarily of glass, in which temperature and humidity can be controlled for the cultivation or protection of plants are grouped on site.

GROUP HOME - A building or facility used primarily to provide residential, social and personal care for children, the aged or others who suffer some limit on the ability for self-care, but where medical care is not a major service, such as adult daycare facilities, homes for the aged, rest homes and other like uses.

GUN CLUB - A club for firearms enthusiasts. Often clubs have property that may include a club house, cabin and/or a shooting range area.

HOME OCCUPATION- MINOR- Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The conducting of a clinic hospital, tea room, tourist home or any similar use shall not be deemed to be a Home Occupation. Individually owned and operated barber shop or beauty shop with not more than one employee shall be considered a Home Occupation.

HOME OCCUPATION- MAJOR -A profession or vocation, full or part time, conducted within a building or structure accessory to the inhabitant's dwelling, which use is secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

HOTEL, MOTEL

(a) A hotel is a building designed or used for ten (10) or more guests, primarily the temporary abode of persons who have their residence elsewhere.

(b) A motel is a hotel with direct access from each guest room to a parking space.

JUNK –any manufactured good, appliance, fixture, furniture, machinery, vehicle, personal property or any other thing or part thereof, whether of value or valueless, that is demolished, discarded,

JUNKYARDS (resource recovery, recycling centers) an establishment or place of business which is maintained, operated or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap metal processors, auto-wrecking yards, salvage yards, scrap yards, auto recycling yards, used auto parts yards and temporary storage of automobile bodies and parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises. The definition includes garbage dumps and sanitary landfills. The definition does not include litter, trash, and other debris scattered along or upon the highway, or temporary operations and outdoor storage of limited duration."

KENNEL - Any premises on which 6 or more dogs over 4 months of age are kept for commercial purposes and have the capacity to be regulated by NYS Agriculture and Markets.

LAUNDRY/DRY CLEANING FACILITIES – A facility that specializes in any cleaning process for clothing and textiles using a chemical solvent other than water. This includes but is not limited to cleaning fabrics that

degrade in water, and delicate fabrics that cannot withstand the rough and tumble of a washing machine and clothes dryer.

LAUNDROMAT- An automated self-service facility for laundering.

LIBRARY- A public space housing references, books and other forms of media and provides a public space.

LOT- A parcel of land for occupancy by a building or use and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this Local Law and such open spaces as are arranged and designed to be used in connection with such building. A lot may be or may not be the land shown as a lot on a duly recorded plot.

- A. Corner Lot - A lot of which at least two adjacent sides abut for their full lengths upon streets.
- B. Interior Lot - A lot other than a corner lot.
- C. Flag Lot - A lot not meeting the required frontage along a public or private road and where access to this road is by a 50 foot strip of land.
- D. Through Lot – An interior lot having frontage on two parallel or approximately parallel streets.
- E. The word “lot” includes the words “plot” or “parcel”.

LOT COVERAGE – The portion of the lot that is covered by the horizontal cross section of all principal and accessory buildings, paved parking lots, and other impervious surfaces

LOT DEPTH- The mean distance from the lot line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

LOT LINE – A line of record bounding a lot that divides one lot from another lot or from a public or private street or public right-of-way or any other public space. The rear line shall be the lot line most distant from the front lot line.

LOT WIDTH - The least horizontal distance across the lot between side lot lines, measured at the front of a main building erected or to be erected on such lot or at a distance from the front lot line equal to the required depth of front yard.

MANUFACTURED, HOME PARK - A contiguous parcel of land under one ownership or management upon three or more homes are place for non-transient use and consistent with other sections of this zoning law. Here the density of housing is consistent with the other sections of this zoning law.

MASS GATHERING- The gathering or likely or anticipated of gathering, collecting, or congregating of three hundred (350) or more people at any time within a 24 hour period

MAUSOLEUM- A burial place for the bodies or remains of many individuals, often of a single family, usually in the form of a small building.

MASSAGE ESTABLISHMENT- Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath or duly licensed physical therapist or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders. This definition also shall

exclude health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts or exercise rooms, and which do not receive their primary source of revenue through the administration of massages.

MILLWORK- is any type of woodwork or building product that is produced in a mill. This could include anything from doors, molding, trim, flooring, wall paneling, crown moldings, etc.

MINING– The process or business of extracting ore, earth, minerals or stone from the ground.

MONUMENT- A structure (as a building, stone, or statute) made to keep alive the memory of a person or event.

MORTUARY- a place where the bodies of the deceased are prepared for funeral and burial

MOTOR FUEL DISPENSING FACILITIES- Motor fuel dispensing facilities shall be described as facilities engaged in the sale of motor vehicle fuels. These facilities may also include the use of a building or structure or a portions thereof for the display and sale of merchandise, and involves stocks of goods, wares or merchandise incidental to such purposes and accessible to the public similar to a mercantile business as described in the NYS Uniform Fire Prevention and Building Code. This may also include the incidental sale of other fuels and lubricants.

MOTOR VEHICLE REPAIR GARAGES. Motor vehicle repair garages shall be described as a use of a building or structure or portions thereof for the repair, reconditioning or servicing of motor vehicles. Such facilities shall comply with the maximum allowable quantities of hazardous materials allowed in corresponding sections of the New York State Uniform Fire Prevention and Building Code. Motor vehicle repair garages may also dispense motor vehicle fuels and lubricants and other products associated with motor vehicles, including incidental fuels with a Special Use Permit.

NACELLE - The portion of the wind turbine that connects the rotor to the support tower, and houses the generator, gearbox, drive train, and braking system.

NON-CONFORMING BUILDING — A building existing at the time of the enactment of this chapter, or any amendment thereto, which does not conform to regulations of the district or zone, excepting use regulations, in which it is situated and which was legally constructed, altered or enlarged under any prior zoning enactment or was in existence before any zoning enactment was enacted by the Town.

NON-CONFORMING LOT- A lot existing at the time of enactment of this chapter, or any amendment thereto, which does not conform to the area regulations of the district or zone in which it is situated or was legally in existence under any prior zoning enactment or before any zoning enactment was enacted by the Town.

NON-CONFORMING USE-A land use or structure that was legal when established but does not conform to the standards of the current zoning law.

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

OUTDOOR WOOD BOILER- Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a

component of a heating system providing heat for any interior space. An outdoor wood boiler may also be referred to as an outdoor wood furnace, or an outdoor furnace, or an outdoor wood-burning boiler.

PARKING SPACE - An off-street space which is available for the parking of one motor vehicle, has an area of not less than 200 square feet exclusive of passageways and driveways giving access thereto, and which has direct access to a street.

PERMITTED USE (or USE OF RIGHT) - A land use allowed under the regulations of this chapter.

PERSONAL SERVICES ESTABLISHMENT- A business where professional or personal services are provided for gain and where the retail sale of goods, wares, merchandise, articles or things are only necessary to the provision of such services, including but not limited to the following: tailor shops, laundry or dry-cleaning shops, and shoe repair shops, Barber, hair and nail salon .

PERSONAL STORAGE-means a private, residential land use consisting of space for the storage of personal property that is neat and orderly and does not create a sight blemish on the neighborhood. Personal storage in an enclosed structure not visible from the exterior. All storage shall be in compliance with the New York State Uniform Code and other applicable laws, regulations and standards.

PLANNING BOARD- Proposes and recommends modifications to the town's Comprehensive Plan to provide for the improvement of the town, future growth, protection of natural resources, and to provide adequate facilities for housing, transportation, distribution, comfort, convenience, public health, safety, and general welfare of the residents; provides advisory reports on proposed zoning changes; reviews specific matters which have been referred by the Town Board; and issues Fresh Water Wetlands permits pursuant to subdivision review.

PLAYGROUND - An active recreational area with a variety of facilities, including equipment for younger children as well as court and field games.

PUBLIC FACILITIES AND UTILITIES - All town, county, state and federal government owned buildings and land including, but not limited to, town halls and highway department garages. In addition are telephone, electric and cable television lines, poles, equipment and structures; water or gas pipes, mains, valves or structures; sewer pipes, valves or structures; pumping stations; telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government or a public utility.

PUBLIC PARKS AND RECREATIONAL FACILITIES - Land in public ownership set aside for public use, which may or may not have developed recreational facilities, such as playgrounds, tennis courts, baseball fields, picnic areas, bike and horse trails, swimming pool, and/or lavatories.

RECEPTION HALL – A building or structure not to exceed 5,000 square feet commonly used for public or private events or activities such as meetings, social gatherings, entertainment and exhibitions.

RELIGIOUS USE - Any building, structure or facility used for religious assembly, or directly affiliated with a religious group including, but not limited to churches, synagogues, temples and mosques. Definition shall also include all places of worship, cemeteries, mausoleums, burial grounds or similar uses which the Planning Board finds to be appropriate.

RESTAURANT - Any establishment, however designated, at which food is sold for consumption to patrons seated within an enclosed building or on the premises. However, a snack bar or refreshment stand at a public or quasi-public or community pool, playground or park operated by the agency or group or an approved

vendor operating the recreational facilities and for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

RETAIL BUSINESS (SMALL) – Sales establishment in a freestanding building with floor areas equal to or less than 5,000 square feet. (Shall not include shopping plazas, centers, malls or markets).

RETAIL BUSINESS (LARGE) – Sales establishment in a freestanding building with floor areas greater than 5,000 square feet.

RIGHT-of-WAY - A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

SCRAP AND DISMANTLING YARDS Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. Includes light and heavy processing facilities for recycling

SETBACK, BACK- The required open unoccupied space measured from the rear lot line to the nearest part of the main or accessory structure.

SETBACK, FRONT- The required open unoccupied space between the street line and the front of the main structure, but not including porches, entrance steps and other similar structures on the front of the main structure.

SETBACK, SIDE-The required open unoccupied space measured from the side lot lines to the nearest part of the main or accessory structure.

SIGN - Any display of lettering, numbering, logos, designs, colors, lights, or illumination visible to the public from outside of a building or from a public right-of-way, which either conveys a message to the public, or intends to advertise, direct, invite, announce or draw attention to, directly or indirectly, a use conducted, events, goods, product, services, or facilities available. Not including any flag, badge or insignia of any public, quasi-public, civic, charitable or religious groups.

SIGN AREA -The area defined by the frame or edge of a sign. Where there is no geometric frame or edge of the sign, the area shall be defined by a projected, enclosed, four-sided (straight sides) geometric shape which most closely outlines said sign.

SITE PLAN - A rendering, drawing or sketch prepared to Town specifications and containing necessary elements as set in this law which shows the arrangement, layout and design of a proposed use of a single parcel of land.

SITE PLAN REVIEW- A review and approval process, conducted by the Planning Board, whereby site plans are reviewed utilizing criteria stated in this chapter.

SITING AGENCY- Person or persons who are applying to site a wind energy-deriving tower facility.

SMALL COMMERCIAL BUSINESS – land use or activity which involves the sale of goods or services carried out for profit and does not violate any of the following criteria:

1. The business portion of the lot must be at least 3-acres in size

2. No business shall exceed 5,000 sf
3. The business employs six (6) or fewer people
4. Business outdoor storage cannot exceed 10,000 sf
5. The business ingress/egress must meet the Town's minimum driveway standards and a written inspection from the highway superintendent is required and appropriate driveway permits must be obtained
6. There must be at least 200 feet of sight distance in all directions when entering a public highway from the business ingress/egress

SOLAR ACCESS-Space open to the sun and clear of overhangs or shade.

SOLAR ENERGY-Radiant energy (direct, diffuse and reflected) received from the sun.

SOLAR ENERGY SYSTEM- An arrangement or combination of equipment and structures designed to provide heating, cooling, hot water or electricity through the process of collecting, converting, storing, protecting against unnecessary dissipation and distributing solar energy.

SOLAR ENERGY SYSTEM, ACCESSORY -An area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

SOLAR ENERGY SYSTEM, PRINCIPAL- An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

SOLAR ARRAY- A grouping of multiple solar modules with purpose of harvesting solar energy.

SOLAR EASEMENT- A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

SOLAR ENERGY- Radiant energy (direct, diffuse and/or reflective) received from the sun.

SOLAR PANEL- That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

SOLAR RELATED EQUIPMENT- Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

SOLAR CELL- The smallest basic solar electric device which generates electricity when exposed to light.

SOLAR MODULE- A grouping of solar cells with the purpose of harvesting solar energy.

SOLAR FARM-A collection of photovoltaic solar panels built as utility-scale solar applications that allow for the sale of energy on a commercial scale.

SOLID FUEL-Various forms of *solid* material that can be burnt to release energy, providing heat and light through the process of combustion. ... Common examples of *solid fuels* include wood, charcoal, peat, coal, Hexamine *fuel* tablets, wood pellets, corn, wheat, rye, and other grains.

SOLID FUEL STORAGE- Solid fuel (coal, coke or wood, etc.) shall not be stored in piles in excess of twelve feet wide, twenty-four feet long and sixteen feet high. Such stack shall not be closer than twelve feet to an adjoining stack or building other than a building constructed to shelter such pile. When the storage of such fuel does not constitute a fire or life hazard or will not aid in the spread of fire, then the size of such pile or stack may be increased when approved by the CEO. The storage of the fire wood or other materials in residential areas shall be subject to the approval of the CEO

SPECIAL PERMIT USE- A particular land use 3.5 acres or grater which is allowed subject to special requirements imposed by this Code to assure that the use is in harmony with and will not adversely affect the neighborhood. A permit shall be approved prior to and in combination with site plan review.

STREET- Any road, avenue, lane, alley or other way which has become a public highway or an approved private right-of-way.

STREET LINE- The edge of the roadway closest travel lane not including shoulder.

STREET GRADE- The elevation of a street as established by the Town.

STRUCTURE-That which is built or constructed.

SUMMER CAMP-A site where care and activities are provided for children during the summer months

SWIMMING POOL-Any body of water, or receptacle for water, having a capability of a depth of 24 inches or more at any point, used or intended to be used for swimming, bathing or wading and installed or constructed either above or below ground. A barrier must completely surround the swimming pool and must obstruct access to the swimming pool.

TASTING ROOM- A portion of a craft brewery, winery, distillery, cidery, meadery, or food manufacturing facility that allows customers to taste samples of beer, cider, alcoholic spirits, vinous beverages or edible goods manufactured on the premises. A tasting room may include the sale of such products in addition to related items, marketing events and/or entertainment.

TELECOMMUNICATIONS ANTENNA-A device used in communications which receives and/or transmits electromagnetic waves, microwave or other electronic communication signals from or to satellites or other instruments for television, radio, data, imagery, telephone or other forms of communication. The term "Telecommunications Antenna" shall not include private residential transmission and reception equipment.

TOWER FACILITY - A site where one or more wind energy-deriving tower(s) or wind turbines will be located, including all accessory facilities or equipment.

VARIANCE-The authorization by the Board of Appeals to vary or modify the application of any provisions of this chapter relating to the use, construction or alteration of buildings or structures, or the use of land, so

that the spirit of this chapter is observed, public safety and welfare secured and substantial justice done pursuant to Town Law § 267.

VARIANCE (Area)- The authorization by the zoning board of appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

VARIANCE (Use) - The authorization by the zoning board of appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

VAPE LOUNGE- An establishment intended for the gathering of people for the purpose of using of electronic cigarettes, vapor products or hookah.

VAPE SHOP- A retail outlet specializing in the sale and/or distribution, with a minimum of 10% of the store's inventory and/or display, of any electronic cigarette or vapor products, including but not limited to electronic cigarettes; vape pens; dissolvable liquids; vaporizing liquids, oils or gels; mods; atomizers; vape tanks; coilheads; hookahs; hookah tobaccos.

VOLATILE MATERIALS- Gasoline or any substance more vaporizable or more inflammable than gasoline.

WILDLIFE MANAGEMENT- Management of natural wildlife and associated habitats with the intent of enhancing such.

WIND ENERGY-DERIVING TOWER/WIND TURBINE – Any tower, pole, or other structure, whether attached to a building, guyed, or freestanding, designed to be used for the support of a rotor that consists of blades and hub, as well as a nacelle and generator for producing electricity.

WIND ENERGY-DERIVING TOWER/WIND TURBINE ACCESSORY FACILITIES OR EQUIPMENT- Any structure other than a wind turbine, related to the use and purpose of deriving energy from such towers, located at the tower facility.

WIND ENERGY-DERIVING TOWER/WIND TURBINE (LARGE PROJECT)- More than three (3) towers, poles, or other structures, whether attached to a building, guyed, or freestanding, designed to be used for the support of a rotor that consists of blades and hub, as well as a nacelle and generator for producing electricity intended to provide wholesale electricity production for delivery on the local transmission network. Any wind energy-deriving tower/wind turbine not meeting the definition of a wind energy-deriving tower/wind tower (Small Project) shall, for the purposes of this Local Law, be considered a wind energy-deriving tower/wind tower (Large Project).

WIND ENERGY-DERIVING TOWER/WIND TURBINE (SMALL PROJECT) – Three (3) or less towers, poles, or other structures, whether attached to a building, guyed, or freestanding, designed to be used for the support of a rotor that consists of blades and hub, as well as a nacelle and generator for producing electricity and is intended to reduce on-site consumption of utility power. Wind energy-deriving towers/wind towers not meeting the requirements of this definition shall be considered wind energy-deriving towers/wind towers (Large Project).

YARD -

- A. Front - An open space extending the full width of the lot between a main building and the front lot line unoccupied and unobstructed by buildings, the depth of which shall be the least distance between the front lot line and the front of a main building.

- B. Rear - An open space extending the full width of a lot between the rearmost main building and the rear lot line, unoccupied and unobstructed by buildings except as hereinafter specified, the depth of which shall be the least distance between the rear lot line and the rear of such main building.
- C. Side - An open space extending from the front yard to the rear yard between a main building and the side lot line, unoccupied and unobstructed by buildings. The required width of side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of the main building. An interior side yard is any side yard not on the street side of a corner lot.

ZBA/ZONING BOARD OF APPEALS- A Zoning Board of Appeals hears appeals, evaluates requests for interpretations and approves or denies dimensional and use variances.

Article IV

Districts and District Map

Section 400: Districts- The Town of Sidney is hereby divided into the following classes of districts:

“SC-R” Sidney Center Hamlet

“MD” Maywood District

"R" Residential

"RA" Residential-Agricultural

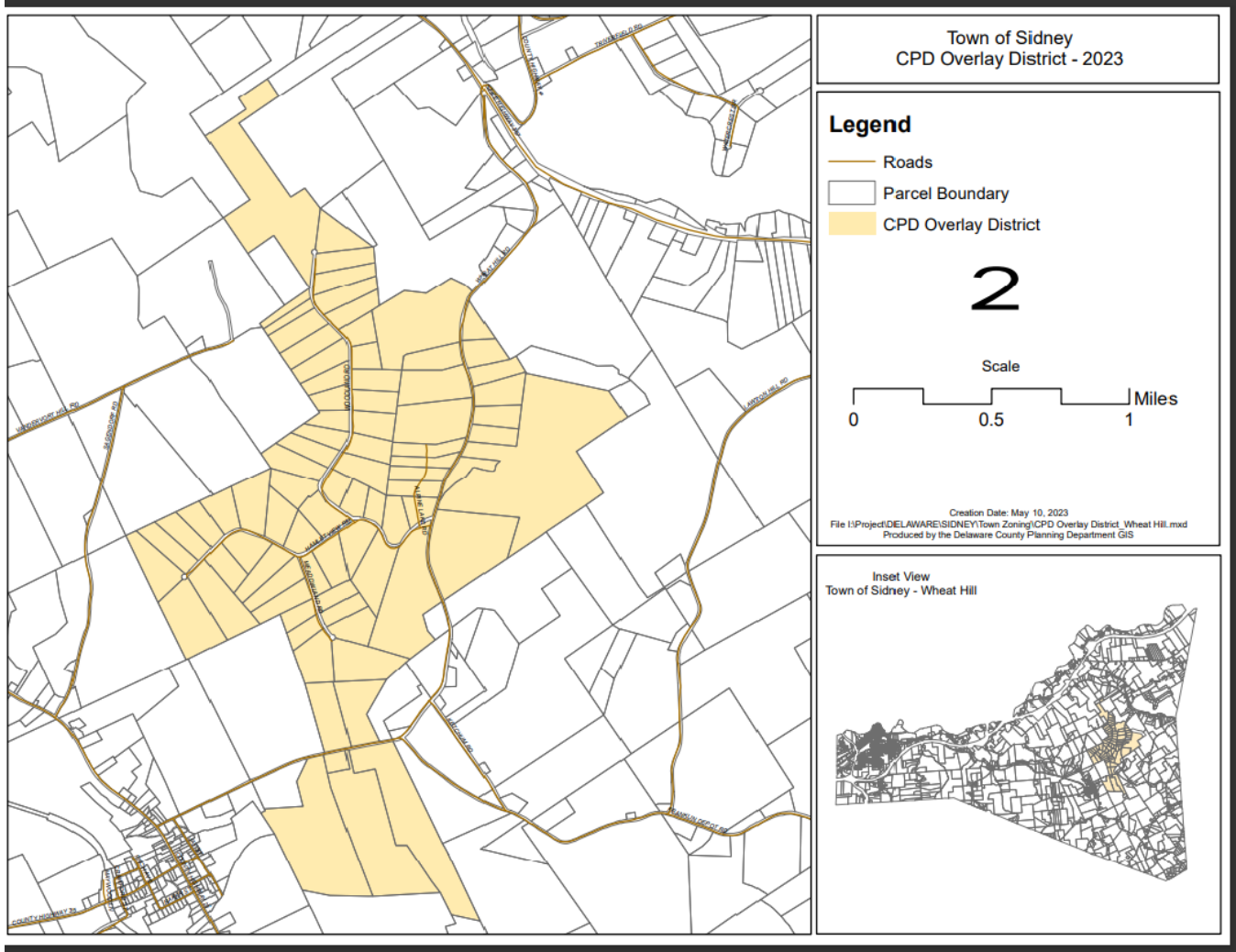
"C" Commercial

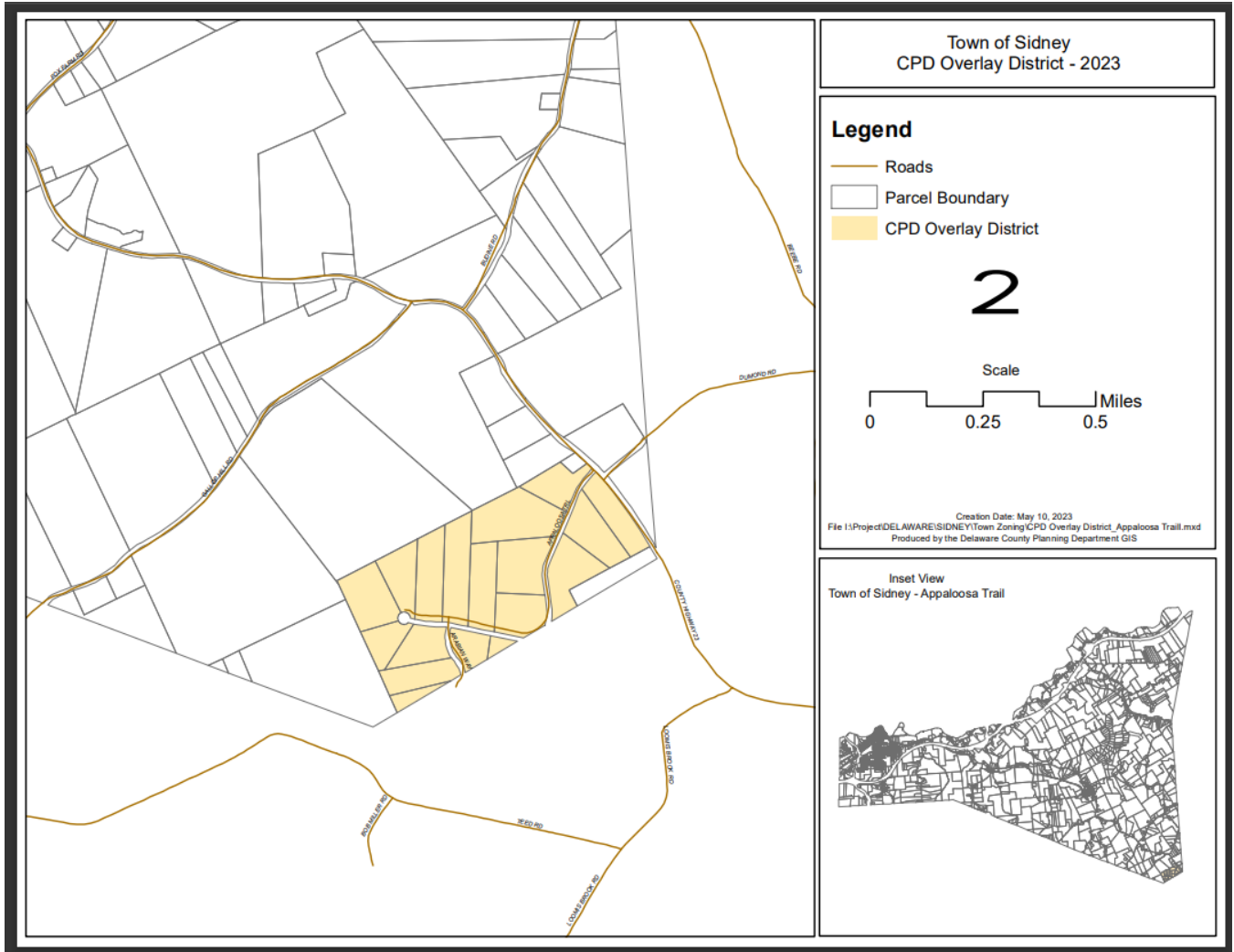
“CPD” Common Plan of Development Overlay (Amended on December 14th 2023)

Section 401: District Map - The aforesaid districts are bounded and defined as shown on a map entitled "Town of Sidney Zoning Map" adopted June __, 2020, and duly certified by the Town Clerk, which map accompanies and, with all explanatory matter thereon, and accompanying commercial district descriptions, is hereby made a part of this Local Law.

Section 402. Interpretation of District Boundaries - Where uncertainty exists with respect to the boundaries of any of the aforesaid districts, as shown on the zoning map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following center lines of streets, highways, streams or railroads such center lines shall be construed to be such boundaries.
2. Where district boundaries are indicated so that they approximately follow lot lines such lot lines shall be construed to be such boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets or highways, such district boundaries shall be construed as being parallel thereto. If no distance is given, such dimension shall be determined by the use of the scale shown on the zoning map.
4. In un-subdivided land or where a district boundary divides a plot in single ownership the location of such boundary, unless the same is indicated by dimensions on the map, shall be determined by the use of the scale shown on the zoning map.





Article V

Application of Regulations

Section 500. General Application- Except for farm buildings and structures and hereinafter provided, no building, structure or land shall hereafter be used or occupied, and no building or structure, or parts thereof, shall be erected, relocated, extended, enlarged, or altered except in conformity with the permitted use, height, area, and off - street parking regulations specified for the district in which it is located.

Section 501- Lot Area and Yards Required Lot Area and Yards Cannot Be Reduced- No lot area shall be reduced or diminished so that the yards or other open spaces thereon shall be smaller than prescribed by this Local Law, nor shall the density of population be increased in any manner except in conformity with area regulations herein established. If, at the time of adoption of this Local Law (or of any amendment thereof increasing the area or open space requirements) the lot area or required open spaces are less than the minimum required by this Local Law, such area or open space shall not be further reduced.

Section 502. Duplicate "Credit" for Yards Not Allowed- No yard provided on one lot for the purpose of complying with the provisions of this Local Law shall be considered as providing a yard required on any other lot.

Section 503. Equivalent Uses - In the case of a use which is not listed as a permitted use in any district the following procedure shall apply:

The Code Enforcement Officer shall refer the matter to the Town Planning Board for an interpretation as to whether the proposed use is an equivalent use to a permitted use in a particular district. The Planning Board shall report its findings to the Town Board and, if these findings are positive, make a recommendation that this Local Law be amended to list said equivalent use in the appropriate zoning district. In no case shall a building permit be issued for an equivalent use until the Local Law has been amended to permit such equivalent use in the appropriate zoning district.

Section 504. Interpretation, Conflict with other Laws - In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Whenever the requirements of this Local Law are at variance with the requirements of any other lawfully adopted rules, regulations, or Local Laws, the most restrictive, or that imposing the higher standards, shall govern.

Article V-B

Common Plan of Development (CPD) Overlay District

(Added on December 14, 2023)

Section 500-B. Description - This is an overlay district and includes all lands shown on the Common Plan of Development Overlay Map(s) on file in the Town Clerk's office and hereby declared to be part of this Local Law. All zoning standards of the underlying district shall apply in addition to the standards and requirements of this section. The Common Plans of Development shown on the map(s) include:

1. Gallop Hill Subdivision as approved by the Town of Sidney Planning Board (08/26/1988)
2. Hamlet View Estates as approved by Town of Sidney Planning Board approval (09/01/1987)
3. Alpine Lake Subdivision as approved by the Town of Sidney Planning Board (06/17/1987)
4. Wheat Hill Subdivision as approved by the Town of Sidney Planning Board (02/06/1987)
5. Any Common Plan of Development as approved as a CPD by the Town of Sidney Planning Board after the adoption of this Section.

Section 501-B. Purpose - The purpose of these overlay zones is to protect the integrity and design of development plans purposefully created to meet the goals and objectives of the Town of Sidney as identified in the Town of Sidney Comprehensive Plan. The integral role of these overlay zones is intended to preserve the rural character of the Town of Sidney while protecting and preserving such important features as the natural environment and sensitive land areas mitigated through the plans approval process.

Sensitive natural features that shall be considered in developing within a Common Plan of Development District shall include, but not be limited to:

- Steep slopes
- Wetlands, streams and waterbodies
- Soil types and poorly drained soils
- Scenic vistas
- Cultural resource areas, including those of potential historic significance

Section 502-B. - Determination of Applicability

1. The Code Enforcement Officer shall decide during the application process for subdivision, site plan review or other approvals as required by this or other laws enforced by the Town of Sidney, whether a particular proposal will be located within a mapped CPD zone. All applications for approval, with the exception of residential building permit applications, within the mapped CPD shall be referred to the Town of Sidney Planning Board for review and recommendation, or in the case of Subdivision and Site Plan Review, approval.
2. The Planning Board shall, as part of the review process, determine the applicability of the CPD requirements for a particular application. The Planning Board shall apply the CPD requirements of minimum lot size, frontage and land use to each application prior to making a recommendation to the Code Enforcement Officer for all applications with the exception of Subdivision and Site Plan Review.
3. The Planning Board shall consider all standards and applicability of the CPD prior to approval of Subdivision or Site Plan Review for any application within the mapped CPD.

4. The standards applied for development of lots shall include the most restrictive standards of both the underlying district and the overlay district.
5. Any conflict with these standards or their applicability shall be referred to the Town of Sidney Zoning Board of Appeals for an interpretation.

Section 503-B. - Permitted Principal Uses - Same as underlying district.

Section 504 – B. - Permitted Accessory Uses - Same as underlying district.

Section 505-B. - Special Permit Uses - Same as underlying district.

Special permit uses require an application for approval to the Town of Sidney Planning Board. Site plan review may also be required, depending upon the nature and complexity of the application.

Section 506-B. - Other Provisions and Requirements - Any property within the CPD shall comply with the requirements of this section prior to the issuance of a building permit or other permit required by the Town of Sidney. Any application requiring Subdivision, Site Plan approval or a Special Use Permit, from the Town of Sidney Planning Board shall be required to notify in writing via certified mail all properties within 1,000 feet of the outside border of the property of the proposed application. Proof of mailing shall be provided at time of application.

Section 507-B. - Density, Height, Area, and Yard Requirements

1. Minimum lot size: 10-acres
2. Minimum frontage: 250 feet
3. Maximum height: Same as the underlying district
4. Front setback: Same as underlying district OR in cases where adjacent lots are developed no new building line shall cross the front plane of the closest buildings on adjacent lots.
5. Side and rear setback: Same as underlying district
6. Maximum lot coverage: No more than 30% coverage of any lot
7. Maximum lot depth to width ratio: No more than 4 to 1

Article VI

Sidney Center Hamlet Regulations (SC-R)

Section 600- Permitted Principal Uses

1. Dwelling, Single Family
2. Dwelling, Two-family
2. Church or similar place of worship, parish houses, convents
3. Public parks and playgrounds and similar recreational areas not operated for gain.

4. Public schools or non-profit private schools accredited by the New York State Department of Education.
5. Public Libraries.
6. Any land or building used by the Town of Sidney or the County of Delaware for administrative purposes, water supply, sewerage facilities, fire or police stations.

Section 601 - Permitted Accessory Structures and Uses

1. Private garage or parking space, including the parking of not more than one commercial vehicle provided the vehicle is used by the occupant of the premises.
2. Professional offices licensed by the State of New York subject to the following conditions:
 - (a) Such office shall be located within the dwelling.
 - (b) Up to 3 employees shall be permitted to practice on said premises and then, only in the capacity of an assistant to the professional occupant.
 - (c) A minimum of five off-street parking spaces shall be provided for patients exclusive of driveway and private garage.
3. Minor home occupations as defined in this Local Law, provided that:
 - (a) Any need for parking generated by the occupations shall be met off the street and in accordance with the regulations of this Local Law.
 - (b) There shall be no exterior display of signs except as defined in Article XI section 1120 in this local law
4. Private stable providing the area of the lot is one acre or more.
5. Building for private horticultural purposes.
6. Private family swimming pool provided it is confined to area in the rear of the front setback line and access has been inhibited with the use of a fenced area or locked access. (See Swimming Pools)
7. Signs as follows:
See article XI section 1120-1

Section 602- Minimum Area Requirements

1. Lot Area
 - (a) 7,200 square feet where the lot is served by sewers, but not less than 3,500 square feet per dwelling unit.
 - (b) 20,000 square feet where lot is not served by a sewer, but not less than 10,000 square feet per dwelling unit.
2. Lot Width at Building Line: 75 feet.
3. Front Yard Depth - 25 Feet
4. Side Yards - 10-feet for accessory structure and 25 feet primary structures
5. Rear Yards - 10-feet for accessory structure and 25 feet primary structures

Section 603 Special use Permit

The following shall be permitted in a Residential District under a Special Use Permit:

1. A building or tenant space used for assembly, business or mercantile purposes with an occupant load of not more than 25 people. Shall consist of one internal room with a single dimension of not greater than 30 feet and not greater than 500 square feet, or multiple internal rooms with a total gross area

of not to exceed 500 square feet. Parking needs generated by the business shall be met with off street parking and in accordance with parking restrictions of this local law. Parking areas shall have a setback of at least 10 feet from property lines and 4 feet from any road right of way. Parking shall be prohibited on any public road shoulder or within the right-of-way. It is the responsibility of the business or permit holder to enforce parking requirements. The occupation or business shall not produce any offensive odor, noise, smoke, dust, heat, electrical interference, or glare detectable to normal sensory perception beyond property or lot lines. The general hours of operation shall not be prior to 7:00 AM or past 9:00 PM. The service of food or beverages, to include outside service, shall be regulated by a Special Use Permit issued after review and approval of the Town Planning Board. The use of a tent(s) or membrane structures to increase occupancy, space or capacity may be considered.

Section 604- Maximum Height of Principal Building -

Two and one half stories not to exceed 36-feet.

Article VI-B

Maywood District (MD)

Section 600-B. - Permitted Principal Uses

All permitted uses within the Maywood District will require a special use permit

1. Any use permitted and as regulated in the “SC-R” District

Section 600-B-A – Special Permit Principle Uses

1. The following uses in an enclosed building:
 - (a) Retail Business (Small).
 - (b) Personal service shops.
 - (c) Galleries
 - (d) Artist / Music Studios
 - (e) Cafés
 - (f) Business or Professional Office.
 - (g) Shops for custom work such as woodworking, plumbing, and electrical trades, and the making of articles for sale on the premises, provided that:
 - Only light machines and hand tools are used in connection therewith
 - No operation or activity is so conducted as to be noxious or offensive to any adjacent occupant
 - (h) Building / Farm Supply and incidental millwork.
 - (i) Feed and solid fuel storage.
2. Farm implement sales, service and rental and auctions provided such implements are stored neatly and symmetrical.
3. Service buildings and storage yards, when enclosed by a fence, for public utilities and public agencies
4. Residential or solar installations specific to the business.
5. Assisted Living facilities, Group Homes, Senior Housing and Housing for the Disabled as per NYS Department of Health Codes.
6. Major Home Occupations
7. Wind Energy-Deriving Tower(s) / Wind Turbine(s) (Large Project) as regulated in Article X-C of this Local Law.
8. Commercial Solar arrays and farms as per Article X-D of this Local Law.
9. Commercial recreation establishments- means an establishment where people pay for recreation including such types as health center, places with court games, dance halls, places with machine game.

Section 601-B - Minimum Area Requirements

1. Front Yard - 25 feet.
2. Side Yard - 10-feet for accessory 25 feet primary structures.
3. Rear Yard - 10-feet for accessory 25 feet primary structures.
4. Minimum lot size as required to accommodate the proposed property use as determined by the Planning Board during Site Plan Review.

Section 602-B - Maximum Height

From the lowest ground elevation not to exceed 36 feet.

Section 603 -B- Signs

See Article XI Section 1120-1

Article VI-C

Residential District Regulations (R)

Section 600-C - Permitted Uses

Any use permitted and as regulated in the "SC-R" District.

1. Dwelling, Single Family
2. Dwelling, Two-family
2. Church or similar place of worship, parish houses, convents
3. Public parks and playgrounds and similar recreational areas not operated for gain.
4. Public schools or non-profit private schools accredited by the New York State Department of Education.
5. Public Libraries.
6. Any land or building used by the Town of Sidney or the County of Delaware for administrative purposes, water supply, sewerage facilities, fire or police stations.

Section 601-C- Permitted Accessory Structures and Uses

1. Private garage or parking space, including the parking of not more than one commercial vehicle provided the vehicle is used by the occupant of the premises.
2. Professional offices licensed by the State of New York subject to the following conditions:
 - (a) Such office shall be located within the dwelling.
 - (b) Up to 3 employees shall be permitted to practice on said premises and then, only in the capacity of an assistant to the professional occupant.
 - (c) A minimum of five off-street parking spaces shall be provided for patients exclusive of driveway and private garage.
3. Minor home occupations as defined in this Local Law, provided that:
 - (a) Any need for parking generated by the occupations shall be met off the street and in accordance with the regulations of this Local Law.
 - (b) There shall be no exterior display of signs except as defined in Article XI section 1120 in this local law.
4. Private stable providing the area of the lot is one acre or more.
5. Building for private horticultural purposes.
6. Private family swimming pool provided it is confined to area in the rear of the front setback line and access has been inhibited with the use of a fenced area or locked access. (See Swimming Pools)
7. Signs as follows:
See article XI section 1120-1

Section 602-C - Minimum Area Requirements

1. Lot Area
 - (a) 7,200 square feet where the lot is served by sewers, but not less than 3,500 square feet per dwelling unit.
 - (b) 20,000 square feet where lot is not served by a sewer, but not less than 10,000 square feet per dwelling unit.
2. Lot Width at Building Line: 100 feet.
3. Front Yard Depth - 40 Feet
4. Side Yards - 10-feet for accessory structure and 25 feet primary structures
5. Rear Yards - 10-feet for accessory structure and 25 feet primary structures

Section 603-C Special use Permit

The following shall be permitted in a Residential District under a Special Use Permit:

A building or tenant space used for assembly, business or mercantile purposes with an occupant load of not more than 25 people. Shall consist of one internal room with a single dimension of not greater than 30 feet and not greater than 500 square feet, or multiple internal rooms with a total gross area of not to exceed 500 square feet. Parking needs generated by the business shall be met with off street parking and in accordance with parking restrictions of this local law. Parking areas shall have a setback of at least 10 feet from property lines and 4 feet from any road right of way. Parking shall be prohibited on any public road shoulder or within the right-of-way. It is the responsibility of the business or permit holder to enforce parking requirements. The occupation or business shall not produce any offensive odor, noise, smoke, dust, heat, electrical interference, or glare detectable to normal sensory perception beyond property or lot lines. The general hours of operation shall not be prior to 7:00 AM or past 9:00 PM. The service of food or beverages, to include outside service, shall be regulated by a Special Use Permit issued after review and approval of the Town Planning Board. The use of a tent(s) or membrane structures to increase occupancy, space or capacity may be considered.

Section 604-C- Maximum Height of Principal Building -

Two and one half stories not to exceed 36-feet.

Section 605-C Minimum Road Frontage

Minimum Road Frontage shall be 100 feet *(Amended on January 13, 2023)*

Article VII

Residential - Agricultural District Regulations (RA)

Section 700. - Permitted Principal Uses

1. Any use permitted and as regulated in the "R" and "MD" District.
2. Private Garages or parking spaces will be allowed, provided that:
 - a. No more than 4 commercial vehicles which are registered to the property owner may be parked on the property unless they are within a garage. The commercial vehicle shall be used or owned by the occupant of the premises.
 - b. Such garage shall not be considered as an accessory building for a major home occupation.
 - c. The depth of the building shall not exceed 75% of the width of the overall lot.
3. Agricultural, floricultural and horticultural pursuits, including, but not limited to general farms, greenhouses, plant nurseries, truck gardens, dairies, and the raising of bees, poultry, and livestock, together with all customary buildings and other structures necessary for the production and storage of the products of such pursuits.
4. Dwelling, multi-family
5. Dwelling, Seasonal
6. Forest management
7. Animal hospitals, riding stables, kennels and the keeping of small animals, including furbearing animal farms, provided, however, that the buildings, pens or runways for the confinement of animals be at least 100 feet from any adjoining property line. The above distance restriction shall not apply to pasture or exercise tracks.
8. Private wildlife reservations or conservation projects including the usual buildings therefore.

Section 700-A -Special Permitted Uses

The following shall be permitted in a Residential - Agricultural District under a Special Use Permit:

The Town Planning Board is hereby authorized to approve, disapprove, or approve with written conditions Special Use Permits in accordance with Article X and other pertinent articles of this Local Law. On obtaining of a permit from the Planning Board in accordance with the provisions on Article X., the following uses:

1. Gun Clubs
2. Gravel Pits
3. Quarries
4. Major Home Occupation: as defined and including but not limited to; shops for custom work, contractor's equipment storage, antique shops, or any other similar use provided that:
 - i. Occupations shall be carried out by the occupant of the dwelling.

- iii. No more than four persons outside the resident household shall be employed in the occupations or as assistants, on the property site.
- iv. There shall be no exterior display or signs except as permitted under section 1120
- v. There shall be no exterior storage of materials (construction and raw materials) and no other exterior indication of the home occupations or variation from the residential character of the lot or surrounding neighborhood.
- vi. The occupation shall not produce any offensive odor, noise, smoke, dust, heat, electrical interference or glare, detectable to normal sensory perception outside the structure. The occupation shall abide by all conditions as established with approval to prevent such offenses.
- vii. Any need for parking generated by the occupations shall be met off the street and in accordance with Article XII of this Local Law.
- viii. No more than four (4) commercial vehicles in connection with the occupation maybe parked on the property unless they are in a garage.”
- ix. All areas designed for and allotted to the accessory building of the major home occupations shall not exceed 1,200 sq. ft. of total ground floor area.
- x. Height of structure not to exceed 30 feet.
- xi. All areas designed for and allotted to the accessory building of the major home occupation shall not have a total ground floor area which exceeds 3% of the area of the lot which it is being sited on
- xii. No site shall be permitted to have more than two accessory structures which are being used in the association with the granted special use permit for a Major Home Occupation.
- xiii. An applicant may utilize an existing building for a major home occupation; provided that the building existed prior to this local law and the total square feet being utilized within the building for the home occupation does not exceed 3% of the total lot size.

- 5. Communication Towers and Facilities
- 6. Personal residential towers will be exempt provided they are under 70’
- 7. Reception Hall
- 8. Small Commercial Business
- 9. Wind Energy-Deriving Tower(s) / Wind Turbine(s) (Large Project) as regulated in Article X-C of this Local Law.
- 10. Campgrounds and Camps
- 11. Farm stands

12. Commercial Solar Projects as per Article X-D of this Local Law
13. Assisted Living facilities, Group Homes, Senior Housing and Housing for the Disabled as per NYS Department of Health Codes.
14. Daycare and child care facilities, including adult care and day care centers.
15. Commercial Solar Arrays and Farms as per Article X-D of this Local Law.
16. A building or tenant space used for assembly, business or mercantile purposes with an occupant load of not more than 49 people. One internal room with a single dimension of not greater than 30 feet or a single internal room or multiple internal rooms with a total gross area of not to exceed 750 square feet. Parking needs generated by the business shall be met with off street parking and in accordance with Article XII of this local law. Parking areas shall have a setback of at least 15 feet from property lines and 6 feet from any road right of way. Parking shall be prohibited on any public road shoulder or within the right-of-way. It is the responsibility of the business or permit holder to enforce parking requirements. The occupation or business shall not produce any offensive odor, noise, smoke, dust, heat, electrical interference, or glare detectable to normal sensory perception outside of the structure. The general hours of operation shall not be prior to 7:00 AM or past 9:00 PM. The service of food or beverages, to include outside service, shall be regulated by a Special Use Permit issued after review and approval of the Town Planning Board. The use of a tent(s) or membrane structures to increase occupancy, space or capacity may be considered.
17. **CRAFT BREWERY, WINERY, DISTILLERY, CIDERY, MEADERY, AND/OR FOOD MANUFACTURING FACILITY.** A craft beverage/food manufacturer shall construct and maintain all sanitary facilities in accordance with and as regulated by New York State agencies. All patron activities shall be constructed within the enclosed structures, or on exterior portions of the property specifically designated on an approved site plan and special use permit. Hours of operation shall be as set by the Planning Board in issuance of a special use permit. In reviewing the exterior portions of the property to be utilized for patron activity, the Planning Board shall consider the proximity of the operation to neighboring residential properties and the impact of such activities on the peaceful enjoyment of the occupants of such residential property.
18. Restaurants shall be permitted in the RA district provided seating and occupancy is within an enclosed building or structure on the premises. The food service is primarily designed for onsite serving. Drive up windows or service shall not be permitted. A five (5) acre parcel, minimum, is required for the facility. Setbacks from existing neighboring residences shall be a minimum 200 feet. A facility in this category is a building, structure or tenant space used for a business categorized under the business or assembly definitions of the New York State Uniform Code. A business under this category shall have an occupant load of not more than 50 people and an assembly space shall not have an occupant load greater than is permitted in the special use permit. Parking needs generated by the business shall be met with off street parking and in accordance with Article XII of this local law. Parking areas shall have a setback of at least 50 feet from property lines and 6 feet from any road right of way. Parking shall be prohibited on any public road shoulder or within the right-of-way. It is the responsibility of the business or permit holder to enforce parking requirements. The assembly space or business shall not produce any offensive odor, noise, smoke, dust, heat, electrical interference, or glare detectable to normal sensory perception outside of the structure. The general hours of operation shall not be prior to 6:00 AM or past 10:00 PM. The service of food or beverages for outside service shall not create undo disturbance to the neighborhood and shall be regulated by a Special Use Permit. Setbacks for outside dining from existing neighboring residences shall be a minimum 150 feet. The service of alcoholic beverages may be regulated by the Special Use Permit. Outdoor open fires shall not

be permitted. in the Special Use Permit. The use of a tent(s) or membrane structures may be considered and granted with a Special Use Permit. Setbacks from neighboring properties must be a minimum of 200 feet and such that disturbance to same is minimal. The exclusive use of these structures shall increase lot size requirement to a twenty five (25) acre parcel, minimum.

19. Agricultural Service Uses provided such facility is set back 100 feet from adjoining property lines and road rights of way. Processing facility shall not be larger than 5,000 square feet. Facilities under this category require a site plan review and special use permit.

Section 701 - Permitted Accessory Structures and Uses

1. Same as permitted and regulated in the "R" district.
2. Temporary use permits may be issued for the display and sale of agricultural products grown on the premises, if approved by the Town Board. Any stand used for the display and sale of such products shall not contain more than 200 square feet of floor space and shall be set back at least 20 feet from the street line.
3. Signs
See Article XI Section 1120-2
4. Wind Energy-Deriving Tower(s) / Wind Turbine(s) (Small Project). Such tower(s)/wind turbine(s) are subject to the standards and requirements of Article X-C of this Local Law.
5. Personal solar applications as per Article X-D of this Local Law.

Section 702. - Minimum Area Requirements

1. Lot Area
Minimum Lot area 5 acres *(Amended on January 13, 2023)*
2. Lot Width at Building Line: 100 feet.
3. Front Yard Depth - 40 Feet
4. Side Yards - 10-feet for accessory structure and 25 feet primary structures
5. Rear Yards -10-feet for accessory structure and 25 feet primary structures
6. Minimum road frontage 250 feet *(Amended on January 13, 2023)*

Section 703. - Maximum Height

1. Residential Buildings - Two and one - half stories not to exceed 36-feet.
2. Farm Structures - No limit.

Article VIII

Commercial District Regulations (C)

Section 800 - Permitted Uses

1. Any use permitted and as regulated in the "SC-R", "MD", "R", "RA" district.
2. The following uses in an enclosed building:
 - (a) Retail Business (Large).
 - (b) Personal service shops.
 - (c) Restaurants and other eating establishments.
 - (d) Commercial Storage facilities
 - (e) Business or Professional Office.
 - (f) Undertaking establishment, mortuary, funeral home or crematorium.
 - (g) Automobile sales and boat sales, recreational vehicle sales, agricultural sales, agricultural farm equipment sales.
 - (h) Public garages and motor vehicle repair shops.
 - (i) Laundry and dry cleaning plant.
 - (j) Wholesale business and storage.
 - (k) Shops for custom work such as woodworking, plumbing, and electrical trades, and the making of articles for sale on the premises, provided that:
 - Only light machines and hand tools are used in connection therewith
 - No operation or activity is so conducted as to be noxious or offensive to any adjacent occupant
 - (l) Building Farm Supply and incidental millwork.
 - (m) Monument works.
 - (n) Feed and solid fuel storage.
 - (o) Contractor's equipment storage.
3. Farm implement sales, service and rental and auctions provided such implements are stored neatly and symmetrical.
4. Used car lots accessory to automobile sales.
5. Service buildings and storage yards, when enclosed by a fence, for public utilities and public agencies
6. Wind Energy-Deriving Tower(s) / Wind Turbine(s) (Small Project) as an accessory use. Such tower(s)/wind turbine(s) are subject to the standards and requirements of Article X-C of this Local Law.
7. Residential or solar installations specific to the business.

Section 800-A – Special Permit Uses

1. Wind Energy-Deriving Tower(s) / Wind Turbine(s) (Large Project) as regulated in Article X-C of this Local Law.
2. Commercial Solar arrays and farms as per Article X-D of this Local Law.
3. Commercial recreation establishments- means an establishment where people pay for recreation including such types as health center, places with court games, dance halls, places with machine games.

Section 801- Minimum Area Requirements

5. Front Yard -25 feet.
6. Side Yard - 10-feet for accessory 25 feet primary structures.
7. Rear Yard - 10-feet for accessory 25 feet primary structures.
8. Lot area – minimum lot size as required to accommodate the proposed property use as determined by the Planning Board during Site Plan Review

Section 802- Maximum Height

From the lowest ground elevation not to exceed 36 feet.

Section 803- Signs

See Article X1 Section 1120-3

Article IX

Site Plan Review Procedures

Section 900: Purpose

This section shall be enacted under the authority of Section 274-a of the Town Law of the State of New York to protect the health, safety, convenience and general welfare of the inhabitants of the Town. This section regulates the development of structures and sites in a manner which considers the following concerns and, where necessary, requires modification of development proposals to eliminate or minimize potential problems and nuisances.

Section 901: Principle areas of concern.

1. The balancing of landowners' rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g., noise, smoke, fumes, dust, odor, glare, stormwater runoff, etc.);
2. The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;
3. The adequacy of waste disposal methods and protection from pollution of surface or groundwater; and
4. The protection of historic and natural environmental features on the site under review, and in adjacent areas.

Section 902: Developments Requiring Site Plan Review

All development projects in the Town of Sidney require Site Plan Review. Unless specifically exempted from Site Plan Review, no permit for the construction, exterior alteration, relocation, occupancy, or change in use of any building shall be given and no existing use shall be established or expanded in floor area except in conformity with a site plan approved by the Planning Board. The introduction of new materials or processes not previously associated with an existing use is also subject to site plan review.

Section 903: Exemptions from Site Plan Review

Site Plan Review shall not be required for:

1. The construction or enlargement of any single-family or two-family dwelling, or building accessory to such dwelling;
2. The construction or alteration of any building used exclusively for agriculture, horticulture, or floriculture;
3. Ordinary repair or maintenance of existing structures or uses.
4. Temporary structures related to the sale of agricultural products.

Section 904: Procedure

1. Prior to the submission of a formal site plan, a pre-submission conference may be held wherein the applicant shall meet in person with the Planning Board to discuss the proposed site plan so that the necessary subsequent steps may be undertaken with a clear understanding of the Town's requirements in matters relating to the development of the site.
2. Within six (6) months following the presubmission conference, five (5) copies of the site plan and any related information shall be submitted to the Code Enforcement Officer accompanied by a fee in accordance with fees as adopted by Town Board, payable to the Town Clerk. Part 1 of an Environmental Assessment Form as required by the State Environmental Quality Review Act shall also be submitted. If the application is not submitted within this six (6) month period, another presubmission conference may be required.
3. The Code Enforcement Officer shall certify on each site plan or amendment whether or not the application is complete in accordance with Section 906 (Submission Requirements) and whether the plan meets the

requirements of all provisions of this Local Law other than those of this Article, such as setbacks, number of parking spaces, etc. The Code Enforcement Officer shall act to certify the application or return it to the applicant for completion or revision within ten (10) days of submission by the applicant.

4. Following certification of a complete application, the Code Enforcement Officer shall, forward the application to the Planning Board no later than ten (10) days prior to their next meeting. The applicant or representative shall appear at Planning Board meetings where the application is reviewed.
5. The Planning Board may, at its discretion, hold a Public Hearing on the application. Said hearing shall be held within sixty-two (62) days of submission to the Planning Board of said application. The Planning Board shall give notice of the hearing in a newspaper of general circulation in the Town at least ten (10) days prior to the hearing. In addition, the applicant shall give notice in writing by certified mail to all property owners of the land immediately adjacent to, extending five-hundred (500) feet there from, and directly opposite thereto, extending five-hundred (500) feet from the street frontage of the land in said application. The applicant shall mail these notices at least ten (10) days in advance of the hearing and furnish the Planning Board with Post Office receipts as proof of notification.
6. The Planning Board shall make a determination of significance of the proposed site plan according to SEQR. The time limitations of paragraph H of this Section shall not apply until the conclusion of the SEQR process.
7. Whenever any Site Plan involves real property in an areas described in Section 239-m of the General Municipal Law, said Site Plan shall be referred to the County Planning Board. If a public hearing is to be held, said action shall be referred to the County Planning Board at least ten (10) days prior to the public hearing. The County Planning Board shall report its recommendations to the Town Planning Board within thirty (30) days. Failure of the County to respond may be construed to be approval. The concurring vote of a majority plus one of the Town Planning Board shall be necessary to override County Planning Board recommendations of approval with modifications or disapproval. In the event that the County Planning Board recommends modifications or disapproval of a referred matter and the Town Planning Board acts to the contrary, the Town Planning Board shall file a report of its final action with the County Planning Board within thirty (30) days after final action and set forth in writing the reasons for the contrary action.
8. The Planning Board shall, within sixty-two (62) days of the public hearing, if one is held, or after the day the application is received if no hearing has been held, either:
 - a. approve the site plan if the Board finds that the plan meets the requirements of this Local Law and any other applicable rules and regulations; or
 - b. condition approval of the site plan upon the applicant making certain changes or modifications to the plan, said conditions to be set forth in writing by the Board; or
 - c. disapprove the site plan, the reasons for such action to be set forth in writing by the Board. The Planning Board shall inform the applicant in writing of its decision. Failure to act within the required time shall be deemed approval. Should the Planning Board need an additional thirty (30) days to consider the application, then they may do so with consent of the applicant. Said agreement shall be recorded in the minutes.
9. Review of amendments to an approved site plan shall be acted upon in the same manner as the review of the original site plan.

Section 905: Enforcement

1. The Planning Boards decision issued under this Article shall lapse within one (1) year if a substantial use thereof has not commenced, except in cases where an extension has been granted by the Planning Board at the request of the applicant and recommendation of the Code Enforcement Officer. No extension shall be granted in excess of one (1) year.

2. Planning Board may require the posting of a bond or other similar performance guarantee to ensure compliance with the plan and stated conditions of approval. The Code Enforcement Officer may suspend any permit or license when work is not performed as required.
3. Any Person aggrieved by a decision of the authorized board or any officer, department, board or bureau of the Town may apply to the supreme court for review by a proceeding under article seventy-eight (78) of the civil practice law and rules.
4. The Planning Board may adopt additional detailed design guidelines and performance standards, as it deems necessary, by majority vote of the Planning Board, after conducting a public hearing to receive comments on any proposed revisions. Such hearing shall be advertised once in a newspaper of general local circulation, at least ten (10) days prior to the hearing. Such standards and guidelines shall not become effective until approved by the Town Board.

Section 906: Submission Requirements

1. The site plan shall include the following data, details, and supporting plans. The number of pages submitted will depend on the proposal's size and complexity. All of the requirements must be met in each plan, except in accordance with waivers as authorized in this Section.
2. The Code Enforcement Officer may waive any of the requirements of Section 906, paragraphs 3 and 4, or part thereof, prior to the submission of a formal site plan, when such requirements are not material to the project under review. The Planning Board may overrule any waivers so granted and require compliance with these requirements before accepting a site plan submission.
3. Site plans shall be prepared by a surveyor, registered professional engineer, architect, or landscape architect at a scale of one (1) inch equals forty (40) feet or less, on standard 24" x 36" sheets, with continuation on 8 1/2" x 11" sheets as necessary for written information.
4. Items required for submission include:
 - a. Name of the project, boundaries, and location maps showing site's location in the Town, date, north arrow and scale of the plan.
 - b. Name and address of the owner of record, developer, and seal of the engineer, architect or landscape architect.
 - c. Names and addresses of all owners of record of abutting parcels and those within five-hundred (500) feet of the property line.
 - d. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses, and the location and use of structures within five-hundred (500) feet of the site.
 - e. The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area, and show all exterior entrances, and all anticipated future additions and alterations.
 - f. The location of all present and proposed public and private ways, easements, parking area, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, and walls. Location, type, and screening details for all waste disposal containers shall also be shown.
 - g. The location, height, intensity, and bulb type (e.g., fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
 - h. The location, height, size, materials, and design of all proposed signage.
 - i. The location of all present and proposed utility systems including:

- i. sewage or septic system;
 - ii. water supply system;
 - iii. telephone, cable and electrical systems; and
 - iv. storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales.
 - j. The Planning Board may also request soil logs, soil profile analysis (deep test pits), percolation tests and storm water run-off calculations for large developments or developments in environmentally-sensitive areas.
 - k. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.
 - l. Existing and proposed topography at a five (5) foot contour interval. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the parcel is within the 100-year flood plain, the area will be shown, and base flood elevations given. Indicate areas within the proposed site and within fifty (50) feet of the proposed site, where ground removal or filling is required, and give its approximate volume in cubic yards.
 - m. A landscape plan showing all existing natural land features, trees, forest cover and water sources, and all proposed changes to these features including size and type of plant material, and erosion control measures. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains, and drainage retention areas.
 - n. Zoning district boundaries within one hundred (100) feet of the site's perimeter shall be drawn and identified on the plan.
 - o. Traffic flow patterns within the site, entrances and exits, loading and unloading area, curb cuts on the site and within one hundred (100) feet of the site. The Planning Board may require a detailed traffic study for large developments or for those in heavy traffic areas to include:
 - p. the projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic level;
 - q. the projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site;
 - r. the impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels as well as road capacity levels shall also be given.
 - s. For new construction or alterations to any existing building, a table containing the following information must be included:
 - i. area of building to be used for a particular use such as retail operation, office, storage, etc.;
 - ii. maximum number of employees;
 - iii. maximum seating capacity, where applicable; and
 - iv. number of parking spaces existing and required for the intended use.
 - v. Elevation plans at a scale of $1/4" = 1'$ for all exterior facades of the proposed structure(s) and/or existing facades, plus addition(s) showing design features and indicating the type and color of materials to be used.
5. An Environmental Assessment Form (either a short or long form, depending upon the nature of the proposal) shall be submitted with the site plan to insure compliance with the New York State Environmental Quality Review Act (6 NYCRR 617), to identify the potential environmental, social, and economic impacts of the project.

6. Planning Board shall have discretion to waive requirements set forth in Section 906 upon request from the applicant. These shall only be waived for projects which are determined to be a Type 2 Action under SEQRA.

Section 907: Standards for Review

The Planning Board shall review the site plan and supporting documents, taking into consideration the reasonable fulfillment of the objectives listed below. Pursuant to Section 905 (4), detailed design guidelines and performance standards may be adopted by the Planning Board to guide decisions with respect to these objectives, and to help ensure consistency in the review of all applications.

1. **Legal:** Conformance with the provisions of the Local Laws and Ordinances of the Town, the Town Law of New York, and all applicable rules and regulations of state and federal agencies.
2. **Traffic:** Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
3. **Parking:** Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic control.
4. **Public Services:** Reasonable demands placed on public services and infrastructure.
5. **Pollution Control:** Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
6. **Nuisances:** Protection of abutting properties and Town amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
7. **Existing Vegetation:** Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
8. **Amenities:** The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.
9. **Town Character:** The building setbacks, area and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding landscape and the natural landscape.
10. The Planning Board may review an application for special use permit but shall not take action on or approve such permit when there are outstanding code or zoning violations on a parcel which is subject to the special use permit.

Exception: The Planning Board may give partial approval of such permit application if the permit is required to mitigate the outstanding violations. *(Amended on December 14th 2023)*

Section 908 – Costs

Costs incurred by the Planning Board and the Town Board in connection with any special use/site plan for consultation fees or other expenses in connection with the review of plans, inspections of improvements, guarantee approval or any other costs shall be charged to the applicant. No permit or approval shall be issued until applicant has fully reimbursed the Town for incurred costs. The Planning Board is authorized to require applicants to be bonded.

Article X

Standards for Special Use Permits

Section 1000 - General Provisions

The special uses for which conformance to additional standards is required shall be deemed to be permitted uses in their respective districts subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this Local Law. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

Section 1001 Procedure

- (A) Completed applications for special use permits shall be submitted to the Town Clerk at least ten (10) days prior to the regular meeting of the Town Planning Board. Applications may be made by the owner of the property or other person with written approval of the owner.
- (B) A site plan prepared in accordance with Article 900 of this Local Law and as required by 6 NYCRR Part 617 shall be submitted with any application for a special permit.
- (C) Within sixty-two (62) days after the Town Planning Board meeting where the complete application is submitted, a public hearing shall be held. Notice of such public hearing shall be published in the official newspaper of the Town at least ten (10) days prior to the date thereof.
- (D) Within sixty-two (62) days of the public hearing the Town Planning Board may approve, conditionally approve, or disapprove the application. The time in which the Board must render its decision may be extended by mutual consent of the applicant and the Board. The decision of the Board on the application shall be filed in the office of the Town Clerk within five (5) business days after such decision is rendered and a copy thereof mailed to the applicant. If no decision is made with this timeframe the application is automatically denied.

A plan for the proposed development of a site for a permitted special use shall be submitted with an application for a special permit and such plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, and other pertinent information that may be necessary to determine if the proposed special use meets the requirements of this Local Law.

Section 1002 – Expiration

A special permit shall be deemed to authorize only one particular special use and shall expire if the special use shall cease for more for 1 year or if the use permit is not implemented within 1 year of approval the applicant may apply for an extension for circumstances beyond the control of the applicant for up to one year.

Section 1003 - Standards Applicable To All Special Uses

- A. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to the proposed use, the location of the site with respect to the existing or future streets giving access to it, and the location, nature and height of buildings, walls and fences shall be such that the special use:
 - 1. The Planning board may request an appraisal be conducted if requested during a public hearing or by neighboring property owners.
 - 2. May not create a hazard to health safety, morals or the general welfare
 - 3. May not be detrimental to the neighborhood or to the residents thereof
 - 4. May not alter the essential character of the neighborhood
 - 5. May not otherwise be detrimental to public convenience and welfare

- B. Operations in connection with any special use shall not be more objectionable to nearby properties by reason of sound, fumes, vibrations, or light, than would be the operation of permitted use. Nor shall the operations be detrimental to the environment.

Section 1004 - Conditions and Restrictions

- 1. The Town Planning Board in granting special use permits may impose such conditions, safeguards and restrictions upon the proposed uses as may be deemed necessary in the public interest to secure compliance with the provisions of this Local Law. Conditions may include, but need not be limited to, the following:
 - A. Hours of operation
 - B. Access to the subject property
 - C. Protection of surface and groundwater
 - D. Lighting of the site so as not to adversely affect adjacent or nearby property owners
 - E. Noise or sound limitations as needed to insure peaceful enjoyment of neighbors
 - F. Control of dust, smoke, odor and soil erosion
 - G. Adequate subsurface disposal system and water supply according to any state, county, city, or local regulation
 - H. The location, size, height, design of building walls, fences, signs, landscaping and buffer yards
 - I. Timing or phasing of the project
 - J. Underground utilities

Section 1013 Manufactured Home Parks -

- 1. Location - A manufactured home park will be permitted in the Town of Sidney after the Town Board has determined that the provisions of this Section 1013 have been complied with, has received a site plan review report from the Town Planning Board and has authorized the Code Enforcement Officer to issue a Home Park Permit therefore.

- 2. Permit Application - Application for a permit for a home park shall be submitted to the Code Enforcement Officer in triplicate and shall include:

- a) Name and address of applicant along with tax map number.
- b) Name and address of the owner of land upon which the park is to be located.
- c) Location map showing how the park relates to the existing road system.
- d) Preliminary plan of the park showing how the overall design is in accordance with the environmental standards set forth in Section 1013.4 of this Article X-A.
- e) Provisions for water supply and sewage disposal in accordance with the provisions of Section 7-1.50 of the State Sanitary Code as set forth in Section 1013.4m and n of this Article X-A.
- f) Topography and soils of the site including all areas which are wet or subject to flooding. Topography maps from the County Planning Department or the United States Geologic Survey shall be adequate. These maps must show a minimum level of detail of 2 foot contours for the project site.
- g) Proposed cross-section design of park roadways and proposed lots.
- h) A statement of all contemplated rules, regulations, restrictions and covenants applying in the park including requirements reside the park, management and tenant responsibilities, entrance or departure fees, utility connection fees and security deposits.
- i) Any additional information which the developer feels will help the Planning Board in its review of the proposed park.

3. Procedure -

- a) The Code Enforcement Officer shall transmit one copy of the application to the Town Board and one to the Planning Board for site plan review and shall retain the third copy.
- b) Within 45 days from receipt of the application the Planning Board shall have a conference with the developer to discuss the preliminary plan and the required environmental standards applicable thereto.
- c) Within 45 days from the developer's conference, or a mutually agreed extension thereof, the Planning Board shall transmit its comments and recommendations on the site plan to the Town Board.
- d) The Town Board shall hold a duly advertised public hearing on the proposed home park at which hearing any Planning Board comments and recommendations shall be made a part of the record.
- e) The Town Board shall conditionally approve or disapprove the application within 45 days from the public hearing. An action which is contrary to any Planning Board recommendation shall be passed by a favorable vote of a majority plus one of the Town Board.
- f) Upon conditional approval of the application by the Town Board, the applicant shall proceed with the final plans incorporating any conditions attached to said conditional approval.
- g) Final site plans for the proposed home park, or a portion of it if construction is to be staged, shall be submitted to the Planning Board for approval within one year from the date of conditional approval by the Town Board or such conditional approval may be withdrawn by the Town Board.
- h) Upon final site plan approval by the Planning Board a Home Park Permit shall be issued by the Code Enforcement Officer. Such permit shall be temporary and must be renewed every two years after issuance.
- i) The Code Enforcement Officer shall be notified before water and sewer trenches are filled so that such installations may be inspected. The Code Enforcement Officer may make other inspections deemed necessary during construction of the home park.
- j) When construction is completed in accordance with the final plan as approved by the Planning Board, an operations permit shall be issued by the Code Enforcement Officer.

4. Environmental Standards -

In reviewing proposed home park site plans the Planning Board shall use the following environmental standards as guidelines:

- a) Density and Lot size. The density of development in a home park shall not exceed 5.0 units per gross acre of site to be developed. Home lots shall have a minimum area of 7,000 square feet and a minimum width of 55 feet.
- b) Separation. Home unit may be positioned in a variety of ways within a park provided that a separation of at least 30 feet is maintained between the extremities of any two units.
- c) Setback. No home shall be located less than 25 feet from the pavement edge of a private street or 25 feet from the right-of-way of any public street within the home park. A minimum of 30 feet shall be maintained between home units and all park boundary lines except that at least 60 feet shall be maintained between all units and any park boundary abutting an existing public road, highway or railroad.
- d) Road Layout and Construction. A drawing of the proposed park layout, showing connections to be made to existing roads, shall be included as part of the home park plans. Attempts should be made to provide variety and visual interest in the road layout, avoiding long straight stretches and gridiron systems when possible. The paved surface of all private roads within a home park shall be at least 20 feet wide and construction specifications shall be approved by the Town Highway Superintendent. Any public roads that may fall within the park shall have a 50 feet right-of-way and be constructed to Town specifications.
- e) Parking. Two off-street parking spaces shall be provided for each home site. Such spaces may be located on the individual lot or grouped to serve two or more home sites. Off-street parking spaces shall be constructed of at least a 4 inch compacted gravel base with a 1 inch hard surface material. A supplemental parking area for the group storage or temporary parking of travel trailers, campers, boats, snowmobiles, and similar auxiliary vehicles shall be provided in each home park in a location removed from the home living units. Such area shall be large enough to provide at least one space for every two units.
- f) Recreation and Open Space. Usable and easily accessible recreation areas shall be provided for park occupants. At least 400 square feet of open space per home unit shall be included in the plan with a total minimum requirement of 10,000 square feet.
- g) Foundation. Each home site shall be provided with a permanent foundation within NYS Uniform, Fire Prevention and building codes with footers below the frost line or with a stand and support capable of providing a firm base and containing the home in a stable position. Such stand shall have a dimension equal to the width and length of the home and any expansions or extensions thereto and shall be a full size concrete slab at least 6 inches thick.
- h) Tie Downs. Each home site shall be provided with anchors or tie-downs, at least at corners, attached to concrete footings installed below the frost line or imbedded in concrete runners or a concrete slab which may be provided as the home stand.
- i) Patio. Each home site shall be provided with a concrete patio with a minimum width of 10 feet and a total area of at least 120 square feet.
- j) Walkways. Each home site shall be provided with a walkway from the foundation or patio to the street or to a driveway or to a parking area connecting to the street. Such walkway shall be at least 18 inches wide and 4 inches deep constructed with a crushed stone base and a hard surface.

- k) Landscaping. Exposed ground surfaces in all parts of a home park shall be paved, surfaced with crushed stone or other solid material or protected with grass or plant material to prevent erosion and reduce dust. At least one tree shall be planted on each home lot if no such tree already exists. Planted trees shall have a caliper of at least two inches three feet above the ground.
- l) Home Installation. At the time of installation, the home unit shall be securely blocked, leveled, tied down, and connected to the required utility systems and support services. The home shall be completely skirted within 120 days of occupancy. Materials used for skirting shall provide a finished exterior appearance and no exposed wallboard, building paper or similar unfinished material will be permitted.
- m) Water Supply. If public water is within 500 feet and available, the home park must be hooked to such system. When a public water supply is not available an approved private supply and system shall be established in accordance with the following NYS Department of Health Standards.
 - i. A minimum rate of 200 gallons per day per home site shall be provided at a minimum pressure of 20 pounds per square inch at peak demand.
 - ii. A water service connection consisting of a service box with a shutoff valve installed below the frost line and a three-quarter riser pipe shall be supplied to each home site. Surface drainage shall be diverted from the connection. The design and construction of all components of such systems shall be subject to the inspection and approval of the Code Enforcement Officer and the New York State Health Department.
- n) Sewage Disposal. If public sewerage is within 500 feet and available, the home park must be hooked to such system. When public sewage disposal is not available an approved private system shall be established in accordance with the following standards:
 - 1) Sewage disposal systems shall be designed to accommodate a minimum flow of 200 gallons of waste water per day per home site.
 - 2) Each home site shall be provided with a four inch sewer line below the ground surface and a riser pipe. A non-collapsible and semi-rigid connecting pipe shall be provided from the riser pipe to the home. All connections shall be watertight. The design and construction of all components of such system shall be subject to the inspection and approval of the Code Enforcement Officer and the New York State Health Department.
- o) Solid Waste Disposal. Provisions shall be made and approved for the storage, collection, and disposal of solid waste in a manner that will cause no health hazards, rodent harborage, insect breeding areas, fire hazards or air pollution. Storage areas for solid waste containers shall be enclosed or otherwise screened from public view.
- p) Lighting. Home parks shall be provided with lighting sufficient to illuminate streets, driveways and walkways. Decorative lighting fixtures shall be used wherever possible.
- q) Electricity and Telephone. The distribution system for electrical and telephone service shall be installed underground and shall comply with the requirements of the utility and telephone company.
- r) Fuel Systems. Home parks shall be provided with facilities for the safe storage of necessary fuels. Natural gas installations, if used, shall be planned and installed so that components and

workmanship comply with the requirements of the American Gas Association, Inc. Fuel oil systems shall be designed, constructed, inspected and maintained in conformance with the provisions of NFPA Section 30

- s) Association, Standard 30. Liquefied Petroleum Gas systems shall be selected, installed and maintained in compliance with the requirements of National Fire Protection Association, Standard 58 and the NYS uniform Fire Prevention and Building Code.
- t) Fire Protection. If public water is available and sufficient enough to supply water to a fire hydrant, fire hydrants systems shall be installed at the expense of the developer.
- u) Mail Service. Mailbox location shall provide safe and easy access for the pickup and delivery of mail. Mailboxes grouped for cluster delivery shall be located so that stopping for pickup and delivery will not occur on the public right-of-way.
- v) In reviewing the site plan for a home park the Planning Board may approve changes in the environmental standards of this section if the board is satisfied that the spirit and intent of this Section 1013 is not being violated and that any proposed change equivalent to, or better than, the standards set forth herein.

5. Park Operation and Maintenance -

- a) Occupancy. No space shall be rented on any parcel for placement of a travel or camping trailer or a recreation vehicle except for
 - 1. A permitted campground
 - 2. For a period no longer than 2 weeks
- b) Responsibilities of Park Operator. The person to whom a Home Park Permit is issued shall be responsible for operation of the park in compliance with this Section 1013 and shall provide adequate supervision to maintain the park, its common grounds, streets, facilities and equipment in good repair and in a clean and sanitary condition. The park operator shall maintain a register containing the following information for each home in the park:
 - 1. Name of occupant.
 - 2. Name and address of owner if different than occupant.
 - 3. Date of arrival of home and occupant.
 - 4. Date of departure of home and occupant.
 - 5. Make of home and evidence that it bears a New York seal or equivalent (Serial number, etc.)

Such register shall be available to any authorized person inspecting the park.

- c) Responsibility of Park Occupants. Each park occupant shall be responsible for the maintenance of the home occupied and any appurtenances thereto, and shall keep all yard space on the rented site in a neat and sanitary condition.
- d) A list of owner and occupant responsibilities shall be posted in the park rental office.
- e) Park owners shall produce and maintain an accurate park map depicting in locations of all homes within the park in number sequence. Such map shall be provided to the code enforcement office and fire department.

6. Inspection and Enforcement -.

- a) Inspection. It shall be the duty of the Code Enforcement Officer to make the inspections required for a certificate of occupancy and for renewal of the Home Park Permit every two years. Such inspection shall be carried out at reasonable times, after prior notice to the park operator, and in emergencies, whenever necessary to protect the public health, safety or welfare.
- b) Order. Upon determination by the Code Enforcement Officer that there has been a violation of any provision of this Section 1013, he shall serve upon the holder of the Home Park Permit an initial order to remedy in accordance to the New York State Uniform Fire Prevention and Building Code.

Section 1014. Health Department Approval —

Any provision of this Article X-A to the contrary notwithstanding, no building permit for a home park, or a single home not in a home park, will be issued until State Health Department approval has been obtained for the design of any private water system or sewage disposal system involved.

No approval for a home park will be granted without approval from the New York State Department of Health.

Article X-B

Communication Towers and Facilities

The development and construction of communication towers and facilities and related structures shall be permitted by Special Use Permit. Communication Towers and Facilities shall be subject to the following supplemental requirements in addition to the standards listed under Article X.

- A. Purpose: The purpose of these supplementary requirements and standards is to regulate the development of communication towers and facilities in the Town of Sidney consistent with the general purposes stated in the Zoning Local Law of the Town of Sidney to accommodate the necessary infrastructure for the provision of communication services within the Town, to address the visual, aesthetic and land use compatibility aspects of communication facilities, towers and antennas and more specifically to:
 - 1. Minimize the total number of towers throughout the Town;
 - 2. Encourage the co-location or shared use of proposed and existing tower site
 - 3. Encourage the location of towers and antennas in areas where the adverse impacts on the community are minimized;
 - 4. Encourage the configuration of towers and antennas in a way that minimizes the adverse visual impact of the towers and antennas; and
 - 5. Enhance the provisions of telecommunication services within the Town.

B. Specific Provisions

- 1. Location. Applicants for telecommunication towers shall locate, erect and site towers in accordance with the following priorities with (a) being the highest priority and (b) being the lowest priority.
 - a. on existing towers or structures
 - b. co-location on a site with existing towers or structures
 - c. on Town of Sidney properties
 - d. on fire district properties
 - e. in commercial districts
 - f. other developed municipal properties
 - g. Delaware County properties
 - h. New York State properties
 - i. in residential-agricultural (R-A) districts
 - j. in residential (R) districts

Upon filing an application for a permit for a telecommunication tower, the applicant shall submit a report demonstrating technologically the reason for the site selection. If the site selected is not the highest priority, a detailed explanation as to why sites of a higher priority were not selected shall be included in the application.

Notwithstanding the above, the Town Planning Board may approve a site location within the list of priority areas if the alternative site provides reasonable services and meets the

minimum needs of the service provider and the Board, in writing, finds it is in the best interest of the health, safety, and general welfare of the Town.

Applicants for a Special Use Permit to place, construct or modify Communication Tower and Facilities within the Town of Sidney shall submit the following information to the Town Planning Board:

- (a) State Environmental Quality Review Act (SEQR) Environmental Assessment Form and Visual Environmental Assessment Form (Visual EAF), landscaping plan and visual assessment report including appropriate modeling and photography assessing the visibility from key viewpoints identified in the Visual EAF, existing tree lines, and proposed elevations.
- (b) Preliminary report prepared by a licensed professional engineer describing:
 - (i) feasibility of co-location on existing structures and telecommunications facilities,
 - (ii) applicant's full map and grid coverage in the town,
 - (iii) surrounding topography in relationship to line of sight transmission,
 - (iv) available road access, electric power and land-based telephone lines and/or microwave link capability,
 - (v) required improvements for construction activities, including those within the public's right of way or land zoned or controlled by the Town of Sidney,
 - (vi) identity of location, ownership and usage of currently existing telecommunications facilities within the Town,
 - (vii) plans for construction of telecommunications accessory equipment building or structures and landscaping,
 - (viii) proposed mitigation measures for visual impacts,
 - (ix) proposed safety measures
- (c) In the case of an application for a telecommunications tower, additional information describing: the telecommunications tower's height and design including a cross-section of the structure; the telecommunications tower's compliance with applicable structural standards; the telecommunications tower's capacity, including the number and type of telecommunications antennas it can accommodate and the basis of calculation of capacity.
- (d) In the case of a telecommunications antenna mounted on an existing structure, additional information shall be provided indicating; the existing structure's suitability to accept the telecommunications antenna; the proposed method of affixing the telecommunications antenna to the structure; and complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.
- (e) Demonstration of a need for proposed telecommunications facility, and when applicable, showing the impracticality of upgrading or expanding an existing. Demonstration that the

proposed site is the most appropriate site within the immediate area for the location of the facility.

- (f) Inventory of existing telecommunication facilities within the Town outlining opportunities for shared use as an alternative to the proposed use. The applicant must demonstrate that the proposed telecommunications tower or telecommunications antenna cannot be accommodated on an existing approved telecommunications tower or facility.
- (g) Description of the applicant's long range plans which project market demand and long range facility expansion needs within the Town.
- (l) Proof of certified mail announcements to all other telecommunications providers in the area declaring the applicant's sharing capabilities and/or siting needs.
- (j) A map showing the location of the premises for which the permit is sought and sketch plan showing all features of the facility necessary for providing road access, electrical service, land based telephone line connection and/or microwave link capability within the proper boundaries of the proposed location.
- (k) Certification by a New York State Licensed Professional Engineer (P.E.) that the facility will comply with Federal Communications Commission ("FCC") regulations for radio frequency ("RF") emissions.
- (l) Such other information as may be required by the Town Planning Board or its engineer or consultant.

C) Special Permits Used for Personal Wireless Telecommunication Service Facilities shall be subject to the following general conditions

- (1) Separation Distance- Telecommunication facilities shall be separated from all residential dwellings by a distance of no less than 500 feet.
- (2) All telecommunication facilities shall comply with zoning set back regulations in the affected zone. In any event, a structure shall be set back a distance at least equal to its fall zone as certified by a New York State Licensed Professional Engineer plus an additional 50% of its fall zone. Additional setbacks may be required by the Town Planning Board in order to provide for the public safety, health and welfare.
- (3) Minimal Visual Impacts- All telecommunications towers and telecommunications antennas shall be sited to have the least possible visual effect on the environment.
- (4) Lighting- Telecommunication's towers shall not be artificially lighted unless otherwise required by the Federal Aviation Administration or other federal, state or local authority.
- (5) Material and Paint- Telecommunications towers and telecommunication antennas shall be of a galvanized finish or painted gray above the surrounding tree lines, and gray or green below the tree lines; the mountings of telecommunications antennas should be non-reflective and of the appropriate color to blend with their background.
- (6) Signs. No portion of any telecommunication tower and facilities shall be used for advertising purposes.
- (7) Screening
 - (a) Vegetative Screening

- (i) Where a personal wireless telecommunications facility abuts residential or public property, the following vegetative screening shall be provided: Native evergreen shrubs or trees capable of forming a continuous hedge at least five feet in height within two (2) years of planting to effectively screen a telecommunications tower base and accessory facilities;
 - (ii) Additional screening may be required by the Town Planning Board to screen portions of the telecommunications tower from nearby residential property or important views.
 - (b) Architectural Screening. Creative design measures to camouflage facilities by integrating them with existing buildings and among other existing uses is preferred.
-
- (8) Height. The size of telecommunication sites should be limited to the minimum required to provide the proposed telecommunication services.
 - (8) Access Road. Existing roadways shall be used for access to the site whenever possible.
 - (9) Telecommunications Accessory Structures. Telecommunications support facilities such as vaults and equipment rooms, utilities and other support structures should be screened, placed underground, depressed, earth bermed or sited below the ridge line to the greatest extent feasible particularly in areas of high visibility.
 - (10) Telecommunications Antennas. Due to their high visibility, dish and parabolic telecommunications antennas should be located at as low an elevation as possible without compromising the function of the device, preferably on the sides of buildings or ground mounted on slopes below the ridge line wherever possible, rather than elevated on telecommunications towers. Microwave and satellite dishes should be of mesh construction wherever possible.
 - (11) Utility Service. Electrical and land based telephone and/or microwave utilities extended to serve telecommunication sites shall be underground.
 - (12) Security Provisions. Each site should have a security program including physical features such as fencing, anti-climbing devices or elevating ladders on communications towers and/or monitoring either by staff or electronic devices, to prevent unauthorized access and vandalism.
 - (13) Safe Zone. Telecommunications towers should be designed so that in the event of failure, they will fall within the set back area of the site and/or away from adjacent development.
 - (14) Noise. Noise producing equipment should be sited and/or insulated to minimize noise impacts on adjacent properties.

- (15) Annual Inspection and Report. Telecommunications towers over 100 feet in height shall be inspected annually by a licensed professional engineer, and a copy of the inspection report submitted to the Town Code Enforcement Officer.
- (16) Removal. All telecommunications facilities, including, but not limited to antennas, towers and accessory structures shall be dismantled and removed from the site when they have been inoperative or abandoned for two years. Applicants shall post a bond or other suitable undertaking as a condition of the special permit in order to guaranty removal of abandoned structures.
- (17) A Post Installation Field Report identifying the facilities coverage area, the telecommunication tower's maximum capacity, committed capacity and unused capacity, if any, and co-located users of the telecommunications tower shall be submitted to the Town.
- (18) Does not present any hazard to existing airport
- (19) Large dish antennas over 6 feet in diameter are prohibited
- (20) Towers shall comply with FCC and FAA regulations

The Town Planning Board may grant the Special Permit, deny the Special Permit or grant the Special Permit with Written Stated Conditions.

Article X-C

Wind Energy-Deriving Tower(s) / Wind Turbine(s) (Large Project)

The development of Wind Energy-Deriving Tower(s)/Wind Turbine(s) (Large Project) and related structures shall be permitted by Special Use Permit approval by the Town Planning Board. Wind Energy-Deriving Tower(s) / Wind Turbine(s) (Large Project) and Facilities shall be subject to the to the following supplemental requirements in addition to the standards listed under Article X.

A. The purpose of these supplementary requirements and standards is to regulate the development of Wind Energy-Deriving Tower(s) / Wind Turbine(s) (Large Project) and related structures in the Town of Sidney consistent with the general purposes stated in the Zoning Local Law of the Town of Sidney, to accommodate the necessary infrastructure for the provision of Wind Energy-Deriving Tower(s)/Wind Turbine(s) (Large Project) and related structures within the Town, to address the visual, aesthetic and land use compatibility aspects of Wind Energy-Deriving Tower(s)/Wind Turbine(s) (Large Project) and related structures and more specifically to:

1. Encourage the location of Wind Energy-Deriving Tower(s)/Wind Turbine(s) in areas where the adverse impacts on the community are minimized;
2. Encourage the configuration of Wind Energy-Deriving Tower(s)/Wind Turbine(s) in a way that minimizes the adverse visual impact of the towers;
3. Enhance the provisions of Wind Energy-Deriving Tower(s) / Wind Turbine(s) within the Town;
4. Encourage the co-location or shared use of proposed and existing Wind EnergyDeriving Tower(s) / Wind Turbine(s) sites; and
5. Minimize the total number of Wind Energy-Deriving Tower(s) / Wind Turbine(s) throughout the Town.

B. Applicants for the proposed development of a wind energy-deriving tower facility shall submit with the application a plan showing the following information:

1. Name of the project, boundary lines of parcel that project will be located on, a location map showing proposed site's location, date, north arrow and scale of the plan.
2. Name and address of the owner of the parcel where development is proposed, developer and seal of the engineer, architect, or surveyor preparing the plan.
3. A map showing all existing lot lines, easements and right of ways, and a sketch plan showing proposed road access including provisions for paving, if any, proposed transmission lines and accessory facilities, and location of all existing and proposed utility systems to the facility.
4. A survey of the land to be leased, if applicable.
5. A map showing existing and proposed topography at five-foot contour intervals.
6. A landscape plan showing all existing natural land features, trees, forest cover and all proposed changes to these features including size and type of plant material and erosion control measures.
7. State Environmental Quality Review Act (SEQRA) Environmental Assessment Form (EAF).

8. Photography assessing the visibility from key viewpoints, existing tree lines, and proposed elevations. Pictures shall be digitally enhanced to simulate the appearance of the as-built above ground site facilities as they would appear from distances within a three (3) mile radius of such wind turbines. Pictures from specific locations may be required by the planning board and all pictures shall be no smaller than 5" X 7".
9. Documentation of the proposed intent and capacity of energy generation as well as a justification for the height of any wind energy deriving tower and justification for any clearing required.
10. Preliminary report prepared by the wind turbine siting developer describing:
 - a. Surrounding topography in relation to the capabilities for generation of electricity by wind,
 - b. Required improvements for construction activities, including those within the public's right of way or land controlled by the Town of Sidney,
 - c. Proposed mitigation measures for visual impacts of tower facility,
 - d. Proposed safety measures to mitigate wind energy-deriving tower failure.
11. Elevation map showing the wind energy-deriving tower's height and design including a cross-section of the structure and components of the nacelle; the wind energy deriving tower's compliance with applicable structural standards; and the wind energy-deriving tower's abilities in terms of producing energy.
12. Demonstration of a need for the proposed wind energy-deriving tower facility.
13. A description of the general geographic areas that would be acceptable for wind projects within the Town of Sidney; furthermore, demonstration that the proposed site is the most appropriate site within the immediate area for the location of the wind energy deriving tower facility.
14. Description of the applicant's long-range plans which project market demand and long-range facility expansion needs within the Town.
15. Digital elevation model-based project visibility map showing the impact of visibility of the project from other locations, to a distance radius of three (3) miles from the center of the project. The base map used shall be a published topographic map showing natural and structural or built features.
16. Report showing soil logs, soil profile analysis, and storm water run-off calculations for the area being disturbed.
17. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, and flooding of other properties, as applicable. There should be pre-construction and post construction drainage calculations for the site done by a certified

engineer. From this the engineer must show how there will be no increase in runoff from the site.

18. If any license, approval, permit, certification or any type of registration or similar type of endorsement is required from any other agency, the applicant shall notify the Planning Board of such requirement and the Board shall coordinate the review as deemed appropriate.
19. The Planning Board, upon request in writing by the applicant, may waive specific requirements of this Section B when its opinion such information is not necessary for the Board to take into account when considering an application. Any such waiver will not have the effect of nullifying the spirit and intent of these standards, the Comprehensive Plan, or any other regulations or Local Law, if such exist.

C. STANDARDS-The development of wind energy-deriving towers (Large Project) and related structures shall be permitted with approval by the Town Planning Board. The development of wind energy-deriving towers (Small Project) shall be permitted with approval of the Code Enforcement Officer. All wind energy-deriving towers and facilities shall be subject to the following requirements, except as noted.

1) Specific Provisions

a. Location.

Applicants for wind energy-deriving towers shall locate, erect and site towers in accordance with the following requirements:

- i. No individual tower facility shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce disturbance in the links operation.
- ii. No individual tower facility shall be installed in any location where its proximity with existing fixed broadcast, or reception antenna (including residential reception antenna) for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception.
- iii. No individual tower facility shall be installed in any location where there is a recognized migratory flight path for birds or at a location where birds commonly congregate, unless applicant can demonstrate that the operation of the wind energy-deriving tower will not have a significant impact on either migrating or resident birds.
- iv. All wind turbine towers shall be set back from adjacent property lines and any pre-existing structures by a distance at least equal to its fall zone as certified by a New York State Licensed Professional Engineer plus an additional fifty percent (50%) of its fall zone. Additional setbacks may be required by the Planning Board in order to provide for the public safety, health and welfare. The Planning Board may waive setback requirements from adjacent properties

if such adjacent properties will also be participating in the wind project.

- v. The level of noise produced during wind tower operation shall not exceed 50 (DBA) measured at a distance of 1000 feet from the base of the wind energy deriving tower or from the nearest residential structure.

b. Emergency Shutdown / Safety.

- i. Applicant shall post an emergency telephone number so that the appropriate people may be contacted should any wind energy-deriving tower need immediate attention.
- ii. No wind turbine shall be permitted to lack an automatic braking, governing, or feathering system to prevent uncontrolled rotation, over speeding, and excessive pressure on the tower structure, rotor blades, and turbine components or nacelle.

c. Lighting.

Wind energy-deriving towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA).

d. Utility Service.

All power transmission lines from the wind generation electricity generation facilities to on-site substations shall be underground.

e. Height.

- i. The minimum distance between the ground and any part of the rotor blade should be thirty (30) feet.
- ii. The height of any wind energy-deriving tower shall be limited to the minimum required to provide needed energy by demonstrated demand.

f. Access Road.

Existing roadways shall be used for access to the site whenever possible. In the case of constructing roadways, they shall be constructed in a way so that they are not conspicuous to the surrounding environment.

g. Accessory Structures / Facilities.

Transmission facilities and or buildings shall be located behind ridges or vegetation to screen from visibility.

h. Security Provisions.

No climbing device of any kind shall be attached to the wind turbine closer than fifteen (15) feet from the ground and shall be added to the outside.

i. Decommissioning.

With the exception of Wind Energy-Deriving Tower(s) / Wind Turbine(s) (Small Project), the applicant shall submit to the Planning Board a letter of intent committing the tower owner, and his/her successors in interest, to notify the Code Enforcement Officer within thirty (30) days of the discontinuance of use of the wind energy deriving towers. This letter shall be filed with the Code Enforcement Officer to the issuance of a building permit. The owner of any Wind Energy-Deriving Tower(s) / Wind Turbine(s) (Small Project or Large Project) shall remove the obsolete or unused wind turbines and accessory structures from any site and restore the site to pre-construction conditions within three (3) years of such notification. Failure to notify and/or remove the obsolete or unused tower in accordance with these regulations shall be a violation of this local law and the cost of removing the wind energy deriving towers and accessory structures shall be placed as a lien on the property owner's tax bill. As a condition of issuance of a building permit and special use permit the applicant shall provide financial security in the form and amount acceptable to the Town Board to secure the expense of dismantling and removing the installation and restoration of the property

j. Post – Installation.

With the exception of Wind Energy-Deriving Tower(s) / Wind Turbine(s) (Small Project), a post-installation field report identifying the facilities generation of electricity, and impacts upon the environment shall be submitted to the Town.

- 2) The Planning Board may approve the application, deny the application, or grant the application with written stated conditions.

Action on the application shall be by written decision based upon substantial evidence submitted to the Planning Board.

Denial of the special permit shall be by written decision based upon substantial evidence submitted to the Board.

ARTICLE X-D

SOLAR ENERGY PROJECTS

SECTION 1 - ACCESSORY SOLAR ENERGY SYSTEMS (ASES)

The development and construction of solar projects and related structures or facilities shall be permitted by Special Use Permit. Solar projects shall be subject to the following supplemental requirements in addition to the standards listed under Article X of Public Service Commission of New York State.

A. Regulations Applicable to All Accessory Solar Energy Systems:

1. ASES shall be permitted as a use by right in all zoning districts.
2. Exemptions
 - a. ASES with an aggregate collection and/or focusing area of 100 square feet or less are exempt from this Local Law.
 - b. ASES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Local Law. Any physical modification to an existing ASES whether or not existing prior to the effective date of this Section that materially alters the ASES shall require approval under this Local Law. Routine maintenance or like-kind replacements do not require a permit.
3. The ASES layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), or other similar certifying organizations, and shall comply with the NYS and International Building Code Standards as enforced by Town of Sidney, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
4. Upon completion of installation, the ASES shall be maintained in good working order in accordance with standards of the Town of Sidney codes under which the ASES was constructed. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement actions by the Town of Sidney in accordance with applicable local laws and Local Laws.
5. ASES installers must certify they are listed as a certified and licensed installer.
6. All on-site utility, transmission lines, and plumbing shall be placed underground to the extent feasible.
7. The owner of an ASES shall provide the Town of Sidney written confirmation that the public utility company to which the ASES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid systems shall be exempt from this requirement.

8. The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.

9. Glare

- a. All ASES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
- b. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

10. Solar Easements

- a. Where a subdivision or land development involves the use of solar energy systems, solar easements may be provided. Said easements shall be in writing, and shall be subject to the same conveyance and instrument recording requirements as other easements.
- b. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include but not be limited to:
 - i. A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
 - ii. Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
 - iii. Enumerate terms and conditions, if any, under which the easement may be revised or terminated;
 - iv. Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.
- c. If required, an ASES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

Section 2-Prior to the issuance of a building permit Applicants must acknowledge in writing that the issuing of said permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself :

- 1. The right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or
- 2. The right to prohibit the development on or growth of any trees or vegetation on such property.

a. Decommissioning

- I. Each ASES and all solar related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same.
- II. The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months.
- III. The ASES owner shall, at the request of the township/borough, provide information concerning the amount of energy generated by the ASES in the last 12 months.

b. Permit Requirements

- I. Zoning /building permit applications shall document compliance with this Section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the ASES is constructed.
- II. The zoning/building permit shall be revoked if the ASES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Local Law.
- III. The ASES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the ASES to conform or to remove the ASES.

3. Roof Mounted and Wall Mounted Accessory Solar Energy Systems:

- a. A roof mounted or wall mounted ASES may be located on a principal or accessory building.
- b. The total height of a building with an ASES shall not exceed by more than 3 feet above the maximum building height specified for principal or accessory buildings within the applicable zoning district.
- c. Wall mounted ASES shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.
- d. Solar panels shall not extend beyond any portion of the roof edge.
- e. Roof mounted solar panels shall be located only on rear or side-facing roofs as viewed from any adjacent street unless the applicant demonstrates that, due to solar access limitations, no location exists other than the street-facing roof, where the solar energy system can perform effectively.

- f. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the adopted building codes of the Town of Sidney and that the roof or wall is capable of holding the load imposed on the structure.

4. Ground Mounted Accessory Solar Energy Systems:

a. Setbacks

- I. The minimum yard setbacks from side and rear property lines shall be equivalent to the principal structure setback in the zoning district.
- II. Ground mounted ASES are prohibited in front yards, between the principal building and the public street.
- III. A ground mounted ASES may be located in the portion of the yard in front of the principal building and outside of the required front yard provided that vegetative screening is provided.
- IV. The Town of Sidney may authorize the installation of a ground mounted ASES in front of the principal building, outside the required front yard, if the applicant demonstrates that, due to solar access limitations, no location exists on the property other than the front yard where the solar panel can perform effectively.

- b. Height: Freestanding ground mounted ASES shall not exceed the maximum accessory structure height in the underlying zoning district.

c. Coverage

- I. The surface area of the arrays of a ground mounted ASES, regardless of the mounted angle of any solar panels, shall be considered impervious and calculated in the lot coverage of the lot on which the system is located.
- II. The total surface area of the arrays of ground mounted ASES on the property shall not exceed more than 15 percent of the lot area.
- III. The applicant shall submit a Stormwater Pollution Prevention Plan that demonstrates compliance with the NYS Stormwater regulations when applicable.

- d. Screening: Ground mounted ASES shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen. In lieu of a planting screen, a decorative fence meeting requirements of the zoning Local Law may be used.

- e. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.

- f. Ground-mounted ASES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

SECTION 3 - PRINCIPAL SOLAR ENERGY SYSTEMS (PSES)

A. Regulations Applicable to All Principal Solar Energy Systems:

1. PSES shall be permitted by special permit in Districts RA, LC, and C
2. Exemptions: PSES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Local Law. Any physical modification to an existing PSES, whether or not existing prior to the effective date of this Section that materially alters the PSES shall require approval under this Local Law. Routine maintenance or like-kind replacements do not require a permit.
3. The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), , Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory(ETL), or other similar certifying organizations, and shall comply with the NYS and International Building Codes enforced by Town of Sidney and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
4. PSES installers must demonstrate they are a licensed and certified installer in New York State.
5. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.
6. The owner of a PSES shall provide the Town of Sidney written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection.
7. No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.
8. Glare
 - a. All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
 - b. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
9. A noise study will be performed and included in the application. The noise study will be performed by an independent noise study expert and paid for by the applicant. Noise from a PSES shall not exceed 50 dBA, as measured at the property line.

10. No trees or other landscaping otherwise required by this local law or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a PSES.
11. The PSES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to the Town of Sidney. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.
12. Decommissioning
 - a. The PSES owner is required to notify the Town of Sidney immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months. The PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the Town of Sidney may complete the decommissioning at the owners expense.
 - b. At the time of issuance of the permit for the construction of the PSES, the owner shall provide financial security in the form and amount acceptable to the Town of Sidney Town Board to secure the expense of dismantling and removing said PSES and restoration of the land to its original condition, including forestry plantings of the same type/variety and density as the original.
13. Prior to the issuance of a permit, PSES applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself :
 - a. The right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or
 - b. The right to prohibit the development on or growth of any trees or vegetation on such property.
14. Solar Easements
 - a. Where a subdivision or land development proposes a PSES, solar easements may be provided. Said easements shall be in writing, and shall be subject to the same conveyance and instrument recording requirements as other easements.
 - b. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include but not be limited to:

- i. A description of the dimensions of the easement including vertical and angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
 - ii. Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
 - iii. Enumerate terms and conditions, if any, under which the easement may be revised or terminated;
 - iv. Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.
- c. If necessary, a PSES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

15. Permit Requirements

- a. PSES shall comply with the Town of Sidney Zoning and Subdivision requirements. The of PSES shall be in compliance with all applicable permit requirements, codes, and regulations.
 - b. The PSES owner and/or operator shall repair, maintain and replace the PSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.
16. A fire protection and emergency response plan prepared in consultation with emergency service providers. The commercial solar system owner or operator shall provide a copy of the electrical schematic and final site plan to the local Fire Department.
17. A completed Part 1 Full Environmental Assessment Form (FEAF), including but not limited to additional documentation regarding Town-wide cumulative impacts from multiple facilities developed, proposed or projected by the applicant, a full visual impact analysis, the scope of which shall be subject to determination by the Town of Sidney Planning Board and a study of potential property value and other economic impacts based upon experience with other similar facilities.

B. Ground Mounted Principal Solar Energy Systems:

- 1. Minimum lot size: The PSES shall meet the lot size requirements of the underlying zoning district.
- 2. Setbacks: PSES shall comply with the setbacks of the underlying zoning districts for principal structures.

3. Height: Ground mounted PSES shall comply with the accessory building height restrictions for the underlying zoning district.
4. Impervious Coverage
 - a. The surface area of the arrays of a ground mounted PSES, regardless of the mounted angle of any solar panels, shall be considered impervious calculated in the lot coverage of the lot on which the system is located.
 - b. The applicant shall submit a Stormwater Management Plan that demonstrates compliance with the NYS Stormwater Pollution Prevention Plan requirements.
 - c. PSES owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for water management.
5. Ground mounted PSES shall be screened from adjoining residential properties.
6. In Agricultural Districts, maintained by the Delaware County Agricultural Farmland Protection Board, no more than 50 percent of the entire area may be used for the development of ground mounted PSES.
7. Ground-mounted PSES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.
8. Security
 - a. All ground-mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
 - b. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence on the surrounding the PSES informing individuals of potential voltage hazards.
9. Access
 - a. At a minimum, a 25 foot wide access road must be provided from a state or township roadway into the site.
 - b. At a minimum, a 20 foot wide cartway shall be provided between the solar arrays to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. Cartway width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it.
 - c. Access to the PSES shall comply with the Town of Sidney Zoning and Subdivision Local Laws.
10. The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.
11. If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded.

C. Roof and Wall Mounted Principal Solar Energy Systems:

1. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the NYS and International Building Codes and any other building code adopted by the Town of Sidney to ensure that the roof or wall is capable of holding the load imposed on the structure.
2. PSES mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning district.

D. The Planning Board may approve the application, deny the application or grant the application with written stated conditions.

Action on the application shall be by written decision based upon substantial evidence submitted to the Planning Board.

Denial of the Special Permit shall be by written decision based upon substantial evidence to the Board.

ARTICLE XI

SUPPLEMENTAL REGULATIONS AND EXCEPTIONS

Section 1100 -Purpose The provisions of the District Regulations shall be subject to additional requirements, limitations and exceptions in accordance with the following supplementary regulations. Unless otherwise specified, these supplementary regulations shall apply to all districts.

AS TO USE

Section 1101. Public Utilities and Services - The provisions of this Local Law shall not be construed to limit or interfere with the construction or operation for public utility purposes of water and gas pipes, electric light and power transmission and distribution lines, communication lines, sewers and incidental appurtenances; or with any highway or railroad right-of-way existing or hereafter authorized by the Town of Sidney, County of Delaware, or State of New York. The above exception shall not be construed to permit yards, garages or other structures for service or storage use by said public utility except as otherwise permitted by this Local Law.

Section 1102. Public Water and Sewer - If a public water supply and/or a public sewer system are available, no new dwelling or other new principal building except a farm structure shall be constructed, erected, altered or used without connection with such public water supply and/or public sewer system.

Section 1103. Lot Frontage on Street - No dwelling shall be erected on any lot which does not have immediate frontage on an existing or platted street or highway. Or has an undisputed legal right of way or easement granting access to parcel.

Section 1105. Temporary Structures - Temporary buildings may be placed in any district for uses incidental to construction work, provided that such building shall be removed forthwith upon the completion or abandonment of the construction work permitted. .

Section 1106. Volatile Materials Storage - All volatile materials shall be stored and used only in containers and in the manner approved by the New York State Board of Fire Underwriters.

Section 1106A Intermodal Shipping Containers, Box Trucks, Semi-Trailers, office trailers, mobile home manufactured homes and other similar items.

The use of box trucks, vans, semi-trailers, trailers, or any vehicle that is currently or at one time was registered as a motor vehicle, for storage, display of a sign, or other occupancy on a permanent basis of more than 180 days shall be prohibited.

The use of mobile homes, manufactured homes, recreational vehicles for storage shall be prohibited.

The use of intermodal shipping containers, Conex boxes and steel containers for storage or other shall be prohibited

Exception:

1. Intermodal shipping containers, Conex boxes, steel containers used for storage shall be permitted when affixed to a permanent foundation compliant with NYS Building Code. All containers shall have a finished exterior siding adhered to the outside compliant with

- NYS Building Code. The siding shall be of a material commonly used on conventional built storage structures.
2. Intermodal shipping containers, Conex boxes, steel containers used for an occupancy class under the Uniform Code shall be permitted when affixed to a permanent foundation approved by the Code Officer. All containers shall have a finished exterior siding adhered to the outside approved that is by the Code Officer. The siding shall be of a material commonly used on conventional built structures.
 3. Intermodal shipping containers, Conex boxes, steel containers used for the above purposes shall be modified to meet the requirements of the NYS Uniform Fire Prevention and Building Code for a like or similar structure or occupancy. A building permit shall be required. Interior areas within intermodal shipping containers, Conex boxes, steel containers used for the above purposes shall have access to a minimum of one thirty-six inch wide man door that exits to the exterior.

Section 1107- Wild or exotic animals. No wild, exotic or vicious animal shall be kept permanently or temporarily in any district. No person shall have, sell, keep or maintain any wild, exotic, dangerous, or non-domesticated animal within the town of Sidney. "Wild, exotic, dangerous, or non-domesticated animal" shall include but is not limited to, all species inherently dangerous to humans or domestic animals. The following is a listing of animals considered inherently dangerous:

1. Primates: Gorillas, orangutans, chimpanzees, gibbons, siamangs, mandrills, drills, baboons, Gelada baboons; monkeys
2. Carnivores: Wolves All species; any wolf hybrid; Bears All species; Lions, tigers, leopards, jaguars, cheetahs, cougars, bobcats All wild species;
3. Proboscidea: Elephants All species;
4. Perissodactyla: Rhinoceroses All species;
5. Artiodactyla: Hippopotamus, African buffalo;
6. Reptiles: Order Crocodylia: Crocodiles and alligators All species;
7. Serpentes: Snakes All poisonous or venomous species; snakes capable of growing to over 6 feet in length,
8. Amphibians: All poisonous species;
9. In addition; Buffalo, Bison, Ostrich, Giraffe, elk, reindeer, or like animals not normally considered domesticated.

Exception: On a case by case basis, animals listed above may be possessed by special use permit where approved by the Planning Board. Applicants must demonstrate a proficiency and expertise in handling any listed animal. In addition, a demonstration of proper housing and fencing or control measures must be demonstrated. Applicants must demonstrate the availability of veterinary care and the need to possess such animals. Possession is subject to provisions in the Special Use Permit.

Specifically exempted from this section are members of the camelid family to include llama, alpaca, vicuna, and guanaco. Also exempted, wildlife rehabilitators licensed by the State of New York.

AS TO ADULT USES

Section 1108 Adult uses.

Adult uses shall be allowable in Commercial districts pursuant to the following:

Purposes and considerations.

1. (In the execution of this chapter it is recognized that there are some uses which, due to their very nature, have serious objectionable characteristics. The objectionable characteristics of these uses are further heightened by their concentration in any one area, thereby having deleterious effects on adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods or land uses.
2. It is further declared that the location of these uses in regard to areas where our youth may regularly assemble and the general atmosphere encompassing their operation is of great concern to the Town of Sidney.
3. These special regulations are itemized in this section to accomplish the primary purposes of preventing a concentration of these uses in any one area and restricting their accessibility to minors.

Definitions. As used in this Law, the following terms shall have the meanings indicated in Article III definitions

1. Adult Stores
1. Adult Books Stores
2. Adult Dive in Theater
3. Adult Theaters
4. Peeps Shows
5. Vape Shop
6. Vape Lounge
7. Burlesque House

The adult uses as defined above are to be restricted as to location in the following manner in addition to any other requirements of this Code.

1. Any of the above uses shall not be located within a 2,500 foot radius of any area zoned for residential use.
2. Any of the above uses shall not be located within a one-half-mile radius of another such use. Exception: vape shops or lounges shall only be measured from other vape shops or lounges.
3. Any of the above uses shall not be located within a 2,500 foot radius of any school, church or other place of religious worship, park, playground or playing field.

The restrictions enumerated above may be waived by the Town Zoning Board of Appeals if the applicant shows and the Board finds that the following conditions have been met in addition to the general conditions contained in this local law

1. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this local law will be observed;
2. That the establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or nonresidential; and

No more than one of the adult uses as defined above shall be located on any lot.

AS TO JUNKYARDS

Section 1109- Junkyards (Resource recovery, Recycling Centers)

Purpose -The Town of Sidney desires to set out fair and comprehensive rules and regulations governing the creation, maintenance, and screening of junkyards. The purpose of this law is, through the regulation of junkyards, to promote a clean, wholesome, and attractive environment; protect the community from potential hazards to property and persons, protect water resources; preserve the aesthetic qualities of the Town; prevent depreciation of the property in which a junkyard is located and the property of other persons in the neighborhood and the community; and to further the goals of the Comprehensive Plan. To this end, new junkyards will not be allowed as an approved use within any zoning district (Junkyards will not be listed as an approved use under any Town zoning district). Junkyards in existence prior to this local law being adopted, shall be allowed to continue without expansion(referred to in this Law as being “non-conforming”) unless they are found to constitute a health or safety nuisance, in which the owner(s) shall have six months to correct the nuisance or close the facility. This “non-conforming” clause does not apply to any existing illegally established junkyard. It is the intent of this Law to prohibit a “non-conforming” junkyard to expand outside of its existing property boundaries (at the time of passage of this Law). Modifications to the site will only be allowed through the SUP process, which may allow changes to the location and quantities of materials stored on the existing site.

The term “junkyard” shall include, any salvage yard, scrap yard, recycling centers or related use, including any use involving the storage or disassembly of wrecked or non- functioning automobiles, recreational vehicles, trucks, or other vehicles; storage, baling or otherwise dealing in scrap metal, commercial/residential appliances, used plumbing fixtures and used brick, wood, or other building materials. Materials enclosed in closed buildings, solid waste containers or rolling stock are excluded. Junked Motor Vehicle – any motor vehicle, or used parts or waste materials from motor vehicles which, taken together, equal in bulk one or more such vehicle, which is:

1. unlicensed or unregistered; or
2. abandoned, wrecked, stored, discarded, dismantled; or
3. not in condition for legal use upon the public highways. The fact that a motor vehicle does not display a current motor vehicle registration or license plate shall be presumptive evidence that such motor vehicle is not in condition for legal use upon the highways. With respect to any motor vehicle not required to be licensed or a motor vehicle not usually used on public highways, the fact that such motor vehicle is not in condition to be removed under its own power shall be presumptive evidence that such motor vehicle is a junk motor vehicle unless refuted by verifiable and credible proof.

Antique Motor Vehicle – a motor vehicle, but not a reproduction thereof, manufactured more than twenty-five years prior to the current year, which has been maintained in or restored to, or will be maintained in or restored to, a condition which is substantially in conformance with the manufacturer’s specifications.

Classic Motor Vehicle – a motor vehicle, but not a reproduction thereof, manufactured more than ten years prior to the current year and which because of discontinued production and limited availability, is considered to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored to a condition which is substantially in conformity with the manufacturer’s specifications and appearance.

Exclusions- The following conditions are hereby excluded from the definition of a junkyard:

- (a) Unlicensed vehicles in operating condition stored by or for the owner while the owner is
 - (i) a full-time student of the immediate family attending a school, college, or university; and
 - (ii) a member of the United States Armed Forces.
- (b) Seasonal vehicles or machinery during their off-season if kept in a location not visible from any road, street or highway, when practicable; otherwise a seasonal use permit must be applied for and received.
- (c) Farms
- (d) An antique or classic motor vehicle (one) which is being restored.
- (e) Contractor’s Storage Yard: An area used for the storage of equipment and/or materials used for providing construction-related contracting services, including but not limited to flooring, heating, plumbing, roofing, landscaping and excavation. These yards shall not include inoperable or wrecked motor vehicles remaining on the premises for more than forty-eight (48) hours, Yards containing such vehicles shall be considered an outside salvage or reclamation use and subject to violation. Unless said vehicle has a valid state registration, current safety inspection certificate and documentary records of pending repairs or other disposition.
- (f) Approved and licensed automobile impound yards (meeting the requirements of all approvals and licenses).

Regulations- The Planning Board, in its reasonable discretion, and as a condition to the issuance of a Permit to Operate a Junkyard, may require the applicant to conform to certain conditions, which may include, but need not be limited to the following:

- (a) Be situated on one contiguous parcel that is undivided by any public road right-of-way.
- (b) Have a minimum setback to the fence from front property lines, excluding a road right-of-way, of at least 40 feet, and from the side and rear property lines, excluding a road right-of-way, of at least 10 feet.
- (c) Not be located closer than 500 feet to either a preexisting residence, church, school, day care center, nursing home, skilled health care facility, hospital, public buildings, or public recreation facilities. If this cannot be achieved for an existing facility, the Town may require mitigations to minimize the impacts to these uses.
- (d) Not store “materials” higher than 15 feet in height in the first 100 feet from a property line. The height allowance can be raised an additional 10 feet for each additional 100 feet that the materials are from a property line. For example, a pile of materials can be 25 feet in height if located 200 feet from any property line.

- (e) Be screened as provided herein, so as to not be visible from any residence (except a residence used in conjunction with the junkyard) or from the main-traveled way of any public road, at any season of the year, and
- (f) At a minimum, the junkyard in general, shall be entirely surrounded by an opaque fence (including gates) at least eight feet in height, or by either a woven or welded wire (14 gauge minimum) or chain link fence a minimum of six feet in height (installed with opaque screening material) and with vegetation (excluding wild growth) that provides a continuous all-seasons opaque screen at least eight feet in height within five years of planting or setting such vegetation. If areas of the junkyard are shown to not need this type of fencing or screening, the Planning Board can waive this requirement. The fence shall remain in good repair. The fence and vegetation shall surround the minimum area necessary for the junkyard to not be visible from surrounding uses or the travelling public. Vegetation not less than four feet in height at the time of planting shall be planted on the outbound side of the fence, contiguous to, and not more than twelve feet from the fence. Vegetation that serves as screening shall be planted at intervals evenly spaced and in close proximity to each other so that a continuous, unbroken hedgerow, without gaps or open spaces, will exist to a height of at least eight feet along the length of the fence surrounding the junkyard. The vegetation shall be maintained as a continuous, unbroken hedgerow for so long as the property is used as a junkyard. Existing vegetation may be approved if it adequately meets the purposes of this article.
- (g) If a fence is utilized: inside, adjacent to and continuous with the fence or enclosure, on a strip of land at least ten feet in width shall be kept free of all dry grass, junk, plant growth, or other combustible material so as to provide a fire lane or break around the entire area where business activity is conducted.
- (h) All operations, equipment, junk and/or inoperable motor vehicles shall be kept within the confines of the fence at all times unless in motion by transport to or from the site.
- (i) All junkyards shall be maintained to protect the public from health nuisances and safety hazards.
- (j) Drainage from the site shall be properly managed as to not adversely impact downstream properties.

All junkyards existing which wish to change, or modify in any way as to number of cars, appliances, amount of junk materials, or area used (on the existing site) as a junkyard, shall be subject to all requirements of this chapter, and approved in writing by the Town Planning Board. Established Junkyards For the purpose of this local law, junkyards which on the effective date of this local law were legally operated and maintained under all applicable state, federal and local laws and ordinances, may continue in existence, unchanged in character and size. However, within 90 days from the passage of this local law, the owner shall furnish the Planning Board a legible sketch of the property, which shall include dimensions for the property and the approximate location of all building and material on the property, together with any applicable permit fee. If the Planning Board after review, finds the application in conformance with the requirements/purposes of this law, the Planning Board shall issue a permit valid for one year, at which time the owner can apply for a renewal permit. The purpose of the yearly permit renewal, is to ensure that the facility is being operated in conformance with all required standards in of this law. It is also the purpose of this renewal process to bring existing facilities into conformance with the required standards. For non-conforming junkyards, at the time of adoption of this local law, it is the intent of the Town to bring these facilities into conformance with all these regulations over a five (5) year period. Each year, the applicant will be required to show progress towards this requirement. In the case of any pre-existing junkyard

which has been non-conforming but is found to be a health or safety nuisance, Town of Sidney reserves the right to enforce all health, safety, and environmental laws, within six (6) months of the effective date of this article or from the time the health, safety hazard, or public nuisance is determined.

Permit Applications- Junkyards as defined in this section will be allowed by a Permit to Operate a Junkyard. These Permits will be reviewed and granted by the Planning Board. The application shall include information on the following: material storage types, location and heights; activity areas (what is done and where); and all existing permit and approval information concerning the site.

Severability- If any clause, sentence, paragraph, section or article of this law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the controversy in which such judgment shall have been rendered. This local law shall become effective upon the date it is filed in the Office of the New York State Secretary of State

AS TO MASS GATHERINGS

Section 1109A Mass Gatherings

No person shall hold or promote, by advertising or otherwise, a mass gathering unless a permit has been issued for the gathering by the Town Planning Board.

Section 1110. – Prohibited Uses – Any use not specifically listed as permitted in this Local Law shall be considered prohibited.

AS TO HEIGHT

Section 1111. Exceptions - The height limitations of this Local Law shall not apply to:

- 1) Church spires, belfries, cupolas and domes, monuments, chimneys, smokestacks, flag poles, radio towers, masts and aerials, water tanks, elevator penthouses, conveyors, and scenery lofts provided that the aggregate horizontal area of such part shall not exceed 20 percent of the ground floor area of the main building.
- 2) Public or non-profit institutional buildings in an "SC-R", "MD", "R", "RA" or "C" district, provided that each required front, side and rear yard is increased one foot for each one foot of building height which exceeds the maximum height permitted in the district.
- 3) A parapet wall extending above the height limit by not more than four feet.

Section 1112. Accessory Buildings - Accessory buildings shall not be higher than the district regulations.

AS TO AREA AND YARDS

Section 1113. Exceptions for Lots of Record - The requirements of this Local Law with respect to the area and lot width shall not be construed to prevent the erection of a one-family dwelling on any lot of record at the effective date of this Local Law, regardless of the area or width of such lot, provided that such use is permitted in the district in which such lot is located and provided the yard and other requirements of this Local Law are complied with. Vacant lots in the same ownership having in the aggregate a continuous frontage of more than 100 feet shall not qualify for this exception.

Section 1114. Vision Clearance at Intersections - Clear vision shall be maintained in the triangular area of a corner lot formed by intersecting street lines and a line connecting them at points 30 feet distance from their intersection. In such area no tree, shrub, or other planting shall be placed or permitted to remain and no structure shall hereafter be permitted which obstructs sight lines at elevations between 2 and 6 feet above the street grade.

Section 1115. New Street Line Determines Building Line - If a new street line has been established in anticipation of future street widening, such new street line shall be used in determining front yard depth or side yard width, as the case may be.

Section 1116. Location and Coverage of Accessory Buildings – In “SC-R”, “MD”, “R” or “R-A” districts, and in “C” districts where yards are required, permitted accessory buildings shall not:

- a) Occupy more than 25 percent of any required rear yard.
- b) Be nearer than 8 feet to any dwelling or other structure, unless attached thereto and considered part thereof for the purposes of yard measurement.
- c) In a front yard, side yard or rear yard; not closer than 10 feet of any property or lot line and not closer than 65 feet to the center of any road or right of way.

Section 1117. Corner Lot Modification - In the case of a corner lot in “R” or “R-A” districts, all buildings shall comply with front yard requirements on both streets, except that, if the rear lot line of such corner lot is also the rear lot line of the adjoining lot on the side-street, the side street side yard shall not be less than 25 feet provided, however, that no projections other than roof projections shall be permitted in such side yard. When the rear of any corner lot abuts any lot facing on a street, which street is a side-street in relation to said corner lot, any accessory building on the corner lot shall be located at a distance from the rear lot line of the corner lot equal to ten percent of the depth of the corner lot, but in no case shall this distance be less than 10 feet nor need it be more than 25 feet.

Section 1118. Front Yard Exceptions - If, on one side of a street within a given block, there are existing buildings at the time of passage of this Local Law, then the depth of the required front yard will be the average depth of the front yards of the above buildings as measured from the front lot line of the main front wall of these same buildings, and as determined by the Code Enforcement Officer, provided, however, that no front yard shall be require to be more than 60 feet in depth.

Section 1119. Projections Into Yards - The following structures shall be allowed within required yards:

- 1. Wall or fence not over 3 1/2 feet high in any front yard or side-street yard (subject to Section 1114).
- 2. Wall or fence not over 7 feet high in any other yard (corner lots subject to Section 1117).
- 3. Retaining wall of any necessary height.

4. Balconies, bay windows, chimneys, and roof projections not exceeding 3 feet (corner lots subject to Section 1117).
5. Unenclosed porches projecting into any required side or rear yard not more than one-fourth the required width or depth of such yards (corner lots subject to Section 1113).
6. Unenclosed steps not extending above the floor level of the first story (corner lots subject to Section 1117).

AS TO SIGNS

Section 1120- Signs

1. Sidney Center Hamlet District / Maywood District / Residential District
 - (a) One unlighted sign, not exceeding 10 square feet in area, advertising the sale or rent of the property upon which the sign is located, provided that such sign shall be set back from the street line not less than 1/2 the required front-yard depth.
 - (b) One bulletin board, not exceeding 20 square feet in area, for public, charitable, and religious institutions.
 - (c) An identification sign, not exceeding three square feet in area, related to an accessory office or home occupation permitted on the premises.
 - (d) Lighted signs may be permissible when a special use permit is issued for the parcel

2. Agricultural Residential District
 - (a) Same as permitted and regulated in the "R" district, except that larger identification signs shall be permitted.
 - (b) An unlighted sign, not exceeding six square feet in area, identifying a permitted use, or related to the sale of agricultural products grown on the premises.
 - (c) Lighted signs may be permissible when a special use permit is issued for the parcel

3. Light Commercial / Commercial District
 - (a) All advertising signs in the Town of Sidney shall be confined to the premises of the business advertised

 - (b) A wall identification sign may be attached to or incorporated in the building wall. Such signs shall have:
 - A maximum area of two square feet for each horizontal foot of building wall on which it is located
 - A maximum width of 75 percent of the building wall's horizontal measurement except that, where such horizontal measurement is 20 feet or less, the maximum width may be 90 percent of such measurement
 - A maximum projection of 12 inches from the face of the building wall to which the sign is attached

-No projection above the top of the wall, and none of its length extending beyond the end or corner of the wall

(c) A detached or ground identification sign may be erected where the building is set back from the property line a distance of 50 feet or more. Such sign shall have:

- A maximum area of 32 square feet
- A maximum height measured from the ground level of 12 feet
- At least three feet of clear space between the sign board and the ground, except that signs which have a preponderance of native materials (rock and wood) in their composition may start at ground level.
- A setback of at least 20 feet from any lot line or street property line

(d) Identification signs

- May be interior lighted or may be illuminated by shielded floodlights.
- Red or green lights shall be set back at least 75 feet from the point of intersection of the street and property lines at a street corner
- Intermittent or flashing lights shall not be used on or in any sign
- Moving or animated signs shall not be permitted
-

(e) Service Stations - In addition to the sign requirements each motor vehicle service station shall be permitted:

i. One free standing or pylon sign setting forth:

- a. Name of station
- b. Principle product sold
- c. Special company or brand names
- d. Company insignia or emblem

ii. Such sign shall not exceed 20 feet in area on either of two sides

iii. Sign shall be set no closer than 20 feet off property line

iv. Sign shall be no less than 10 feet, nor more than 18 feet above the ground

Signs required by statute are exempt from this regulation

AS TO OUTDOOR BOILERS

Section 1121. OUTDOOR BOILERS

As used in this section, the following terms shall have the meanings in Article III Definitions

- A. EPA APPROVED
- B. FIREWOOD
- C. OUTDOOR WOOD BOILER
- D. UNTREATED LUMBER

Permit required.

No person shall cause, allow or maintain the use of an outdoor wood boiler within the Town of Sidney without first having obtained a permit from the Town Code Enforcement Officer and Zoning Enforcement Officer

Specific requirements.

Installation and operation to be compliant with NYS6RR-NYA 247 Outdoor Wood Boilers.

Suspension of permit.

A permit issued pursuant to this article may be suspended as the Building Inspector may determine to be necessary to protect the public health, safety and welfare of the residents of the Town of Sidney if any of the following conditions occur

- A. The emissions from the outdoor wood boiler cause damage to vegetation or property; or
- B. The emissions from the outdoor wood boiler are or may be harmful to human or animal health.

A suspended permit may be reinstated once the condition which resulted in suspension is remedied and reasonable assurance is given that such condition will not recur. Recurrence of a condition which has previously resulted in suspension of a permit shall be considered a violation of this section subject to the outlined in ARTICLE XIV

Penalties for offenses.

Violations.

A violation of this article is hereby declared to be an offense, punishable by a fine not exceeding \$250 per day. Each day constitutes a new violation or imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$250 nor more than \$500 or imprisonment for a period not to exceed 30 days, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$500 nor more than \$1,000 or imprisonment for a period not to exceed three months, or both. Each day continued violation shall constitute a separate additional violation.

Effect on other regulations.

Nothing contained herein shall authorize or allow burning which is prohibited by codes, laws, rules or regulations promulgated by the United States Environmental Protection Agency, New York State Department of

Environmental Conservation or any other federal, state, regional or local agency. Outdoor boilers, and any electrical, plumbing or other apparatus or device used in connection with an outdoor wood boiler shall be installed, operated and maintained in conformity with the manufacturer's specifications and any and all local, state and federal codes, laws, rules and regulations. In case of conflict between any provision of this article and any applicable federal, state or local ordinances, codes, laws, rules or regulations, the more restrictive or stringent provision or requirement shall prevail. Outdoor wood boilers must conform to all other applicable regulations of the Town's Zoning Law,

Section 1122. Excavations

As described in this section, excavations means all ground excavations to include installation of wells, septic systems, ponds, lakes and other excavations greater than one foot in depth.

Exceptions: Surface ground tillage to accommodate agricultural gardening or in-ground wire boundary fencing for pets.

Excavations as described above shall be subject to a ten foot set back from all property lines, lot lines, and public rights of way.

Section 1123. Water Courses

Water courses to include streams, brooks, wastewater, storm water, spring water, dry stream beds, or any other water course shall not be altered in such a way that it flows to a neighboring property where it did not previously and naturally flow.

Section 1124 As to recreational vehicles, trailers, slide-ins and units used as dwellings.

Recreational vehicles, trailers slide-ins and units may be used as dwelling units with the following provisions:

The above, when occupied on a parcel or by the same occupant(s) for a period of 180 days or more shall be serviced by a septic system designed by a design professional, in compliance with New York State Department of Health regulations and guidelines and provisions set forth in the New York State Uniform Fire Prevention and Building Code. The above shall also be serviced by a continuous self-replenishing potable water source such as a well. All such unit is used as dwellings shall be maintained in the same manner as a residential dwelling as required by the New York State Fire Code and Property Maintenance Code.

A lapse of occupancy of 30 days or more constitutes a new period of the 180 day period.

As to Flag lots

Section 1125- Flag Lots (Amended on January, 13 2023)

Flag lots may be permitted by the Planning Board during the subdivision review process, where appropriate, to allow for the economic development of back land areas and only under the following conditions:

- A. The access strip of land shall be a minimum of sixty (60) feet wide.
- B. The minimum lot area, lot width and lot depth requirements shall be met inclusive of the land contained in the access strip.
- C. No buildings greater than 120 square feet shall be constructed, and no more than one building is permitted on the narrow access strip of a flag lot.
- D. No more than one flag lot shall be served by a single access strip.
- E. Access strips shall be a minimum distance apart of at least the minimum lot width in the zoning district.
- F. The access strip should be owned in fee simple absolute by the owner.
- G. No more than one lot or 20% of the lots, whichever is greater, in a residential subdivision shall be flag lots.
- H. Access strips up to 800 feet in length may be allowed provided the grade does not exceed 10%. The Code/Zoning Officer or Planning Board may require a grade certification by a licensed or registered design professional.
- I. No more than one residential dwelling shall be permitted per flag lot. A two-family residence is permissible if permitted in other sections of zoning.
- J. Driveway or roadway specifications shall be compliant with the New York State Uniform Fire Prevention and Building Code.
- K. One flag lot per minor sub division shall be permitted

ARTICLE XII

REQUIRED OFF-STREET PARKING

Section 1200. Required Off-Street Parking - At the time any main building is erected or altered, off-street parking spaces shall be provided on the same lot therewith, but not in any required front yard or required side-street yard in an "SC-R", "MD", "R" or "RA" district, or in any required side yard in a "C" district. Parking spaces shall be required as follows:

- 1) One parking space for each of the following:
 - a) Dwelling unit or family
 - b) Two roomers, boarders or lodgers
 - c) Tourist room or hotel room
 - d) 200 square feet of floor area used for doctor's or dentist's office.
 - e) 200 square feet of office floor area used for other offices, not specified above.
 - f) 4 seats in any auditorium, hall, theater, church or other place of public assembly.
 - g) School classroom plus one space for each 6 seats in the auditorium or stadium, whichever is larger.
 - h) Two seats in any restaurant, eating place or dining establishment.
 - i) Bed in any hospital, convalescent or nursing home.
 - j) 50 square feet floor area used for commercial recreation establishment not otherwise listed.
- 2) Ten parking spaces for each lane in a commercial bowling alley.
- 3) For shopping centers or groups of stores over 20,000 square feet of gross floor area, parking area in square feet equal to three times the gross floor area.
- 4) For individual retail stores, a minimum of one space per shift employee and five 5 spaces for guests
- 5) For all buildings not herein enumerated or accepted, one parking space for each 200 square feet of gross floor space shall be required.
- 6) All parking spaces shall be a minimum of 200 square feet in size.
- 7) All parking regulations shall be in compliance with NYS Uniform building code and Americans with Disabilities Act.

ARTICLE XIII

NON-CONFORMING USES OR BUILDINGS

Section 1300. Continuing Existing Use - The lawful use of an existing building on the effective date of this Local Law or authorized by a building permit issued prior thereto may be continued even though such use does not conform to the provisions of this Local Law.

Section 1301. Extension or Enlargement - Although a legal non-conforming use may be extended within an existing building in which it was the principal occupant it shall not be extended to displace a conforming use nor shall the building or structure housing the non-conforming use be enlarged.

Section 1302. Change of Use - A non-conforming use may be changed to a use of a restrictive use or whenever a district shall hereafter be changed, a then non-conforming use in such changed district may be continued or changed to a more restrictive use provided other regulations governing the new more restrictive use are complied with.

Section 1303. Non-Conforming Use Abandoned - Whenever a non-conforming use has been abandoned or changed to a more restricted use or a conforming use, such use shall not thereafter be changed to a non-conforming use or less restricted use.

Section 1304. Non-Conforming Use Discontinued - In any district, whenever a non-conforming use of land, premises, building or structure, or any part or portion thereof, has been discontinued for a period of one year, such non-conforming use shall not thereafter be reestablished, and all future use shall be in conformity with the provisions of this Local Law. Such discontinuance of the active and continuous use, or a part or portion thereof, for such period of one year, is hereby construed to be an abandonment of such non-conforming use, regardless of any reservation of an intent not to abandon same or of an intent to resume active operations. If actual abandonment in fact is evidenced by the removal of buildings, structures, machinery, equipment and other evidences of such non-conforming use of the land and premises, the abandonment shall be construed and considered to be completed within a period of less than one year and all rights to re-establish or continue such non-conforming use shall thereupon terminate.

Section 1305. Restoration - In the event of a fire or other disaster, a non-conforming building shall be permitted to be rebuilt or repaired to the same footprint/use as prior, it shall not be permitted to expand beyond pre-disaster condition.

Section 1306. District Changes - Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, or whenever the text of this Local Law shall be changed with respect to uses permitted in a district, the foregoing provisions shall also apply to any non-conforming buildings or uses therein.

Section 1307. Farm Uses Excepted - Notwithstanding any other provisions of this Local Law, any farm operation and any farm building formerly conducted or used in any district hereafter classified as "R-A" may be re-established, renewed or restored.

Section 1308. Restoration of Unsafe Buildings - Nothing in this section shall prohibit the restoration to a safe condition of any building, structure or portion thereof declared unsafe by the Code Enforcement Officer.

Section 1309. Transference - Rights granted to nonconforming lots, structures and uses pursuant to this Article shall remain with the land when title is transferred.

ARTICLE XIV

ADMINISTRATION AND ENFORCEMENT

Section 1400. Enforcement - This Local Law shall be enforced by the Code Enforcement Officer. No building permit shall be issued by the Code Enforcement Officer except where all the provisions of this Local Law have been complied with.

Section 1400-A Planning Board

1. General: In all cases where this Local Law requires authorization and approval of plans by the Planning Board, no building permit shall be issued by the Code Enforcement Officer except upon authorization of and in conformity with the plans approved by the Planning Board.
2. Site Plan: The Town hereby authorizes the Planning Board to review and approve, to approve with modification, or to disapprove site plans.
3. Special Permits: The Planning Board is further authorized to issue special permits upon determination that the public health, safety and welfare shall be served and neighboring properties will not be injured.

Section 1400-B County Planning Board

The Zoning Enabling Laws require that any of the following local zoning actions be referred to the County Planning Board prior to action by the local board. Any proposal for a special permit, variance, site plan approval, change in the zoning law text or map (rezoning, amending and zoning law) which would affect the real property lying within a distance of 500 feet from the boundary of:

1. Any county;
2. Any town;
3. Any village;
4. Any existing or proposed county or State park;
5. Any right-of-way of any county or State road or parkway;
6. Any existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines;
7. Any existing or proposed county or State owned land on which a public building or institution is situated must be referred to the County Planning Board who shall have thirty (30) days from date of County receipt to take action on the matter;

Section 1401. Building Permits -

1. No building or structure shall be erected, added to, or structurally altered until a permit therefor has been issued by the Code Enforcement Officer. Except upon a written order of the Board of Appeals, no such Building Permit shall be issued for any building where said construction, addition, or alteration or use thereof would be in violation of any of the provisions of this Local Law
2. All applications for building permits shall be in writing, signed by the owner on forms furnished by the code enforcement officer and shall be filed with the code enforcement officer and shall briefly state:
 - a. Nature and definite purpose of the building or use sought.
 - b. Description of the property and buildings existing thereon and buildings to be placed thereon.
 - c. Statement of any restrictions by deed or other instrument of record.
 - d. Estimated cost of such improvements.

- e. Name and address of the building contractor and the plumbing contractor.
 - f. An agreement to comply with this Local Law and other laws, Local Laws and regulations that may be applicable.
 - g. Such other information as the Town Board, the Board of Appeals or the Code Enforcement Officer may require. The application shall be complete with all required information.
3. Fees for Building Permits and related inspections shall be set by resolution the Town Board and may thereafter be amended by resolution of that Board. The fee schedule shall at all times be on file in the Town Clerk's office.

Section 1402. Violations

Any one or combination of the following three procedures (A, B, and C, below) may be used in response to violations of this local law:

1. Complaint of Violations

The following procedure shall be followed in response to a complaint:

- a) A complaint of violation of this Local Law may be made by any resident, landowner or town official including the Code Enforcement Officer. All such complaints must be in writing, signed, and shall be filed with the Code Enforcement Officer who shall properly record such complaint and immediately investigate to determine the presence of a violation.
- b) The code enforcement officer shall have the authority to enter onto all premises, public or private, consistent with constitutional safeguards and any requisite warrant, in order to effectuate enforcement of this local law, all investigation materials including all pertinent documents, photographs and statements shall be recorded and logged in an enforcement inspection report as part of the official records

2. Notice of Violation – Order to Remedy

Whenever, in the opinion of the Code Enforcement Officer, after examination and inspection, there appears to exist a violation of any provision of this Local Law, or of any rule or regulation adopted pursuant thereto, the officer shall serve a written notice of violation and order to remedy, either personally or by registered mail to the owner or occupant of the subject property. If delivered in person by the Code Enforcement Officer he shall require a signed receipt of acceptance from the recipient. Such notice shall inform the recipient of:

- a) The nature and details of such violation including a reference to the provision of this Local Law allegedly being violated, and
- b) Recommended remedial action which, if taken, will effect compliance with the provisions of this Local Law rules and regulations adopted pursuant thereto, and
- c) The date by which the violation must be remedied or removed, which shall be no less than ten (10) days from the date the notice is issued.

3. Noncompliance.

In case of noncompliance with the notice of violation within the allotted time, the Code Enforcement Officer shall seek the penalties permitted in this Local Law through the Town of Sidney Justice Court.

Section 1404. Court Order

The Town may obtain a court order to prevent violation of this Local Law.

1. In addition to other remedies, any action or proceeding may be instituted in a court of competent jurisdiction to prevent construction, conversion, alteration, use, maintenance, or occupancy of property in violation of or compel compliance with this Local Law.
2. Such action may be commenced by the Code Enforcement Officer, the Town Attorney, or by resolution of the Town Board. Nothing in this Section shall be deemed to preclude the right of resident taxpayers to institute such proceedings in accordance with the Town Law, Section 268.

Section 1405. Penalty for Offense

A violation of this Local Law is hereby declared an offense punishable by a fine not exceeding \$250.00 per day. Each weeks' continued violation shall constitute a separate additional violation.

Section 1406. Jurisdiction

For the purposes of conferring jurisdiction upon court and judicial officers generally, departure from this Local Law shall be a violation, and for such purposes only, all provisions of law relating to this violation shall apply.

Section 1407. Justice Court

The Justice Court of the Town of Sidney shall have original and trial jurisdiction over the summons and informations filed charging a violation of this Local Law. Trials shall be before the court without jury.

Section 1408. Limits of Powers

Nothing in this Local Law shall be deemed to empower the Justice Court of the Town of Sidney to compel compliance with or restrain by injunction the violation of this Local Law.

Section 1409. Civil Penalties

Any person violating this Local Law shall be subject to a civil penalty enforceable and collectable by the Town in the amount of \$250 for each offense. Such penalty shall be collected by and in the name of the Town for each week that such violation shall continue. The civil penalty is in addition to the criminal penalties for an offense.

Section 1410. Temporary Occupancy Permit

If occupancy or use is desired prior to completion of all details of the plan for which the Building Permit was issued, the Code Enforcement Officer may issue a temporary occupancy permit not to exceed 180 days. An applicant can apply for an additional 180 day extension of the temporary permit if the Code Enforcement Officer has determined that substantial completion of the details of the plan has been met. A bond or letter of credit may be required before a temporary occupancy permit is authorized.

Section 1411. Certificate of Occupancy -

- 1) Permit required. No owner, tenant, or other person shall use or occupy building, structure or land hereafter erected or altered, without first obtaining an Occupancy Permit in accordance with the provisions of this Section.

- 2) Issuance Procedure. After completion of the whole building or structure, or improvement of the lot for use, and upon the sworn application by the owner or his duly authorized agent stating that the building or lot is ready for use, and after actual inspection of the premises by the Code Enforcement Officer or a duly authorized assistant, the Code Enforcement Officer shall issue` in duplicate an Occupancy Permit certifying that that the premises comply with the provisions of this Zoning Local Law in all respects and may be used for the purpose set forth in the Building Permit.
3. Change of Use. No change of use shall be made in any building, structure or premises now or hereafter erected, altered or used that is not consistent with the requirements of this zoning Local Law. Any person desiring to change the use of a premises shall apply to the Code Enforcement Officer for an Occupancy Permit.
4. Continuation of Permit. An Occupancy Permit, once granted, shall continue in effect so long as there is no change of use, regardless of change in ownership, tenants or occupants.

ARTICLE XV

ZONING BOARD OF APPEALS

Section 1500 Purpose-A Zoning Board of Appeals is hereby created as per Section 267 of New York State Town Law Section 267. All duties, powers and requirements of Section 267 shall apply to all members of the Zoning Board of Appeals. The Zoning Board of Appeals shall consist of five members, each appointed by the Town Board for a term of five years which shall consist of five members.

Section 1501. Powers and Duties –

1. The Board of Appeals shall have all the powers and duties prescribed by statute in New York State Law Section 267-A...”
2. The zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such ordinance or local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.
3. Use variances. The board of appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of this local law, shall have the power to grant use variances, as defined herein.
 - A. No such use variance shall be granted by a zoning board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,
 - B. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - C. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood
 - D. that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - E. That the alleged hardship has not been self-created.
 - F. The board of appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
4. **Area variances.**
 - A. The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of this local law, to grant area variances as defined herein.
 - B. In making its determination, the zoning board of appeals shall take 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. In making such determination the board shall also consider:
 - i. 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;

- ii. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- iii. Whether the requested area variance is substantial;
- iv. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- v. 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.

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

5. **Imposition of conditions.** The board of appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning ordinance or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.
6. **Application to Supreme Court by aggrieved persons.** Any person or persons, jointly or severally aggrieved by any decision of the board of appeals or any officer, department, board or bureau of the town, may apply to the supreme court for review by a proceeding under article seventy-eight (78) of the civil practice law and rules. Such proceeding shall be instituted within thirty days after the filing of a decision of the board in the office of the town clerk.

Section 1502. Procedure -

1. All applications for variance or requests for interpretations shall be in writing on forms established by the Zoning Board of Appeals. All forms and applications shall be made available at the town clerks office.
2. Every application shall refer to the specific provision or section of this local law involved and establish the details of why the variance should be granted.
3. Public hearing: The Zoning Board of Appeals shall schedule a public hearing within sixty-two (62) days of receipt of the complete application.
 - a. The Zoning Board of Appeals shall publish a notice of public hearing in the Town's official newspaper at least five (5) days prior to the public hearing. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the board prior to the hearing of such appeal.
 - b. Applicant shall notify in writing all land owners within 500 feet of the applicant's parcel by Return Receipt Mail; the applicant shall furnish receipts to the Zoning Board of Appeals at the start of the public hearing.
 - c. Upon the hearing, any party may appear in person, or by agent or attorney and shall be allowed the opportunity to speak before the board.
4. Referral to County Planning Board: The Zoning Board of Appeals shall refer application to the Delaware County County Planning Board as required by General Municipal Law, Section 239 m, to allow the County thirty (30) days to review the proposed action and to file its report.

5. SEQRA: As per Title 6 of the New York Conservation Rules and Regulations Part 617 the Zoning Board of Appeal shall review the Environmental Assessment Form and make a determination of significance.
6. Within sixty-two (62) days of the public hearing, the Zoning Board of Appeals shall render a decision. In the event that the County Planning Board recommends modifications or disapproval of a referred matter and the Zoning Board of Appeals acts to the contrary, the Town Planning Board shall file a report of its final action with the County Planning Board within thirty (30) days after final action and set forth in writing the reasons for the contrary action.
7. The decision of the zoning board of appeals on the appeal shall be filed in the office of the town clerk within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

Section 1503. Referral to County Planning Board - Before any action is taken on any use variance or special permit affecting real property lying within a distance of 500 feet from the boundary of an adjacent town, or from the boundary of any existing or proposed County or State park or other recreation area, or from the right-of-way of any existing or proposed county or state road or highway or from the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines, or from the existing or proposed boundary of any County or State owned land on which a public building or institution is situated, such matters shall be referred to the County Planning Board for report and recommendation. If the County Board fails to make such report within 30 days after receipt of referred matter, the Board of Appeals, or the Town Board as the case may be, may act without such report. If the County Planning Board disapproves the proposal, or recommends modification thereof, the Board of Appeals, or the Town Board, as the case may be, may act contrary to such disapproval or recommendation only by a vote of a majority plus one of all the members thereof. A final report of an action shall be filed with the County Planning Board within 7 days after such action is taken.

Section 1504. Stay upon appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of this local law, from whom the appeal is taken, certifies to the board of appeals, after the notice of appeal shall have been filed with the administrative official, that by reason of facts stated in the certificate a stay, would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

Section 1505: Rehearing. A motion for the zoning board of appeals to hold a rehearing to review any order, decision or determination of the board not previously reheard may be made by any member of the board. A unanimous vote of all members of the board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the board finds that the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.

Section 1506. Voting requirement:

1. Decision of the board. Every motion or resolution of the zoning board of appeals shall require for its adoption the affirmative vote of a majority of all the members of the board of appeals as fully constituted regardless of vacancies or absences.
2. Default denial of appeal. In exercising its appellate jurisdiction only, if an affirmative vote of a majority of all members of the board is not attained on a motion or resolution to grant a variance or reverse any order, requirement, decision or determination of the enforcement official within the time allowed by this Local Law, the appeal is denied. The board may amend the failed motion or resolution and vote on the amended motion or resolution within the time allowed without being subject to the rehearing process.

ARTICLE XVI

AMENDMENTS

Section 1600. Procedure - The Town Board may from time to time on its own motion, or on petition, or on recommendation of the Town Planning Board, amend, supplement, or repeal the regulations and provisions of this Local Law in accordance with the provisions of the Town Law applicable thereto. Any proposed amendment shall be submitted to the Town Planning Board for report and recommendation prior to the public hearing thereon by the Town Board.

Section 1601. Development Plans May Be Required - Before any amendment of the Zoning Map so as to create a new or enlarged "C" district, the Town Board may require the submittal of development plans including the location and character of proposed structures and conditions of use for the premises concerned. In approving any such amendment, the Town Board may specify that no Building Permit may be issued with respect to said premises under the amended district classification, except in accordance with the said plans and conditions of use as submitted or as revised to meet the requirements of the Town Board in furthering the purposes of this Local Law.

ARTICLE XVII

SEPARABILITY

Section 1700. Separability - The invalidity of any section or provisions of this Local Law shall not invalidate any other section or provision thereof.

ARTICLE XVIII

EFFECTIVE DATE

Section 1800. Effective Date - This Zoning Local Law shall take effect immediately on its adoption and publication as required by law.