TOWN OF CONSTANTIA

ZONING LAW

DRAFT FOR DISCUSSION ONLY

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Local Law: 202

DRAFT Updated as of ~~10/29/2026~~11/16/2026

Explanation of Revisions

Revisions are shown inline throughout this document as follows:

Blue Underline - Proposed Additions

Red Strikethrough – Proposed Deletions

This document displays discussed proposed revisions pending a formal vote and does not, by itself, indicate adoption or enactment.

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ARTICLE 1. INTRODUCTORY PROVISIONS

Section 110. Enactment

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

Section 120. Title

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

Section 130. Intent and Purpose

It is the intent of this local law to promote the health, safety, and general welfare of the Town by supporting a clean, attractive environment; protecting natural and community resources; and establishing minimum standards for development density, lot frontage, yards, and land use review. This local law is intended to regulate land use activity through site plan review and other applicable standards, not to prohibit any land use activity that complies with the requirements set forth herein.

Section 140. Prior Laws

This law shall replace and supersede the following laws:

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

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

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

Telecommunications Towers, Local Law No. 1 of 1999

Town of Constantia Land Development Law, Local Law No. 2 of 2013, and subsequent amendments

Section 150. Application

No land use, building or structure, including manufactured homes, shall hereafter be constructed or placed in the Town of Constantia unless it conforms to the requirements of this law.

This law does not apply to uses and structures that are lawfully in existence as of the effective date of this law. Any use that would otherwise be subject to this law that has been discontinued for a period of one year or more shall be subject to review under this law before such use is resumed. A use or structure shall be considered lawfully in existence if, as of the effective date of this law, construction or establishment of the use has commenced, meaning that all required permits or approvals have been issued and footings have been placed in the ground if applicable, and the use or structure is fully constructed and complete within one year from the effective date of this law.

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ARTICLE 2. DEFINITIONS

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

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

Accessory Dwelling Unit: An independent residential dwelling unit located on the same lot as a single-family dwelling. Accessory apartments and secondary suites are included in this definition. Internal dwelling units, in which a portion of the single-unit dwelling is converted to a dwelling unit and attached dwelling units, in which an addition is attached to a new or existing single-family dwelling, shall be considered two-unit or multi-unit dwellings depending on the number of dwelling units in the structure.

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

Adult Entertainment: An establishment or business, whether retail or wholesale, having as a substantial or significant portion of its stock in trade including, but not limited to, books, sexual paraphernalia, magazines and/or other periodicals, films or viewing materials for sale or viewing on the premises. Live performances may be part of the business as permitted by constitutionally protected free speech. All are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, and that retail establishment is customarily and usually not open to the public generally, but excludes any minor by reason of age.

Agricultural Land: Land used for the raising of crops, cows, horses, swine, poultry and other livestock, feed crops, food crops, crops for biofuels, horticulture or orchards, including the on-premises sale of products grown or raised directly on such land. This includes, but not limited to, the construction, alteration, or maintenance of fences, agricultural access, agricultural drainage systems, animal waste storage lagoons or tanks, farm ponds and livestock auctions.

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

Alteration: Any change, addition, or modification in the construction or occupancy of an existing structure.

Animal Shelter / Kennel: A pen, shelter, or structure where dogs or small domestic animals are boarded or kept for commercial or public service purposes, excluding livestock.

Antenna: A system of electrical conductors that transmit or receive radio frequency waves, including, but not limited to navigation, radio, television, microwave communications, including cellular telephone, personal communication and paging. An antenna may be attached to an existing support structure or standalone, including a building, transmission tower, monopole, light pole, utility pole, water tank, silo, barn, sign, or an overhead transmission line support structure. Typical residential uses include radio and TV receive and Internet Service Provider (ISP) antennas. Amateur radio towers and associated antennas are exempt from some permitting, according to currently applicable FCC regulations and precedents. Such amateur radio structures are allowed to a maximum height of 100 feet AGL (above ground level) including any buildings or structures to which they may be mounted. Telecommunications facilities (defined elsewhere) are not included in this definition.

Area (of a Sign): The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, as included within the definition of a sign, together with the frame or, other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports

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or uprights on which such sign is placed. On signs with more than one face, only that face or faces visible from any one direction at one time will be counted.

Auction Lot or Building: A place where objects of art, furniture, and other goods are offered for sale to people who bid on the objects in competition with each other. Long term outdoor storage or livestock auctions are not included in this definition.

Battery Energy Storage Systems, Large: A battery energy storage system that has an aggregate energy capacity greater than 600 kWh or that is comprised of more than one storage battery technology type in a room or enclosed area.

Battery Energy Storage Systems, Small: A battery energy storage system that has an aggregate energy capacity less than or equal to 600 kWh and, if in a room or enclosed area, consists of only a single energy storage system technology type.

Bed and Breakfast / B&B: A building designed to provide overnight accommodations, with or without meals, for transient guests for profit, but where the use is secondary to the occupancy of the dwelling by the owner, and provided that no more than five rooms are for hire. Each room shall have an interior entrance into the house; no room for hire shall have a dedicated exterior entrance. Note, this use differs from Short Term Rental (STR) as a B&B must be owner-occupied.

Boat Storage, Commercial: Areas where individuals or businesses can park, store, or dock boats for a fee or business purpose.

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

Campground: An area or tract of land on which accommodation for temporary occupancy is located or may be placed, including cabins, tents, and recreational vehicles, and that is primarily used for recreational purposes and retains an open air or natural character.

Car Wash: An area of land and/or structure with machine or hand operated facilities used primarily for the cleaning, detailing, washing, and polishing or waxing of motor vehicles. Neither vehicle storage nor sales are included in this definition.

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

Commercial Equestrian Facility: Land, buildings, or part of a building in which horses are boarded or kept for commercial purposes. Such uses include boarding, hiring, riding, showing, competing and selling.

Convalescent Center: An institutional facility licensed by the State of New York or an agency or department thereof and maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that which is available at a hospital.

Convenience Store: A building or structure in which retail sales of prepared foods, dairy products, beverages, and other items for household use and consumption are conducted. Areas for on-site food and beverage consumption in or outside of the structure may be provided. Convenience stores may be stand-alone entities or exist in conjunction with other uses, such as gasoline sales.

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

Data Center: An industrial facility that is primarily used for the storage, management, processing, and transmission of digital data that houses computer or networking equipment as a principal land use on a lot. Equipment and accessories customary to data centers including, but not limited to air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructures shall also be considered part of a data center. Accessory structures or rooms that house equipment and staff to serve an on-site business or office shall also be considered part of a data center. **Required review – consider restricting Data Centers to the Commercial zone or prohibit entirely. Schedule A has them limited to the Rural Zone.**

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Day Care Center: Any use defined as a Child, Adult or Group Day Care Center as delineated in Section 390 of NYS Social Services Law.

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

Dwelling, Single Unit: A complete, self-contained residence for permanent occupation by one household, containing one or more rooms and facilities for habitation including cooking, eating, sleeping, and sanitary needs.

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

Dwelling, Multiple Unit: A building or portion thereof used for occupancy by three or more households living independently of each other and containing three or more dwelling units. Each unit is intended for permanent occupation by one household only, in a single structure having one or more common roofs, walls or ceilings. Each contains separate rooms and facilities for habitation including cooking, eating, sleeping, and sanitary needs.

Enforcement Officer: An individual appointed by the Town Board to administer and enforce the provisions of this local law.

Equipment Rental /Heavy Equipment: A commercial establishment primarily engaged in selling, renting, or leasing commercial-type and industrial-type machinery and equipment. This definition includes customary maintenance and repair of such machinery and equipment and does not include maintenance of privately owned equipment on residential properties.

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

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

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

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

Fast Food Restaurant: An establishment that offers quick food service, typically through a limited menu, usually prepared and held for service, fried or microwaved for quick serving. Orders are not generally taken at a customer table, and the food is served in disposable wrappings or containers. The establishment may or may not include driving through convenience.

Gasoline / Diesel / Kerosene / Fuel Sales: Any building, land area, or other premises, or portion thereof, used for the wholesale or retail dispensing or sales of fuels, where an aggregate or individual quantity of 1,000 gallons or more vehicular or heating fuels are stored at any time on the premises.

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

Golf Course: A large outdoor area primarily dedicated to the structured game of golf, usually consisting of at least nine holes. It must feature standard course elements such as tees, greens, fairways, and hazards. Permitted typical supplementary facilities that directly support the golf course operations include clubhouses, pro shops, locker rooms, driving ranges, putting greens, dining facilities/restaurants, maintenance structures and golf cart storage. Miniature golf courses, disc golf, stand-alone driving ranges,

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and pitch-and-putt facilities are not included in this definition. See "Retail Services"

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

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

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

Health Care Facility: An institution licensed by the State of New York, an agency or department thereof, that provides health related services primarily for human outpatients, medical training facilities, and central services operations.

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

Hotel / Motel: A building containing primary hotel units for the purpose of furnishing lodging, with or without meals for transient occupancy. Management maintains a register of occupancy and provides daily housekeeping and other incidental services including front desk, telephone and bell, such as assisting guests with luggage handling, room orientation, and transportation arrangements upon arrival and departure.

House of Worship / Religious Facility: A building where people gather to pray and observe religious practices. This includes a church, a mosque, synagogue, temple, or any other place where people gather to practice their faith.

Indoor Recreation, Commercial: An enclosed structure, arena or complex utilized for sports, amusement, performances or play for a fee, either per use (admission) or membership payments.

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

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

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

A. Two or more junk vehicles;

B. One or more abandoned manufactured/mobile homes or recreational camping vehicles;

C. One or more inoperative, partially dismantled or abandoned all-terrain vehicles or snowmobiles (as defined in the New York State Vehicle and Traffic Law);

D. Two or more inoperable appliances including, but not limited to, lawn and garden machines, washers, dryers, dishwashers, stoves, refrigerators, freezers and televisions;

E. Two or more inoperable pieces of equipment;

F. Collection and storage of any second-hand or used material which, taken together, equal in bulk volume 500 cubic feet or more; or

G. Any combination of two or more of any individual items listed in A through F above.

Land Use Activity: Includes, but is not limited to, the following: new structures, expansions to existing structures, new uses, changes in or expansions to existing uses, roads, driveways, and excavations for the purpose of extracting soil or mineral deposits. This term does not include reconstruction.

Library: A facility designed for the storage, circulation, and use of books, manuscripts, periodicals, and other media, managed by a public or private entity.

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Long-Term Storage: The storing or warehousing of goods, equipment, parts and materials for a period exceeding six months.

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

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

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

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

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

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

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

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

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

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

Manufactured Home Park: Any lot under single ownership on which three or more manufactured homes are located regardless of whether rent is charged for such lot accommodations. The park provides shared infrastructure and utility connections.

Manufacturing / Industrial: Land used for the production, assembly, development, manufacturing, wholesaling and warehousing of goods.

Marina: A waterfront facility used for docking, mooring, storing, launching, servicing, or fueling boats or other watercraft. This may also include accessory retail, repair, storage, and related services customarily incidental to marina operations.

Medical Office: Small-scale facility providing medical or dental treatment. Small-scale shall mean a maximum gross floor area of 5,000 sq ft.

Mining, Small Scale: Mining operations that involve the extraction of less than 750 cubic yards, but more than 375 cubic yards of minerals during 12 successive months. This definition does not include the excavation, removal, and disposition of minerals from construction projects.".

Mining, Large Scale: Mining operations that require a NYSDEC Permit under the New York Mined Land Reclamation Law (Environmental Conservation Law Article 23, Title 27) and may also require a New York State SPDES permit for stormwater discharge or stormwater management, where applicable**.** A NYSDEC permit is required for extraction of more than**:**

A. 1,000 tons or 750 cubic yards of minerals, whichever is less, during 12 successive months. (Approximately 40-50 tandem axle, 10-wheeler, dump truck loads.)

B. Alternatively,100 cubic yards of minerals removed in or adjacent to any water body not subject to

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the jurisdiction of the New York State DEC Protection of Waters Program or the Public Lands Law.

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

Modular Housing: A building designed for long-term residential use having the following characteristics:

A. constructed or produced in a factory for transportation to a site for installation and use when connected to required utilities;

B. either an independent, individual building or a module for combination with other elements to form a building on the site.

Motor Vehicle Garage / Service, Commercial: Buildings and premises where the primary use is the towing, maintenance, repair and / or detailing of motor vehicles, subject to NYS DMV and DEC regulation.

Motor Vehicle Sales: The display, storage, and retail or wholesale of motor vehicles (e.g., automobiles, motorcycles, trucks, and recreational vehicles). It may include on-site sales, test-driving, incidental rentals, and related parts sales or repair services.

Museum: A building, room, or rooms where artistic, historical, scientific or cultural objects, artifacts or artistic works are displayed and made available to the public upon terms and conditions established by the displaying entity.

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

Office: A building or portion thereof used for conducting the affairs of a business, profession, service industry or government, and may include accessory services for office workers; not including the on-premises manufacturing, servicing, storage or distribution of goods and merchandise.

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

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

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

Portable Storage Container: For the purposes of this Article, the term “portable storage container” shall mean any temporary, transportable, movable or portable container, which is delivered to and placed outdoors on private property for storage purposes. A portable storage container does not include any of the following:

A. a debris dumpster or construction trailer;

B. a temporary construction trailer or other trailer subject to a temporary use permit under this local law; or

C. a vehicle, trailer, or container actively used for construction, moving, delivery, or similar temporary purposes for a limited duration approved by the Enforcement Officer.

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

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Public Facility, Multipurpose: A place designed for large gatherings for meetings, concerts, sport activities, productions or other special events.

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

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

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

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

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

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

Recreational Vehicle Track: A purpose-specific facility or area intended for the operation of recreational vehicles, often for organized events like racing, mudding, or off-roading.

Repossession / Impoundment Facility: An area of land that provides temporary outdoor storage for motor vehicles that are to be claimed by titleholders, agents, or for wrecked vehicles awaiting insurance adjustments. Uses not included in this definition: scrap and salvage services; junk yards; long-term vehicle storage; accessory storage of inoperable vehicles.

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

Restaurant: An establishment primarily engaged in the sale of food and beverage, including alcoholic beverage, for on premises consumption, but not including establishments where the primary business is of a take-out nature (See "Fast Food Restaurant"). The establishment may include secondary activities for which restaurant facilities are a logical companion, such as meetings, games, dancing, live music, banquets, and external to the building but on-premises activities (site details permitting).

Retail Sales, Indoor: A commercial facility engaged in selling goods or merchandise to the public for personal or household consumption and providing services incidental to the sale of such goods, with no items for sale stored outdoors.

Retail Sales, Outdoor: A commercial facility including, but not limited to, sales, rental or lease of new and used manufactured homes, boats, recreational vehicles, farm implements, tree nurseries and garden shops and other large items stored outdoors.

Retail Services: Establishments providing services or entertainment, as opposed to products, to the public for personal or household use, including, but not limited to, finance, real estate and insurance, legal services, personal service, motion pictures, amusement and recreation services, health and galleries.

Road: The public right-of-way for vehicle and pedestrian traffic that affords the principal means of access to abutting lots.

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

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

Salvage Yard: A place where junk / disused vehicles or other machinery are broken up and the parts saved and processed for resale.

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

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

Self-Storage Rental: A structure or series of structures containing separate, individual, and private storage spaces of varying sizes leased or rented under individual leases for varying periods of time.

Shopping Center: A group of stores, shops and similar establishments occupying adjoining or contiguous structures all of which may be deemed one building.

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

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

Solar Energy System, Small Scale: Any roof mounted, building integrated, or ground mounted solar energy system that is an accessory use and cumulatively on a lot meets all of the following provisions:

A. is an accessory use or structure designed and intended to generate energy primarily for a principal agricultural, commercial, or residential use located on site, and

B. has a total ground surface area no greater than 4,000 square feet.

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

A. is intended to supply electricity principally into a utility grid for the purpose of off-site sale or consumption, or

B. has a total ground surface area of greater than 4,000 square feet.

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

Storage Trailer: Any enclosed vehicle, semi-trailer, large van or bus (either motorized or designed to be pulled by an automobile or truck) that is or was originally intended for the hauling of freight, people, goods or equipment over the road.

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

Telecommunications Facility: Tower and/or antenna used in connection with the provision of cellular telephone services, personal communications services, digital and/or data communication services, paging services, radio and television broadcast services and similar broadcast services, including

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associated buildings and structures such as outdoor equipment enclosures.

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

Veterinary Practice: Office or clinic of a licensed veterinarian where small animals or household pets are given medical, surgical, or health maintenance treatment. The boarding of animals at a veterinary practice is limited to short-term care incidental to the treatment clinic and must be a secondary use of the property.

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

Wind Energy Generation, Small Scale: A wind turbine, tower, and associated electronics that produce power primarily for on-site consumption (to reduce grid usage) rather than for commercial distribution.

Wind Energy Generation, Large Scale: Commercial wind facilities designed to generate electricity primarily for sale to the electrical grid, rather than for on-site consumption.

Wholesale Use: Place of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

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

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

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

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

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

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ARTICLE 3. ESTABLISHMENT OF ZONES

Section 310. Types of Zones

For the purpose of this law, the Town of Constantia is hereby divided into the following zones.

Rural

The rural zoning district areas should encourage a blend of low-density residential development, agricultural practice, and small business enterprise. These areas support a diverse range of activities, ensuring economic vitality while preserving the essential rural character and landscape of the Town. As subdivision of larger parcels occurs, larger lot sizes will be encouraged. Land and structures in the rural zoning district should maintain the aesthetic appeal of the community and meet the standards and goals of the Town's *Comprehensive Plan*.

Hamlet

The hamlet zoning district focuses on creating a sense of community, convenience, and economic vitality through medium to high density housing. The intent is to maintain a village / suburban feel that accommodates a diverse range of housing options while integrating and encouraging small-scale business activities that fall outside commercial / industrial zoning district uses. Land use and structures in the hamlet zoning district areas should maintain the aesthetic appeal of the community and meet the standards and goals of the Town's *Comprehensive Plan*.

Waterfront

The lakes and lakeshores are essential to the character and economy of the Town of Constantia. The waterfront zoning district areas balance preservation and access. Protecting the lakes and lakeshores requires preventing waterbody contamination. Safeguarding the plentiful and attractive lakefront viewing areas requires considering the effects of crowding and over-development in accordance with Article 4 of this law. Providing access through residential and tourism is supported as outlined in Article 4. Waterfront development encourages primarily year-round and seasonal residential development and limited low-impact commercial uses (restaurants, hotels, short term rentals, etc.) while restricting certain commercial uses, industrial facilities, and large scale solar and wind installations at odds with the Town's *Comprehensive Plan.*

Commercial/Industrial

The commercial and industrial zoning districts are intended to be hubs of economic activity, fostering a sense of community while supporting local business development. These areas accommodate mixed-use businesses such as light industrial manufacturing, large retail facilities, fast-food establishments, and similar enterprises that are not permissible in the waterfront, hamlet, or rural zoning district areas. This does not necessarily exclude the types of businesses that are allowed in the other areas. Commercial and industrial zoning district uses should include carefully planned accessibility and parking areas. In addition, areas in the districts should provide a pedestrian-friendly design. The land and buildings should be developed in ways that maintain the aesthetic appeal of the community and consistent with the Town's goals as laid out in the *Comprehensive Plan*.

Section 320. Zoning Map – as discussed - Zoning bounds are under review

Said zones are shown, defined, and bound on the map accompanying this law entitled "Zoning Map," dated **TBD**update once reviewed and confirmed and filed in the office of the Town Clerk, which map explanatory matter thereon is by this reference incorporated into this law.

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Section 330. Interpretation of Zone Boundaries

A. Where uncertainty exists with respect to the boundaries of the various zones, as shown on the zoning map, the following rules shall apply:

1. Where the designation on the zoning map indicates a boundary approximately upon a road, the centerline of the road shall be construed to be the boundary.

2. Where the designation on the zoning map indicates a boundary approximately upon a lot line, such lot line shall be construed to be the boundary.

3. Distances shown on the zoning map are perpendicular distances from road centerlines measured to the zone boundary, and the boundaries in all cases where distances are given are parallel to the road centerline.

4. In other cases, the zone boundary shall be determined by the use of the scale on the zoning map.

B. In the event that a metes-and-bounds description has been filed for a zone change or a variance as required by this law, such metes-and-bounds description may be used in lieu of other provisions of this section.

C. Where a zone boundary divides a lot of record at the time such boundary is adopted, the requirements of the least restrictive portion of such lot shall extend 20 feet into the more restrictive portion of the lot, provided the lot has frontage on a road in the less restrictive zoning district.

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ARTICLE 4. ZONE REGULATIONS

Schedule A

Zoning Regulated Use Conditions	
A	Use allowed in the zoning district without need for a zoning permit.
Z	Zoning Permit Required (starts with Code Enforcement - may be handled there alone)
ZS	Zoning Permit and Site Plan Review Required
ZSP	Zoning Permit, Site Plan, and Special Use Permit Required
NA	Not allowed in district

Key	Use	Commercial	Waterfront	Hamlet	Rural
1	Accessory Dwelling Unit	**ZSP**	**ZS**	**ZS**	**Z**
2	Accessory Structure	**A**	**A**	**A**	**A**
3	Adult Entertainment	**ZSP**	**NA**	**NA**	**NA**
4	Agricultural	**A**	**A**	**A**	**A**
5	Alteration	**ZS**	**Z**	**Z**	**Z**
6	Animal Shelter / Kennel	**ZSP**	**NA**	**NA**	**ZSP**
7	Antenna	**ZSP**	**ZSP**	**ZSP**	**ZSP**
8	Auction Lot or Building	**ZS**	**NA**	**NA**	**ZS**
9	Battery Energy Storage Systems, Small	**ZSP**	**ZSP**	**ZSP**	**ZSP**
10	Battery Energy Storage Systems, Large	**ZSP**	**NA**	**NA**	**ZSP**
11	Bed and breakfast	**ZSP**	**ZSP**	**ZSP**	**ZSP**
12	Boat Storage, Commercial	**ZSP**	**NA**	**NA**	**ZSP**
13	Campground	**NA**	**ZSP**	**NA**	**ZSP**
14	Car Wash	**ZS**	**NA**	**NA**	**ZS**
15	Commercial Equestrian Facility	**ZS**	**NA**	**NA**	**ZS**
16	Convalescent Center	**ZSP**	**ZSP**	**ZSP**	**ZSP**

Key	Use	Commercial	Waterfront	Hamlet	Rural
17	Convenience Store	**ZS**	**NA**	**NA**	**ZSP**
18	Data Center	**NA**	**NA**	**NA**	**ZSP**
19	Day Care Center	**ZSP**	**ZSP**	**ZSP**	**ZSP**
20	Dwelling, Single Unit	**Z**	**Z**	**Z**	**Z**
21	Dwelling, Two Unit	**Z**	**Z**	**Z**	**Z**
22	Dwelling, Multiple Unit	**ZSP**	**ZSP**	**ZSP**	**ZSP**
23	Equipment Rental /Heavy Equipment	**ZSP**	**NA**	**NA**	**ZSP**
24	Fast Food Restaurant	**ZSP**	**NA**	**NA**	**NA**
25	Gasoline / Diesel / Kerosene / Fuel Sales	**ZSP**	**NA**	**NA**	**ZSP**
26	Golf Course	**NA**	**NA**	**NA**	**ZSP**
27	Small Scale Mining	**NA**	**NA**	**NA**	**ZSP**
28	Large Scale Mining	**NA**	**NA**	**NA**	**ZSP**
29	Health Care Facility	**ZS**	**NA**	**NA**	**ZSP**
30	Home-Based Business	**Z**	**Z**	**Z**	**Z**
31	Hotel / Motel	**ZSP**	**NA**	**NA**	**ZSP**
32	House of Worship / Religious Facility	**ZS**	**ZS**	**ZS**	**ZS**
33	Indoor Recreation, Commercial	**ZSP**	**NA**	**NA**	**ZSP**
34	Junkyard	**NA**	**NA**	**NA**	**ZSP**
35	Library	**ZS**	**ZS**	**ZS**	**ZS**
36	Manufactured Home	**Z**	**Z**	**Z**	**Z**
37	Manufactured Home Park	**ZSP**	**ZSP**	**ZSP**	**ZSP**
38	Manufacturing / Industrial	**ZSP**	**NA**	**NA**	**ZSP**
39	Marina	**ZSP**	**ZSP**	**NA**	**NA**
40	Medical Office	**ZSP**	**ZSP**	**ZSP**	**ZSP**

Key	Use	Commercial	Waterfront	Hamlet	Rural
41	Motor Vehicle Garage / Service, Commercial	**ZSP**	**NA**	**NA**	**ZSP**
42	Motor Vehicle Sales	**ZSP**	**NA**	**NA**	**ZSP**
43	Museum	**ZSP**	**ZSP**	**ZSP**	**ZSP**
44	Office	**ZSP**	**NA**	**NA**	**ZSP**
45	Public Facility, Multipurpose	**ZSP**	**ZSP**	**ZSP**	**ZSP**
46	Recreational Vehicle Track	**ZSP**	**NA**	**NA**	**ZSP**
47	Repossession / Impoundment Facility	**ZSP**	**NA**	**NA**	**ZSP**
48	Restaurant	**ZSP**	**ZSP**	**NA**	**ZSP**
49	Retail Sales, Indoor (hamlet fronting on Rt 49 only)	**ZS**	**NA**	**A**	**ZSP**
50	Retail Sales, Outdoor	**ZS**	**NA**	**NA**	**ZSP**
51	Retail Services (hamlet fronting on Rt 49 only)	**ZS**	**NA**	**A**	**ZSP**
52	Salvage Yard	**ZSP**	**NA**	**NA**	**ZSP**
53	Self-Storage Rental	**ZSP**	**NA**	**NA**	**ZSP**
54	Shopping Center	**ZSP**	**NA**	**NA**	**ZSP**
55	Solar Energy System, Small Scale	**ZSP**	**ZSP**	**ZSP**	**ZSP**
56	Solar Energy System, Large Scale	**ZSP**	**NA**	**NA**	**ZSP**
~~59~~57	Telecommunications Facility	**ZSP**	**NA**	**NA**	**ZSP**
58	Veterinary Practice	**ZSP**	**ZSP**	**ZSP**	**ZSP**
59	Wholesale Use	**ZSP**	**NA**	**NA**	**ZSP**
60	Small Scale Wind Energy Generation	**ZSP**	**NA**	**NA**	**ZSP**
61	Large Scale Wind Energy Generation	**ZSP**	**NA**	**NA**	**ZSP**

Schedule B

	Commercial	Waterfront	Hamlet	Rural
Minimum Lot Size	40,000 Sq Ft All Locations	40,000 Sq Ft 20,000 if Public Water available	40,000 Sq Ft 20,000 if Public Water available	40,000 Sq Ft 20,000 if Public Water available
Minimum Road Frontage	125 Feet	125 Feet 60 Feet if Public Water available	125 Feet 80 Feet if Public Water available	125 Feet 80 Feet if Public Water available
Minimum Road Facing Front Yard Depth	80 Feet from road centerline	40 feet from road centerline	40 feet from road centerline	60 Feet from road centerline
Minimum Side Yard Width	15 Feet 50 Foot side setback is required if a non-residential use abuts a residential use.	10 Feet	10 Feet	10 Feet
Minimum Rear Yard Width	20 Feet	20 Feet	20 Feet	20 Feet
Maximum Structure Height	40 Feet	40 Feet	40 Feet	40 Feet
Waterfront-Facing Setback	Per DEC/ Army Corp of Engineers Requirements	Per DEC/ Army Corp of Engineers Requirements	Per DEC/ Army Corp of Engineers Requirements	Per DEC/ Army Corp of Engineers Requirements

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ARTICLE 5. GENERAL STANDARDS FOR DEVELOPMENT

Section 505. Manufactured Homes

A. The following requirements apply to any manufactured home, whether it is located on an individual lot or on a site within a manufactured home park.

B. Manufactured Home Skirting

1. Each manufactured home shall be provided with a skirt to screen the space between the manufactured home and the ground.

2. Such skirts should be of permanent material and provide a finished exterior appearance.

3. The material used shall be fire-resistant.

C. Manufactured Home Stands

1. Refer to New York State Residential Code, Appendix E.

D. A manufactured home being set up in the Town of Constantia (either inside or outside a manufactured home park) shall bear a HUD label, which certifies that the home is in compliance with all applicable federal construction and safety standards.

1. The home shall not have been modified structurally without certification.

2. Every manufactured home shall bear a date plate (affixed in the manufacturing facility) bearing the following information:

3. The statement: "This manufactured home is designed to comply with the federal manufactured home construction and safety standards in force at the time of manufacture."

4. Reference to the structural zone and wind zone for which the home is designed.

5. A manufactured home being set up in the Town of Constantia, either in or outside a manufactured home park, shall be 12 feet or wider and have a floor area of 900 square feet or greater.

E. Manufactured Home Fuel Supply and Storage

1. General Requirements. All fuel oil supply systems provided for manufactured homes, service buildings, and other structures shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction.

2. Specific Requirements:

All fuel oil tanks shall be placed at the rear of the manufactured home and not located less than five feet from any exit.

It is recommended that a central fuel supply system be provided.

Supports or standards for fuel storage tanks are to be of a non-combustible material.

3. Gas Supply - Natural

a. Natural gas piping systems installed in manufactured home parks shall be maintained in conformity with accepted engineering practices.

b. Each manufactured home lot provided with piped natural gas shall have an approved shutoff valve and cap to prevent accidental discharge of gas.

4. Liquefied Gas

a. Such systems should be provided with safety devices to relieve excessive pressure and should be arranged so that the discharge terminates at a safe location.

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b. Such system should be provided with safety devices to relieve excessive pressure and should be arranged so that the discharge terminates at a safe location.

c. Each system shall include at least one accessible shutoff valve located outside the individual manufactured home.

d. All liquid propane gas piping shall be well supported and protected against mechanical injury.

e. Storage tanks shall not be less than 100 pounds and must be located at the rear of the manufactured home and no closer than five feet from any exit.

f. It is recommended that a central underground gas storage system be furnished.

Section 510. Height of Buildings

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

Section 515. Access to Structures

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

Section 520. Home-Based Businesses

Home-based businesses that meet the following criteria require a permit:

A. One or more nonresidents are employed;

B. Total floor area devoted to the business exceeds 400 square feet;

C. The business is open to off-street customer or client traffic;

D. Two or more customers or clients are present on the site at one time.

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

A. Total floor area devoted to the business shall not exceed 15% of the total floor area of the principal residential use located on the lot.

B. Operations shall be limited to the interior of a building.

C. The exterior of a building containing a home business shall not be altered to accommodate the business.

D. Excessive noise, glare, vibrations, and/or electronic and microwave interference with radios, TVs and other household appliances shall not be produced.

E. All parking should be provided on-site in accordance with Article 8, and there should be no on-street parking.

Section 525. Principal Residential Structures Per Lot

A single lot shall contain no more than one one-unit or two-unit dwelling, except as provided below:

A. A permit may be issued allowing a maximum of two one-unit or two-unit dwellings on a single lot where it can be demonstrated that any future subdivision of the lot, which would result in the dwellings being located on separate lots, can be accomplished in such a way that: 1) the resulting

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dwellings and accessory structures will have front, side and rear yard depths in accordance with this law; 2) the resulting lots will have areas and dimensions in accordance with this law; and 3) all sewage and wastewater systems will be in accordance with the NYS Sanitary Code. All principal structures shall be separated by a distance of at least twice the side yard depth requirement, or such greater distance as deemed appropriate by the planning board to allow for lawful future subdivision.

B. A permit may be issued for one interim dwelling located on the site of the construction of a one- or two-unit dwelling for which a valid building permit is in effect; for one interim manufactured home unit for commercial or industrial use on the site of the construction of a commercial or industrial use for which a valid building permit is in effect; or for temporary uses and structures incidental to a construction project for which a valid building permit is in effect. All interim structures shall be removed within 60 days of the issuance of a certificate of compliance.

Section 530. Regulation of Storage Trailers and Containers

A. This Section is adopted to improve and promote the health, safety and general welfare of the community, including the protection and preservation of property of the Town and its inhabitants by regulating the placement of storage trailers or containers on both private and public land within the Town of Constantia."

1. No storage trailer or portable storage container shall be used as an addition to a residential or commercial building or as a container home or any other living quarters.

2. No storage trailer or portable storage container shall be used for the purpose of housing animals (domestic, wild, or farm).

3. Wood stoves shall not be permitted in any storage trailer or portable storage container.

B. It is prohibited to utilize a storage trailer or portable storage container for the purpose of long term storage (or any other function other than its original intended use) on any property both public and private, within the Town of Constantia, with the exception of properties used for agricultural production of "crops, livestock, and livestock products," as that phrase is defined by New York State Agriculture & Markets Law.

C. A temporary permit shall be required prior to the placement of any storage trailer or container on public or privately owned property which is undergoing development or where construction is taking place. All permits shall be obtained from the Town of Constantia Code Enforcement Officer, at a cost of $50 each. All permits shall expire six months after the date of issuance. Permits shall be renewable, if necessary, until construction is completed or the project has been terminated or abandoned. The cost of each renewal permit shall be $50.

D. The contents of all storage trailers or portable storage containers shall be reported, using the guidelines of § 209-u of New York State General Municipal Law. Two copies of the Hazardous Materials Report form shall be filed prior to issuance of a permit. One copy is to be sent to the local Fire Dispatcher. The second copy is to be attached to the application for the permit.

E. All warning placards which would have been required for the contents under Federal Department of Transportation guidelines, as covered in the Code of Federal Regulations, Title 49, Parts 100-199 (49 CFR 100-199), shall be posted and remain in place during the entire time of storage.

F. It shall be the responsibility of the Code Enforcement Officer or his duly authorized representative to enforce the provisions of this Article.

Section 535. Adult Entertainment

Adult entertainment uses are allowed only in commercial zones not closer than 1,000 feet to residences, churches, schools, municipal buildings or any other adult entertainment use.

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Section 540. Commercial Boat Storage

Stored boats must be screened from public view by fencing or landscaping.

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ARTICLE 6. NON-CONFORMITIES

Section 610. Nonconforming Uses

A. Any use of land or structures which by the enactment of this law is made nonconforming may be continued on the premises and to the extent pre-existing provided that:

B. No nonconforming use shall be expanded, extended, or otherwise increased so as to occupy a greater area of land than was committed to the nonconforming use at the time of such enactment;

C. No nonconforming use shall be extended so as to displace a conforming use;

D. Any nonconforming use which has, for any reason, been abandoned for a period of one year, shall not be reestablished and only conforming uses shall be thereafter permitted;

E. A nonconforming use once changed to a conforming use shall not be permitted to change back to a nonconforming use.

Section 620. Continuation of Nonconforming Structures

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

Section 630. Construction Started Prior to this Law

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

Section 640. Existing Undersized Lots

No variance shall be required for any lot of public record, lawfully created prior to ~~MM/DD/YYYY~~Date intentionally left blank until adoption of the law and whose lot area and/or lot frontage are less than the specified minimum lot requirements provided that:

A. Such lot does not adjoin any lot or lots held by the same owner whose aggregate area is equal to or greater than the minimum lot area requirements;

B. The minimum yard dimensions as provided in the law are maintained;

C. Any claimed hardship was not self-created;

D. The lot is improved with no more than one single unit dwelling.

Section 650. Two Lot Division of Existing Conforming / Non-conforming Undersized Lots

As stated in Section 135 of the Town of Constantia Subdivision Law, the Planning Board may waive the subdivision review procedure of a subdivision creating no more than two lots under the following conditions:

A. An application and fee are submitted to the enforcement officer;

B. The applicant provides evidence acceptable to the enforcement officer that both lots will conform to the requirements of this law. Such evidence shall consist of proposed deeds, plot plans, or surveys of land included in the application. If one of the created lots is nonconforming, it can only be sold to the owner of adjacent property and must be merged with that property. Proof of merger application

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shall be provided;

C. A nonconforming lot may be subdivided if both created lots are purchased by the owners of adjacent properties. These lots must be merged with those properties. Proof of merger application shall be provided;

D. The proposed subdivision has no negative environmental significance pursuant to 6 NYCRR Part 617;

E. Lots created may not be re-subdivided without subdivision approval.

Section 660. Exemptions of Lots Shown on Approved Subdivision Plats

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

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ARTICLE 7. SITE PLAN REVIEW

Section 705. Planning Board Review of Site Plans

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

Section 710. Site Plan Required

All uses designated as requiring site plan review or special use permit review in Article 4, Schedule A shall have a site plan approved by the planning board.~~All new land use activities, change of property classification or change in use of land, buildings or structures through the establishment of a new use, or through the expansion or enlargement of an existing use, shall proceed through a site plan review~~.
Supporting data must be submitted for review and approval in accordance with the standards and procedures set forth in this law. No permit shall be issued by the enforcement officer, except upon authorization by and in conformity with an approved site plan.

Section 715. Existing Uses and Structures

This law does not apply to uses and structures that are lawfully in existence as of the effective date of this law. Any use that would otherwise be subject to this law and have been discontinued for a period of one year or more shall be subject to review under this law before such use is resumed. A use or structure shall be considered lawfully in existence if, as of the effective date of this law, construction or establishment of the use has commenced, meaning that all required permits or approvals have been issued and substantial work or activity authorized by such permits or approvals has begun on the site, and the use or structure is fully constructed and completed within one year from the effective date of this law.

Section 720. Objectives of Site Plan Review

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

A. Vehicular Access: Proposed access points are not excessive in number, but adequate in width, grade, alignment, and visibility; not located too close to intersections or places of public assembly; and other similar safety considerations.

B. Circulation and Parking: Adequate off-road parking and loading spaces are provided to prevent parking of vehicles on public highways by any persons connected with or visiting the development, that the interior circulation system is adequate to provide safe accessibility to all required parking lots, and that it provides adequate separation of pedestrian and vehicular movements.

C. Landscaping and Screening: All parking, storage, loading, and service areas are reasonably screened at all seasons of the year from the view of adjacent residential areas and that the general landscaping of the site is in character with the surrounding areas.

D. Natural Features: The proposed use, together with its sanitary and water service facilities, are compatible with geologic, hydrologic, and soil conditions of the site and adjacent areas and existing natural scenic features are preserved to the extent possible.

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Section 725. Procedures - Generally

Applicants for site plan approval shall follow the procedures related to the sketch plan conference as hereinafter set forth and must comply with all other procedures and requirements of this local law.

Section 730. Sketch Plan Conference

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

A. A statement and sketch map showing:

1. location and dimensions of principal and accessory structures.
2. access signs (with descriptions).
3. existing and proposed vegetation and other planned features.
4. anticipated changes in the existing topography and natural features.
5. existing wetlands.
6. existing flood hazard areas and any measures and features to comply with flood hazard and flood insurance regulations and local laws.
7. public and private water supplies.

B. An area map showing:

1. parcel under consideration.
2. all properties, subdivisions, roads, rights-of-way, easements, and other pertinent features within 200 feet of the boundaries of the parcel.
3. A topographic or contour map of adequate scale and detail to show site topography.
4. A recent survey of the property produced by a licensed surveyor.

Section 735. Site plan Application

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

A. Name and address of applicant and owner, if different, and of the person responsible for preparation of such drawings;

B. Date, north arrow, written and graphic scale;

C. Boundaries of the area plotted to scale, including distances, bearings, and areas;

D. Location and ownership of all adjacent lands as shown on the latest tax records;

E. Location, name, and existing width of adjacent roads;

F. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and

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areas dedicated to public use or adjoining the property;

G. Complete outline of existing or proposed deed restrictions or covenants applying to the property;

H. Grading and drainage plan, including existing hydrologic features, including watercourse, existing and proposed contours at five-foot intervals, rock outcrops, depth to bedrock, and soil characteristics;

I. Location, design, type of construction, proposed uses, and exterior dimensions of all buildings;

J. Location, design, construction materials of all parking and truck loading areas with access and egress drives thereto;

K. Provision for pedestrian access, including public and private sidewalks;

L. Location of outdoor storage, if any:

M. Location, design, and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences;

N. Description of the method of sewage disposal and the location, design, and construction materials of such facilities;

O. Description of the method of securing public water and location, design, and construction materials of such facilities;

P. Location of fire lanes and other emergency zones including the location of fire hydrants;

Q. Location, design, and construction materials of all energy distribution facilities, including electrical, gas, and solar energy;

R. Location, size, design, and construction materials of all proposed signs:

S. Location and proposed development of all buffer areas including indication of existing and proposed vegetative cover;

T. Location and design of outdoor lighting facilities;

U. Designation of the amount of Gross Floor Area (GFA) and Gross Leasable Area (GLA) proposed for retail and services, office, and other similar commercial or industrial activities;

V. Number and distribution by type of all proposed dwelling units;

W. An estimated project construction schedule;

X. General landscaping plan and planting schedule;

Y. An agricultural data statement pursuant to Town Law Section 283-a, when applicable;

Z. A statement of the nature and extent of the interest of any state employee, or officer or employee of the town in the applicant pursuant to General Municipal Law Section 809, when applicable;

AA. An environmental assessment form (EAF) and, when applicable, a draft environmental impact statement (EIS) pursuant to 6 NYCRR Part 617;

BB. Other elements integral to the proposed development as considered necessary by the planning board including identification of any federal, state, or county permits required for the project's execution.

Section 740. Materials to be Submitted by Applicant

A. Vicinity Map: This map at a scale of 2,000 feet to the inch or larger shall show the relationship of the proposal to existing community facilities that may affect or serve it such as roads, shopping areas, schools, employment centers, etc. It shall show all properties, subdivisions, roads, and easements within 300 feet of the proposal. Such a sketch may be superimposed on a USGS map of the area.

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B. Topographic Map: This shall be drawn at a scale of 40 feet to the inch or larger and shall show existing topography at a contour interval of not more than two feet. This map shall also show the location of pertinent natural features that may influence the design of the proposed use such as water courses, swamps, wetlands, rock outcrops, wooded areas, areas subject to flooding, etc.

C. Site Development Plan: This map of the property on which the proposal is to be situated shall be drawn at a scale of 40 feet to the inch or larger and shall show the location of all automobile parking and all parking for commercial vehicles while loading and unloading, the location and width of all driveways, exits, and entrances, the location of all existing or proposed site improvements including drains, culverts, retaining walls, and fences; provide a description and show the location of sewage disposal facilities, water facilities, show location and size of all signs, the location of proposed buffer areas, and the design of lighting facilities, and such other facilities as indicated in the preliminary site plan checklist.

D. Elevations and/or Sections: The site plan shall be accompanied by preliminary elevations and/or sections at the same or larger scale as required for the site plan, drawn in sufficient detail to clearly delineate the bulk and height of all buildings and other permanent structures included in the proposal.

E. Engineering Plans: Preliminary engineering plans including road improvements, drainage systems, public or private sewer and/or water systems, and other supporting data will be required.

F. Property Survey. A recent survey of the property produced by a licensed surveyor.

Section 745. Waiver of Submission Requirements

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

Section 750. Site Plan Elements Reviewed

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

General Considerations

A. Status of any federal, state, or county permits required.

B. Existing or proposed deed restrictions.

C. Environmental, social, physical, and environmental impact on community and adjacent areas.

D. Age and mobility of design population.

E. Compatibility with the Comprehensive Plan.

Landscaping and Screening

A. Location and proposed development of buffer area including vegetative cover.

B. Outdoor lighting and time of use proposed.

C. General landscaping plan and planting schedule, including adequacy, type, and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.

D. Location, size, design, and construction materials on signage.

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E. Any areas subject to flooding, pondage, storm water overflow or erosion, or in a wetland area, with special attention to the adequacy and impact of structures, roadways, and landscaping in or adjacent to those areas.

F. Location of existing watercourses, wetlands, rock outcrops, forests, gorges, designated Natural Heritage sites, or other unique natural features.

G. Proposed fencing construction and material.

H. Clearing, alteration, or removal of any existing natural feature.

Access and Circulation

A. Entrances and exits to public roads.

B. Deceleration strip.

C. Traffic control measures.

D. Speed limits and adjacent roads.

E. Traffic volume on and adjacent to site.

F. Special access for emergency vehicles.

G. Internal circulation including road width, pavement surfaces, separation of pedestrian and vehicular traffic; and adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, and overall pedestrian convenience.

H. Intersections.

I. Existing or proposed easements.

J. Existing or proposed setbacks.

Parking, Loading, and Storage

A. Location, design, and construction materials.

B. Adequacy to meet standards for occupants, visitors, employees.

C. Separate access for truck loading facilities.

D. Outdoor storage.

E. Snow removal.

F. Storm water collection and treatment.

G. Solid waste collection and removal.

Architectural Features

A. Location, size, design, proposed use and height, and general site compatibility of building, lighting, and signs including overall compatibility with adjacent properties and areas.

B. Space devoted to retail sales, storage, service, wholesale, and other commercial facilities.

C. Number and type of housing units per building and proposed site density.

D. Floor plans, elevation, and sections of typical structures.

E. Lot coverage - density.

Site Characteristics and Utilities

A. Suitability of soil for proposed use.

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B. Existing topography.

C. Proposed grading and drainage plan including calculated storm water runoff.

D. Measures to control erosion.

E. Description of sewage disposal system including location, design, construction materials, and estimated cost of facilities.

F. Description of methods to secure public (or source of) water including location, design, and construction material for proposed facilities.

G. Location of fire and/or emergency zones including special access, if any.

H. Location, design, and construction materials of all energy distribution facilities including but not restricted to electric, gas, and solar.

Section 755. Referral to County Department of Planning and Community Development

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

Section 760. Public Hearing

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

Section 765. Planning Board Decision

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

A. Approval. Upon approval of the site plan, and payment by the applicant of all fees and reimbursable costs due the town, the planning board shall endorse its approval on a copy of the site plan and shall file it and a written statement of approval with the enforcement officer. A copy of the written statement of approval shall be mailed to the applicant.

B. Approval with Modifications. The planning board may conditionally approve the final site plan. A copy of the written statement containing the modifications required by the conditional approval will be mailed to the applicant. After adequate demonstration to the planning board that all conditions have been met, and payment by the applicant of all fees and reimbursable costs due the Town, the planning board shall endorse its approval on a copy of the site plan and shall file it and a written statement of approval with the enforcement officer. A copy of the written statement of approval shall be mailed to the applicant.

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C. Disapproval. Upon disapproval of the site plan, the decision of the planning board shall be filed with the enforcement officer and a copy thereof mailed to the applicant, along with the planning board's reasons for disapproval.

Section 770. Report to County Department of Planning and Community Development

Within 30 days of final action on any matter referred to the County Department of Planning and Community Development pursuant to Section ~~753~~ 755above, the planning board shall file a report of the final action it has taken with the County Department of Planning and Community Development.

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ARTICLE 8. SITE PLAN REVIEW STANDARDS

Section 801. Site Plan Review Standards

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

Section 805. Access

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

Section 810. Lighting Systems

A. Performance: Adequate lighting should be provided on a site to ensure safe movement of people and vehicles and for security purposes. Lighting standards shall be of a type approved by the planning board. All lighting shall be designed and arranged to minimize glare and reflection on adjacent properties and public roads.

B. Design: The following design standards shall be followed on all site development plans:

1. The style of the light and light standard should be consistent with the architectural style of the principal building.

2. The maximum height of free-standing lights should be the same as the principal building but not exceeding 25 feet.

3. All lights should be directed downward (down shielded).

4. Where lights along the property lines and public roads will be visible to adjacent residents, the lights should be appropriately shielded.

5. Spotlight-type fixtures attached to buildings should be avoided.

6. Free-standing lights should be located and protected to avoid being easily damaged by vehicles.

7. Lighting should be located along roads, parking areas, at intersections, and where various types of circulation systems merge, intersect, or split.

8. Pathways, sidewalks, and trails should be lit with low or mushroom type standards.

9. Stairways, sloping or rising paths, building entrances, and exits should be illuminated.

10. Lighting should be provided where buildings are set back or offset.

11. The following intensity in foot candles should be provided:

    a. Parking lots - an average of one foot candle;

    b. Intersections - two-foot candles;

    c. Maximum at property lines 0.6-foot candles;

    d. In residential areas - an average of 0.6-foot candles.

Section 815. Parking

A. All uses shall be provided with off-road parking for all vehicles during typical peak use periods. Off-road parking may be located off-site but must be within 300 feet of the site.

B. A parking space shall not be less than nine feet by 20 feet exclusive of access ways and driveways.

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C. Existing uses need not provide additional off-road parking unless one or more of the following conditions occur:

1. The use changes.

2. The use expands its gross floor area by 20 percent or more if the dollar value of the rehabilitation of the facility for purposes of expansion exceeds 50 percent of the prior value of the facility.

3. The use is destroyed and seeks to be re-established.

D. To the greatest extent possible all parking areas shall be located behind the facility served and out of roadside view. Where parking areas must be located in front of a facility adjacent to a public highway, appropriate landscaping or visual barriers should be provided.

E. To the greatest extent possible the size of all parking areas other than those for dwelling units and dwelling units with a home-based business should be based on gross leasable area. Where gross leasable area figures are unavailable, the same standards will be used with the phrase "gross floor area" substituted for "gross leasable area."

F. Minimum standards are:

1. Two spaces per dwelling unit.

2. For each dwelling unit with a home-based business:

a. adequate space to accommodate all vehicles during typical peak use periods, or

b. one space for each 200 square feet of gross floor area.

3. Offices and business services: one space for each 200 square feet of gross leasable area.

4. Retail and services: one space for each 200 square feet of gross leasable area.

5. Large-product retail and services: one space for each 400 square feet of gross leasable area.

6. Shopping centers:

a. A shopping center site containing between 25,000 and 400,000 square feet of gross leasable area inclusive must provide one space for each 250 square feet of gross leasable area.

b. A shopping center site containing between 400,000 and 600,000 square feet of gross leasable area must provide one space for each 225 square feet of gross leasable area.

c. A shopping center site containing 600,000 square feet or more of gross leasable area must provide one space for each 200 square feet of gross leasable area.

d. Office space occupying greater than ten percent of gross leasable area must meet office standards.

7. Facilities with drive-up service windows: Three 20 feet car length waiting spaces for each drive-up lane. Where multiple drive-up windows exist, there shall be one additional waiting space which shall be a common lane.

8. Public facilities (churches, municipal buildings): one space for each four seats.

9. Funeral homes: one space for each 50 square feet of gross leasable area.

10. Industrial facilities: one space for each 200 square feet of gross leasable area unless documentation can be presented to show an unusually low ratio of employees to floor space.

11. Marinas and Boat storage facilities: one space for every four boats stored.

G. All fractional portions of parking spaces as calculated by Gross Leasable Area shall be deleted if the fraction is less than 0.50; otherwise, one additional parking space is required.

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Section 820. Off-Road Loading

A. All uses other than dwelling units or dwelling units with home-based businesses must comply with the following off-road loading standards:

B. For the first 5,000 square feet of gross leasable area, one berth shall be provided.

C. For each additional 10,000 square feet of gross leasable area, one additional berth shall be provided.

D. With the exception of funeral homes, each loading berth shall be a minimum of 12 feet wide, 50 feet long and 14 feet in height.

E. Loading area berths for funeral homes shall be a minimum of ten feet wide, 25 feet long and eight feet in height.

F. Where the use, traffic generation or function of a site is such that the use can show that the number of berths required is not justified, the Planning Board may waive these requirements.

Section 825. Signs

Refer to standards and requirements of Article 10 of this law.

Section 830. Soil Erosion and Sedimentation Control

A. General: All earthmoving activities within the Town shall be in compliance with all NYS regulations and shall be conducted in such a way as to prevent accelerating erosion and the resulting sedimentation. To accomplish this, a person engaged in earthmoving activities shall develop, implement, and maintain erosion and sedimentation control measures which effectively minimize accelerated erosion and sedimentation. These erosion and sedimentation measures must be set forth in a plan as described below and must be available at all times at the site of the activity.

B. Erosion and Sedimentation Control Plan

1. The erosion and sedimentation control plan shall be prepared by a person who is trained and experienced in erosion and sedimentation control methods and techniques.

2. The erosion and sedimentation control plan shall be designed to prevent accelerated erosion and sedimentation and shall consider all factors which contribute to erosion and sedimentation including, but not limited to, the following:

a. The topographic features of the project area;

b. Types, depth, slope, and area extent of the soils.

c. The proposed alteration to the area;

d. The amount of runoff from the project area and the upstream watershed area;

e. The staging of earthmoving activities;

f. Temporary control measures and facilities for use during earthmoving;

g. Permanent control measures and facilities for long-term protection; and

h. A maintenance program for the control facilities including disposal of materials removed from the control facilities or project area.

C. Restoration

1. Upon completion of the project, all areas which were disturbed by the project shall be stabilized so that accelerated erosion shall be prevented.

2. Any erosion and sedimentation control facility required or necessary to protect project

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areas from erosion during the stabilization period shall be maintained until stabilization is completed.

3. Upon completion of stabilization, all unnecessary or unusable control facilities shall be removed, the areas shall be graded and the soils shall be stabilized.

Section 845. Landscaping

A. General Requirements:

1. Where the proposed land use is potentially incompatible with the adjacent uses, an effective vegetative screen shall be developed and maintained to visually separate the proposed use from view from adjacent inhabited areas.

2. Consideration should be given to maintaining areas of native plants in unprogrammed spaces and native plant species should be considered for new planting.

B. Traffic Movement: In areas where landscape materials are used to define paths of traffic movement, the following guideline shall be used:

1. Plants shall be selected to achieve not more than three feet mature height. Planting height shall be 18 to 24 inches.

~~C.~~ Parking Areas: In areas where landscape materials are used to complement parking areas, branching of trees shall begin at a height no less than ten feet and no greater than 12 feet.

D. Screen: Where landscape materials are used for screening purposes, the following guidelines shall be used:

1. When sufficient space is available, a dense screen of evergreen plant materials shall be used.

2. Plant materials shall be not less than six feet and not more than 12 feet in height when planted and shall be spaced to form an opaque screen either in a single row or in multiple rows with alternate spacing.

3. Where limited space is available, stockade or other approved fence may be used in conjunction with climbing or trellis plants.

4. Where possible, areas of existing vegetation should be used to advantage in creating vegetative screens.

Section 850. Shoreline Standards and Considerations

A. All construction on any shoreline lot shall be carried out in such a manner as to minimize interference with the natural course of such waterway, to avoid erosion of the shoreline, to minimize increased runoff of ground and surface water into the waterway, to remove only that vegetation which is necessary to the accomplishment of the project, and to generally maintain the existing aesthetic and ecological character of the shoreline.

B. Any boat pump-out or other connection to provide for the accommodation of sanitary wastes shall be connected to an adequate disposal system and shall comply with all NYS regulations.

C. Any marina, boat service facility, or any storage of petroleum products within 100 feet or reasonable setback as determined necessary by the Planning Board of the shoreline shall include adequate provisions for ensuring that any leak, rupture, or spill will be contained and not be introduced into or affect the adjacent waterway. In particular, a raised earthen or paved berm or dike shall be constructed in such a manner as to afford adequate protection and shall comply with all NYS regulations.

1. Any paved or otherwise improved parking, loading, or service area within 100 feet of any

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shoreline shall be designed and constructed so as to minimize surface runoff and the entrance of any chemical pollutants or earthen siltation into the waterway.

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ARTICLE 9. SPECIAL USE PERMITS

Section 910. Authority

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

Section 920. Applicability

All uses designated as requiring a special use permit shall have a special use permit and site plan approved by the planning board prior to the issuance of a zoning permit or a certificate of compliance by the zoning officer.

Section 930. Considerations

A. In considering and acting on special use permits, the planning board shall consider the public health, safety, welfare, and comfort and convenience of the public in general, the residents of proposed developments, and the residents of the immediate surrounding area.

B. The planning board may prescribe such appropriate conditions and safeguards as may be required in order that the results of its action shall, to the maximum extent possible, further the accomplishment of the following objectives:

1. That the proposed use is of a character compatible with the surrounding neighborhood and in harmony with the comprehensive plan for the community.

2. That the public facilities to service the proposed use, including water supply, sewage disposal, drainage facilities, and road facilities, and any other utilities and public services are adequate for the intended level of use.

3. That the proposed use complies with all requirements for site plans as specified in Articles 7 and 8 of this law and any other special requirements as may be set forth for the use in this law.

Section 940. Application and Review Procedure

All applications for special use permits shall be submitted and reviewed in compliance with the submission requirements and review procedures for site plan reviews as provided in Articles 7 and 8 of this law.

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ARTICLE 10. SIGNS

Section 1010. Purpose

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

Section 1020. Permits

All signs shall require a permit except those listed in Section 1030 and Section 1040.

Section 1030. Permit Exempt Temporary Signs

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

A. Announcing Signs: One sign per road frontage of a building which is under construction, structural alteration or repair, announcing the character of the building enterprise or the purpose for which the building is intended, or one sign per other construction project, including names of architects, engineers, contractors, developers, financiers, and others, not to exceed 64 square feet. Placement shall not exceed 30 days following completion of the project.

B. Real Estate Signs: One sign per road frontage not to exceed 32 square feet advertising the sale, rental, or lease of the premises on which displayed. Placement shall not exceed 30 days following the sale, rental or lease of the property. All such signs shall be set back at least 15 feet from side lot lines.

C. Subdivision Signs: One sign per road entrance to the subdivision and located on the property to be subdivided, not to exceed 64 square feet. Such sign may not be erected until the subdivision has been approved by the appropriate officials. Placement shall not exceed one year from the date of subdivision approval. The display period may be extended upon approval of the planning board for a reasonable period of time, not to exceed one year at any given time.

D. Sale Ad Signs: Signs advertising special sales of goods or merchandise which will be on sale for no longer than one month. Such signs shall be removed immediately following termination of the sale.

E. Political Signs: Political posters, banners, promotional devices and similar signs, not to exceed 32 square feet. Placement shall not exceed 30 days.

F. Window Posters: Nonilluminated window signs and posters.

G. Roadside Stand Signs: Multiple signs for roadside stands selling agricultural produce grown on the premises in season, not to exceed a total of 64 square feet.

Section 1040. Permit Exempt Permanent Signs

A permit shall not be required for the following signs:

A. Institutional Signs: One sign per road frontage, setting forth or denoting the name of any public, noncommercial, charitable, or religious institution when located on the premises of such institution, not to exceed 32 square feet.

B. Public Signs: Signs of a public or noncommercial nature, which shall include community service information signs, public transit service signs, public utility information signs, safety signs, danger signs, trespassing signs, signs indicating scenic or historic points of interest, traffic control signs, and all signs erected by a public officer in the performance of a public duty.

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C. Manufactured Home Park or Subdivision Name Signs: One sign not to exceed 32 square feet per exclusive entrance to a subdivision or park; such signs are restricted to the subdivision or mobile home park name.

D. Multiple Dwelling Signs: One sign, building or ground mounted, indicating the name of the dwelling, not to exceed 32 square feet.

E. Gasoline Station Signs: Integral graphics or attached price signs on gasoline pumps. Two auxiliary signs per station, each not to exceed 32 square feet.

F. Flags: Official flags of government jurisdictions, including flags indicating weather conditions and flags which are emblems of on-premises religious, charitable, public, and nonprofit organizations.

G. Plaques: Commemorative plaques placed by historical agencies recognized by the town, the county or state.

H. Architectural Features: Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

I. Parking Signs: Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

J. Residential Signs: Signs bearing only property numbers, post box numbers, or names of occupants of premises, not to exceed five square feet.

K. Vegetative Signs: Signs made exclusively of vegetative material.

Section 1050. General Sign Standards

A. All signs shall be properly maintained. They shall be in good structural repair, not a safety hazard, and attractively painted so as to be legible and not an eyesore.

B. Signs may be placed in required yards, providing such placement does not interfere with traffic safety.

C. No sign shall be placed closer than 15 feet to a right-of-way line and 15 feet from a side lot line.

D. Flood lights and other external lighting fixtures used in the illumination of signs shall be permitted if located and/or shielded so as not to produce direct glare at neighboring residences and highway traffic.

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

Section 1060. Specific Sign Standards

A. All exterior wall signs (including awning and canopy signs) are subject to the following standards:

1. Each building is allowed to have one sign per wall.

2. Exterior wall signs shall not exceed 100 square feet or 5% of the applicable wall area, whichever is less.

3. Exterior wall signs shall be flush against the wall, not cover architectural features or details, and not extend beyond the roof line or outer edges of the building.

B. All free-standing signs are subject to the following standards:

1. Each property is allowed two free-standing signs.

2. Free standing signs shall not exceed 32 square feet in message area (maximum two faces).

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3. Free standing signs shall be no taller than 20 feet.

C. Light Emitting Diode (LED) sign shall be subject to the following standards:

1. A minimum distance of 100 feet shall be required between any two LED signs or any LED sign and a residential use.

2. Signs must be off between the hours of 10:00 pm and 6:00 am.

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ARTICLE 11. RECREATIONAL CAMPING VEHICLE PARKS

Section 1110. Park Location and Conditions

A. Each recreational camping vehicle park shall have adequate access to a public highway, and each recreational camping vehicle site shall be serviced from interior roadways.

B. All buildings and recreational camping vehicle sites shall have a front yard setback of 150 feet from the centerline of all roads with the setback area being seeded and adequately landscaped to provide screening from the road.

C. An overnight recreational camping vehicle site shall be a minimum 2,000 square feet in size and 4,000 square feet shall be provided for longer term vacation camping sites.

D. The owner or manager of a recreational camping vehicle park shall maintain an office in the immediate vicinity of the park and shall maintain accurate records of the names of park residents; home address, and make, description, year, and license or identification number of the trailer. These records shall be available to any law enforcement official or the enforcement officer.

E. A minimum of 10% of the total area of the recreational camping vehicle park, not including the required setback, shall be dedicated to a recreation area and shall be fully maintained by the park owner.

F. Recreational camping vehicle sites shall be located on generally level terrain, not to exceed eight percent slope that is well drained, free of flood hazard.

G. The corners of each recreational camping vehicle lot shall be clearly and permanently marked, and each lot numbered for identification.

H. Where the park terrain is adequate, "pull-through" lots will be provided.

I. Sewer, water, and other utilities shall be provided in accordance with the requirements of Chapter 1, Part 7, of the New York State Sanitary Code, which is adopted herein by reference, and subject to any other town requirements.

J. All recreational camping vehicle parks shall provide a building containing at least one automatic washing machine, and unless admission to the park is restricted to recreational camping vehicles equipped with these facilities, one toilet, lavatory and shower for each sex, for each 20 recreational camping vehicle lots. At least one public telephone should be provided in each recreational camping vehicle park.

K. No person in the Town of Constantia shall occupy a recreational camping vehicle on an overnight basis, except in a recreational camping vehicle park which has been approved by the planning board or on private land with the consent of the owner for a period not to exceed 120 days per calendar year. On-site disposal of sewage is permitted only with health department approval.

Section 1120. License

A. Applicability. Any new recreational camping vehicle park, or any modification or expansion to the original recreational camping vehicle park site, as shown on the approved application form, shall require a license. Expansion of a park existing prior to the effective date of this local law shall also require a license. Violation of this section may result in the revocation of any existing license.

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

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approve or disapprove the permit renewal application.

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

Section 1130. Recreational Camping Vehicles outside a Recreational Camping Vehicle Park.

Recreational Camping Vehicles are seasonal and not designed for year-round living, therefore year-round occupation of such camping vehicle is prohibited. Recreational camping vehicles which are sited outside of a recreational camping vehicle park shall comply with the following:

Standards

A. RVs must be registered/licensed.

B. Occupied RV's must obtain a permit annually by the Town of Constantia.

C. Conforming building lot sizes required, including set back requirements for occupied RV's.

D. Temporary, occupied, site placement of an RV is 2 weeks.

E. Conditional, occupied, site placement exceeding 2 weeks, not to exceed 120 days, approved sewage disposal systems will be required.

F. Exemptions for special events.

G. Storage allowed for 1 RV at a permanent residence.

H. No storage allowed on vacant land.

I. Storage of more than one RV is allowed inside permitted storage facilities.

J. Storage Facility permits will not be issued for residential properties.

K. No RV should be used as an addition to a residential or commercial building.

L. No RV should be used for the purpose of housing animals (domestic, wild, or farm)

M. Wood stoves shall not be permitted in any RV.

N. No structural modifications or additions may be made to an individual RV sited on private land outside of a recreational camping vehicle park or campground.

Procedures

A. Such sitting and occupancy of an RV on private land outside of a campground shall be subject to a permit, issued by code enforcement officer, subject to annual renewal, which term shall run from January 1 to December 31.

B. The applicant shall provide a completed application form and permit fee to the code enforcement officer. The completed application form shall include a proposed site plan, drawn to scale and indicating all dimensions, and shall show the dimensions of the lot; the location of all existing buildings; and all natural watercourses, ponds, wetlands and floodplains. The application shall indicate the proposed date of sitting and removal of the RV. The applicant shall provide information regarding proposed plans for access to potable water and sanitary sewage disposal. Sewage disposal systems are subject to approvals by the Oswego County Health Department.

C. Prior to any site preparation, the code enforcement officer shall conduct an on-site inspection. To assist the code enforcement officer, the applicant may be required to locate stakes on the site in conformity with information shown on the site plan.

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D. The cost of any site inspections, tests or professional consulting needed to comply with this section shall be paid by the applicant. Upon the determination by the code enforcement officer that the proposal has met all the requirements of this law, the code enforcement officer shall, within seven days, issue the permit. The permit shall be prominently displayed on the RV such that it may be seen from the exterior of the vehicle.

E. If it is determined by the code enforcement officer that an RV has not been sited in accordance with the site plan as shown in the application, or that any of the conditions of the application have been violated, the issued permit shall be revoked until such time that the site is corrected to the satisfaction of the code enforcement officer. Upon the revocation of an RV permit, the occupancy of the RV shall be immediately terminated, and the RV shall be removed from the premises.

F. Any RV on private land which is not in compliance as of the date of adoption of this law or subsequent amendments had until December 31, 2020**,** to come into compliance.

Exemption/Waiver

A. Special events will be exempt from the Recreational Camping Vehicle law, but not from the New York State Sanitary Code and may still require additional permits from the Oswego County Health Department. This involves events that are held for a short period of time, 1 to 2 days, but not to exceed 7 days on residential properties and/or properties with buildings. A special event could be a Ceremonial Gathering (i.e., Weddings, Church Event, Family Reunions); Sports Event (i.e., Race, Fishing Derby's, Bike/Car Rallies); Culture Events (i.e., Concerts). Special Events that have three or more RVs on the premises, the property owner must provide a suitable sanitary facility. The property owner shall not charge fees for placing RVs on the property; otherwise, they will have to abide by current laws and regulations for operating an approved campground. RVs remaining on the premises beyond 7 days will be subject to a fine of not less than $100.00. To obtain this Exemption*/*Waiver, a Special Event permit must be filed with the Constantia Code Enforcement Officer not less than 7 days prior to the event. Failure to file for a permit will result in a fine of not less than $100.00.

B. Separate permitting may be issued for the use of an RV by licensed hunters during the hunting season which is typically September through December."

C. Licensed commercial businesses dealing with RVs in the course of business are exempt from this section, (inspection, repair, sales, service, and repossession business) are examples.

D. RV Storage facilities are exempted from this section but must be permitted by the Town of Constantia.

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ARTICLE 12. MANUFACTURED HOME PARKS

Section 1210. Park Location and Conditions

The proposed manufactured home park:

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

B. shall have generally level to gently rolling topography over an area of sufficient size to allow development of the manufactured home park in compliance with this law without significant alteration or disturbance of existing natural amenities or features such as stands of mature trees, stream courses, shorelines, wetlands, or bedrock outcroppings; and

C. shall be essentially free from adverse, unsafe or unhealthful conditions including, but not limited to, flooding, ponding, poor drainage, erosion, slumping or other soil instability, breeding areas for insects or rodents, smoke, noise, odors, heat, glare, or toxic or volatile substances.

D. Recreational camping vehicles shall not be parked, whether permanently or temporarily, in any manufactured home park. Manufactured home parks shall be separated from recreational camping vehicle parks by a minimum distance of 250 feet.

E. No manufactured home park shall be less than three acres in size.

Section 1214. Manufactured Home Sites

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

A. minimum site size shall be 12,000 square feet. In special cases where innovative park design for manufactured home parks of ten or more manufactured homes provides clustering and allows for wide roads or a greater amount of usable recreation area or open space exceptions may be granted. In no case, however, shall be site area be reduced below 9,000 square feet.

B. minimum 100-foot site width. Where exceptions have been made as provided in a. above, minimum 75-foot site width; and,

C. minimum 120-foot site depth.

Section 1215. Manufactured Home Setbacks and Spacing

A. All manufactured homes, including expansions, extensions or other additions thereto, patios, porches or garages and all other structures in a manufactured home park shall satisfy the following setback requirements. A detached structure accessory to and located on, the same site with an individual manufactured home shall be considered part of the manufactured home for the purpose of spacing requirements.

1. minimum of 150 feet from the centerline of any public road.

2. minimum of 35 feet from the center line of any roadway internal to the manufactured home park.

3. minimum of 40 feet spacing between adjacent manufactured homes and any other

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structures in the manufactured home park.

4. minimum of 20 feet from rear site lines.

B. No internal roadway, parking lot, recreation area or storage facility for fuels, supplies or equipment shall be located within 50 feet of an adjoining property line.

C. The setback area shall be seeded and adequately landscaped to provide a screen from the roadway.

Section 1216. Manufactured Home Park Access

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

A. access roads shall meet the public roads at right angles and at compatible grades;

B. entrances shall be located directly opposite a three-way intersection or at least 200 feet from a four-way intersection of public roads, if any, and at least 150 feet from any other entrances to the manufactured home park, if any;

C. entrances should have sufficient width to allow reasonable turning movements of vehicles with manufactured homes attached and of service or delivery vehicles;

D. entrances shall be located to allow safe line-of-sight distances to and from their points of intersection with the public road;

E. at least one common entrance and access road shall be required to serve any manufactured home park having three or more manufactured homes;

F. at least two independent entrances and access roads shall be required to serve any manufactured home park having 20 or more manufactured homes; and access roads shall meet town road standards for minor roads.

Section 1217. Manufactured Home Park Internal Roads

A. Internal roads shall be privately owned and maintained and shall provide for the safe and convenient movement of vehicles, with or without manufactured homes attached.

B. All manufactured home sites shall face on and be serviced by such internal roads.

C. All roads should be designed, graded, and leveled so as to permit the safe passage of emergency and other vehicles at a speed of 15 miles per hour.

D. Circular cul-de-sacs shall be provided in lieu of closed end roads with a turnaround having an outside roadway diameter of at least 150 feet.

E. Private, interior roadways shall be adequately lit.

Section 1218. Manufactured Home Park Parking

A. Each manufactured home shall be provided with at least two off-road parking spaces adjacent to the manufactured home.

B. At least one additional off-road parking space for each three manufactured homes in the manufactured home park shall be provided to accommodate guest parking, service or delivery vehicles, boat or camp trailer storage or other parking or storage demand. Such spaces shall be in centrally located parking areas without interfering with the traffic circulation of internal roads.

C. Each parking space shall measure at least nine feet by 20 feet.

D. Parking spaces or areas shall have at least eight inches of crushed stone base or two

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E. inches of pavement over four inches of crushed stone base.

Section 1219. Manufactured Home Park Recreational Areas and Open Space

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

Section 1220. Manufactured Home Park Walkways

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

Section 1221. Manufactured Home Park Water Supply

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

Section 1222. Manufactured Home Park Sewage

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

Section 1223. Manufactured Home Park Garbage and Refuse

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

Section 1224. Manufactured Home Park Fuel Supply and Storage

Refer to standards and requirements of Section 505~~.5~~ of this law.

Section 1225. Manufactured Home Park Electrical Service

A. Every manufactured home park shall contain an electrical wiring system consisting of wiring fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power companies' specifications and regulations. All wiring fixtures must have the New York Board of Fire Underwriters' approval.

B. Each manufactured home stand shall be supplied with not less than a 100-ampere service.

C. Adequate lights shall be provided to illuminate roads, driveways, and walkways, for the safe movement of vehicles and pedestrians at night. A minimum lighting level of 0.3-foot candles should be provided.

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D. All electrical distribution lines shall be placed underground.

Section 1226. Manufactured Home Park Telephone Service

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

Section 1227. Manufactured Home Park Office and Storage Facilities

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

Section 1228. Manufactured Home Park Storage Facilities

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

Section 1229. Manufactured Home Park Service Buildings

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

Section 1230. Manufactured Home Park Fire Protection and Control

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

Section 1232. Utilities

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

Section 1233. Responsibilities of Manufactured Home Park Operators and Park Occupants

A. The person to whom a permit for a manufactured home park is issued shall operate the park in compliance with the standards set forth in this local law and shall provide adequate supervision to maintain the park, its common grounds, roads, facilities, and equipment in good repair and in a clean and sanitary condition.

B. The park operator shall place or supervise the placement of each manufactured home stand which includes ensuring its stability by securing all tie-downs and installing all utility connections.

C. The park operator shall maintain a register containing the names of all occupants and the make, year, and serial number, if any, of each manufactured home. Such register shall be available to any authorized person inspecting the park.

D. The park occupant shall be responsible for the maintenance of his manufactured home and any appurtenances thereto and shall keep all yard space on his site in a neat and sanitary condition.

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E. A list of operator and occupant responsibilities shall be posted in the park office or made available upon request.

Section 1234. License

A. Applicability. Any new manufactured home park or modifications or expansion to the original manufactured home park, as shown on the approved application form, shall require a license. Expansion of a park existing prior to the effective date of this local law shall also require a license. Violation of this section may result in the revocation of any existing license.

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

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

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ARTICLE 13. TELECOMMUNICATION TOWERS

Section 1310. General

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

A. Minimizing visual effects of towers through careful design, siting and vegetative screening;

B. Avoiding potential damage to adjacent properties from tower failure or falling debris through engineering and careful sitting of tower structures; and

C. Maximizing use of any new or existing tower and encouraging the use of existing buildings and/or structures to reduce the number of towers needed; while also allowing wireless service providers to meet their technological and service objectives for the benefit of the public.

Section 1320. Enabling Authority

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

Section 1330. Applicability

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

Section 1340. Application Contents

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

A. Proof that the space on the facility has been leased or will be operated by a provider licensed by the FCC to provide service in the area,

B. A duly executed Landowner Consent and Agreement Form,

C. A Maintenance and Removal Agreement executed by the applicant,

D. A site plan prepared to the standards given in Article 8 of this law, and submitted with the materials required in Article 7 of this law, and

E. An existing cellular/personal communications services coverage propagation plot showing existing operational neighboring sites up to five miles beyond the boundaries of the town.

Section 1350. Additional Site Plan Elements

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

A. Shared use of an existing tower and tower site shall be the preferred location of new antennas or towers. If application is for a new site, the applicant shall present written documentation indicating the location, height, and function of all existing telecommunication towers within a five-mile radius of

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the proposed tower site and correspondence from each tower and site owner indicating their inability to accommodate the applicant's good-faith effort to utilize their existing tower and site.

B. The order of preference for the siting of towers on a new site shall be as follows:

1. On existing non-residential structures;

2. In land excavation, borrow pit and mining areas;

3. In areas deemed primarily industrial;

4. In areas deemed primarily commercial;

5. In areas deemed primarily rural/agriculture.

Applicants shall provide documentation providing the basis for the site selected. Sitting towers in areas deemed environmentally sensitive or primarily residential is generally prohibited. Applications for such locations shall include documentation demonstrating the technical necessity for this site as opposed to the preferred site locations.

C. Towers shall be setback from all lot lines of the parcel and all residences a distance no less than the height of the tower plus 50 feet. Additional setbacks may be required to preserve the privacy and safety of residential and/or public areas.

D. Preferred tower design shall be as follows:

1. Designed and constructed in a manner which minimizes visual impact to the extent practical;

2. Non-guyed structure;

3. Painted light gray, or in compliance with FAA standards;

4. Tower height shall be no greater than that required to provide the required service area coverage and shall be so demonstrated. In no instance shall the tower height be greater than 199 feet.

E. Signage shall be limited to necessary informational sign(s) located at the tower base.

F. Site access shall be suitable for emergency vehicles.

G. Structural engineering drawings for tower and foundation, stamped by a New York State Registered Professional Engineer shall be provided prior to the issuance of a building permit.

H. Environmental Assessment Form (Long Form EAF) with Visual EAF Addendum and, if applicable, a Draft Environmental Impact Statement (DEIS) as per 6 NYCRR Part 617.

I. A security bond in the amount of ten percent of the tower, antenna and accessory building(s) assessed value shall be provided to the town clerk prior to the issuance of a building permit to assure the ongoing maintenance and ultimate removal upon its disuse for a period in excess of six months.

J. A landscaping plan shall be provided with the site plan demonstrating adequate screening and preservation of the area's visual character.

K. The tower and accessory building(s) shall be suitably fenced to a height of eight feet to preclude unauthorized access. The tower design shall include a non-climbable section for the first ten feet above grade.

L. All radiating antennas shall conform to FCC regulations regarding radio frequency radiation and applicant shall provide documentation certifying their compliance.

M. A letter addressed to the planning board must accompany the site plan which is signed and notarized by an authorized representative of the tower owner which states that the tower and tower site will be made available, in good faith and at market rate, for multiple usage by others.

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N. Proof of the landowner's consent if the applicant does not own the property.

O. The applicant shall identify in writing the location of any additional sites that they are or will be considering or reviewing for telecommunications towers/facilities in the town and all adjacent towns, for a period of two years from the date of application and must be updated annually.

P. All telecommunications facilities shall be located on a single parcel which is in conformance with this law. A lot leased or owned for the purpose of construction of a telecommunications facility/tower shall not result in the creation of a nonconforming lot.

Q. The site plan shall show all of the following, in addition to those items specified in Section 740 and Section 745 of this law:

1. The exact location of the proposed telecommunications facility and/or tower, together with any guy wires and anchors;

2. The maximum height of the proposed tower and accessory facilities;

3. Detail of the tower type (i.e., monopole, guyed, free-standing or other, etc.);

4. The location, type and intensity of any lighting on the tower.

R. Applicant shall provide USGS topographic map(s) showing the spot location of the proposed tower and all other existing towers within a radius of five miles, for use by the planning board.

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ARTICLE 14. WIND ENERGY SYSTEMS

Section 1410. On-site Use Wind Energy Systems.

A. Intent and Purpose. The Town of Constantia through these regulations seeks to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity. The Town of Constantia recognizes that wind energy is an abundant, renewable, non-polluting energy resource and that its conversion to electricity will reduce our dependence on non-renewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. It is therefore the intent and purpose of these regulations to balance the encouragement of this renewable resource with any impacts such use may have on health, welfare and safety to the community and preserving and protecting the aesthetic qualities of the Town of Constantia.

These regulations relate to small or on-site use wind energy systems and do not address large-scale wind turbines or "wind farms" which are typically intended to sell energy directly to power companies or retail users. Non-small wind energy systems require a use variance.

B. Permits Required. No person, firm or corporation, or other entity being the owner or occupant of any land or premises within the Town of Constantia shall use or permit the use of land or premises for the construction of a tower for on-site use wind energy deriving purposes without obtaining a special use permit issued by the Town and a site plan approval issued by the Planning Board as hereinafter provided.

C. Special Use Permit. The following criteria are hereby established for purposes of granting a special use permit for an on-site use wind energy conversion system under this chapter:

1. Noninterference. Individual on-site use wind energy conversion systems shall not be installed in any location along the major axis of an existing microwave communications operation where its operation is likely to produce an electromagnetic interference in the link's operation.

2. Proximity to Radio, Television and Telephone Systems. Individual on-site use wind energy conversion systems shall not be installed in any location where its proximity interferes with existing fixed broadcast, retransmission, or reception antennae for radio, television or wireless phone.

3. Prohibited Areas. The waters of Oneida Lake within the jurisdiction of the Town of Constantia.

4. Noise Limitations. The level of noise produced during wind turbine operation shall not exceed 50 dBA beyond the present ambient sound levels at pre-construction levels, as measured at the boundaries of the closest parcels that are owned by non-site owners and that abut either the site parcels or any other parcels adjacent to the site held in common by the owner of the site parcel, as those boundaries exist at the time of the special use permit application. The Applicant will be required to submit technical data to the satisfaction of the Planning Board as to this requirement. This obligation shall be a continuing obligation with exceptions only for short-term events such as utility outages and severe windstorms.

5. Height. It is recognized that wind turbines require greater heights to reach elevations with wind currents reasonably adequate to generate energy. On-site use wind energy conversion systems shall not exceed a total height of 80 feet for single-family residential applications (< 15 kW) and shall not exceed a total height of 150 feet for non-residential applications (i.e. farm, small business, etc. - < 125 kW) from the ground to the top of the highest point of blade height (tip) as extended at its highest vertical point, provided that the application includes specific evidence that the proposed total height does not exceed the height recommended by the manufacturer or distributor of the on-site use wind energy conversion system.

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6. FAA Requirements. If the proposed site is near an airport, seaplane base, or established flight zone, such wind energy conversion system must meet all Federal Aviation Administration requirements.

7. Ground Clearance. The minimum distance between the ground and any part of the rotor blade must be 30 feet.

8. Emergency Shutdown/Safety. The Applicant shall post an emergency telephone number so that the appropriate entities may be contacted should any wind turbine need immediate repair or attention. This telephone number should be clearly visible on a permanent structure or post located outside of the fall zone of the tower. Location should be convenient and readily noticeable to someone likely to detect a problem. Further, no wind turbine shall be permitted which lacks 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 enclosed shelter.

9. Lightning Protection. All energy towers shall have lightning protection.

10. Ownership. Ownership of the wind energy conversion system must be the same as the owner of the fee interest in the real property upon which it is situated. In the event of transfer of ownership of the premises, the ownership of the wind energy conversion system must also be transferred to same or the tower must be decommissioned.

11. Utility Service. All power lines from the wind turbines to on-site interconnection equipment shall be located underground and installed by certified professionals and must meet all applicable national, state and local electrical codes.

12. Lighting. No on-site use wind energy conversion systems under this provision shall be artificially lit, unless so required by the FAA. Use of nighttime, and overcast daytime conditions, stroboscopic lighting to satisfy tower facility lighting requirements for the Federal Aviation Administration may be subject to on-site field testing before the Planning Board as a prerequisite to the Board's approval with specific request to existing residential uses within 2,000 feet of each tower for which such strobe lighting is proposed.

13. Access Road. To the greatest extent possible, existing roadways should be used for access to the site and its improvements. In the case of constructing any roadways necessary to access the WECs, they shall be constructed in a way that allows for the passage of emergency vehicles in the event of an emergency. Each application shall be accompanied by correspondence from the responding fire department and emergency care provider as to the acceptability of the proposed ingress and egress to the tower.

14. Security/Anti-Climb Device. The design of each device shall not allow for climbing by the public for a minimum height of 15-feet from the ground.

15. Decommissioning. The Applicant shall submit to the Planning Board a letter of intent committing the owner, and his or her successors-in-interest, to notify the Code Enforcement Officer within thirty (30) days of the discontinuance of the use of the on-site use wind energy conversion system. This letter of intent shall be filed with the Code Enforcement Officer prior to the issuance of a Building Permit. The owner shall remove the obsolete or unused wind turbines and accessory structures within one (1) year 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 on-site use wind energy deriving tower and accessory structures shall be placed as a lien on the property owner's tax bill. In addition, a reclamation bond shall be filed with the Town Clerk to cover the costs of reclamation of the tower. In addition, should the wind energy conversion system be non-operational for any continuous six (6) month period, the approvals granted shall be deemed void and the wind energy conversion system shall be decommissioned subject to a new approval under this Local Law. Such bond shall be in place prior to the issuance of a special use permit.

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The applicant shall be required to execute and file with the Town Clerk a bond, or other form of security acceptable to the Town Attorney and Engineer, in an amount sufficient for the faithful performance of the terms and conditions of the permit issued under this Chapter, and to provide the decommissioning, removal and restoration of the site subsequent to the removal of the windmills. The amount of the bond or security shall be not less than 150% of the cost of the removal of the windmills and restoration of the site.

16. Setbacks. Wind energy conversion systems shall comply with all setbacks within the affected zone. However, in addition all on-site use wind energy conversion systems shall be setback a distance equal to the height of the tower plus blade length plus an additional 25 feet from all property lines, public roads, power lines and pre-existing and future structures. Additional setbacks may be required by the reviewing Board in order to provide for the public's safety, health and welfare, including the possibility of ice thrown from the blades.

17. Public Hearing. No action shall be taken by the Planning Board to issue site plan approval, nor the C.E.O. to grant a special use permit in relation to an application for an on-site use wind energy system until after public notice and public hearing. Proper notice of a hearing before a Board shall be given by legal notice published in the official newspaper of the Town of Constantia at least five (5) days before the date set for such public hearing(s) and written notice mailed to the Applicant or his agent at the address given in the application to be considered. The Applicant shall be responsible for notifying, by certified mail, all property owners of record within 300-feet of the outside perimeter of the boundary line of the property involved in the application of the time, date and place of such public hearing by mail at least ten (10) days prior to such hearing. Notice shall be deemed to have been given if mailed to the property owner at the tax billing address listed on the property tax records of the Town Assessor or at the property address. At least seven (7) days prior to such hearing, the Applicant shall file with the Board his/her Affidavit verifying the mailing of such notices. Failure of the property owners to receive such notice shall not be deemed a jurisdictional defect.

18. Waiver. The Planning Board may, upon exercise of its reasonable discretion, waive one or more of the submission requirements imposed herein.

D. Site Plan Review. The following submission requirements must be observed regarding a site plan application.

1. Completed application form as supplied by the Town of Constantia for site plan approval for an on-site use wind energy conversion system.

2. Proof of ownership of the premises involved or proof that the Applicant has written permission of the owner to make such application.

3. A plot plan and development plan drawn in sufficient detail, as prepared by a licensed engineer or surveyor, clearly describing:

a. Property lines and physical dimensions of the proposed site, including contours at 5-foot intervals;

b. Location, approximate dimensions and types of all existing structures and uses on the site;

c. Location and elevation of the proposed on-site use wind energy conversion system;

d. Location of all existing above-ground utility lines and other on-site use wind energy conversion system within one thousand two hundred (1,200) linear feet of the site;

e. Location and size of structures or trees above 35-feet within a 500-foot radius of the proposed on-site use wind energy conversion system;

f. Where applicable, the location of all transmission facilities proposed for installation;

g. Location of all roads and other service structures proposed as part of the installation;

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h. 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;

i. Soil type at construction site.

E. Color. Neutral paint colors (grays) may be required to achieve visual harmony with the surrounding area.

F. In no event shall more than one (1) on-site use wind energy system be granted for a residential lot, unless a variance is obtained from the Board of Appeals.

G. All applications shall be accompanied by a full environmental assessment form, including a visual impact analysis. The following additional material may be required by the Planning Board:

1. Digital elevation model-based project visibility map showing the impact of topography upon visibility of the project from other locations to a distance radius of three (3) miles from the center of the project. The scale shall depict a three (3)-mile radius as no smaller than 2.7 inches, and the base map shall be a published topographic map showing cultural features.

2. At least four (4) color photos taken from locations within a three (3)-mile radius from the proposed location, as selected by the Planning Board and computer-enhanced to simulate the appearance of the as-built above-ground site facilities as they would appear from these locations.

H. Site Plan Review Criteria. In addition to the above, no site plan shall be approved unless the Planning Board determines that the proposed on-site use wind energy system complies with the following:

1. That the use is oriented in its location upon the site, as to layout, coverage, screening, means of access and aesthetics so that:

a. The flow control and safety of traffic and human beings shall not be adversely affected to an unreasonable degree;

b. That there is reasonable compatibility in all respects with any structure or use in the neighborhood, actual or permitted, which may be directly substantially affected;

c. That there should not be any unreasonable detriment to any structure or use, actual or permitted, in the neighborhood; and

d. That there be a reasonable provision for open space, yards and recreation areas appropriate to the structure and use.

I. Compliance with Uniform Building Code.

1. Building permit applications shall be accompanied by standard drawings of structural components of the on-site use wind energy conversion system, including support structures, tower, base and footings. Drawings and any necessary calculations shall be certified, in writing, by a New York State Registered Professional Engineer that the system complies with the New York State Fire Prevention and Building Code. This certification would normally be supplied by the manufacturer.

2. Where the structure, components or installation vary from the standard design or specification, the proposed modification shall be certified by a New York State Registered Professional Engineer for compliance with the Seismic and Structural Design Provisions of the New York State Fire Prevention and Building Code.

J. Compliance with State, Local, and National Electrical Codes.

1. Building permit applications shall be accompanied by a line drawing identifying the electrical components of the wind system to be installed in sufficient detail to allow for a determination that the manner of installation conforms with the National Electrical Code. The application shall include a statement from a New York State Registered Professional Engineer

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indicating that the electrical system conforms with good engineering practices and complies with the National Electrical Code, as well as applicable State and Local Electrical Codes. This certification would normally be supplied by the manufacturer. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.

2. Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a New York State Registered Professional Engineer for compliance with the requirements of the National Electrical Code and good engineering practices.

K. Guy Wires. Anchor points for guy wires for the on-site use wind energy conversion system tower shall be located within property lines and not on or across any above-ground electric transmission distribution lines.

L. Insurance. The Applicant, owner, lessee or assignee shall maintain a current insurance policy which will cover installation and operation of the on-site use wind energy conversion system at all times. Said policy shall provide a minimum of $300,000.00 property and personal liability coverage.

M. Inspections. The Building Inspector and/or Town Engineer shall have the right at any reasonable time to enter, in the company of the owner or his agent, the premises on which a wind energy conversion system is being constructed, to inspect all parts of said wind energy conversion system installation and require that repairs or alterations be made if in his judgment, there exists a deficiency in the operation or the structural stability of the system. If necessary, the Building Inspector or Town Engineer may order the system secured or otherwise cease operation. It shall not be required that the owner or agent be present in the event of an emergency situation involving danger to life, limb or property.

N. Power to Impose Conditions. In granting any site plan approval, special use permit or variance for an on-site use wind energy conversion system, the Planning Board, Town of Constantia and Board of Appeals, as the case may be, may impose reasonable conditions to the extent that such Board finds that such conditions are necessary to minimize any adverse effects or impacts to the proposed use on neighboring properties.

O. Fees. Fees for applications and permits under this Local Law shall be established by resolution of the Town Board of the Town of Constantia.

P. Waiver. The Planning Board may, under appropriate circumstances, waive one or more of the submission requirements contained herein.

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ARTICLE 15. SOLAR ENERGY SYSTEMS

Section 1510. Solar Energy Systems

A. The Town of Constantia recognizes that solar energy is a clean, readily available and renewable energy source. It further recognizes that energy generated from solar energy systems can be used to offset energy demand on the grid where excess solar power is generated.

B. The Town of Constantia has determined that comprehensive regulation regarding the development of solar energy systems is necessary to protect the interests of the town, its residents and its businesses. This article aims to accommodate solar energy systems while balancing the potential impact on neighbors and preserving the rights of property owners to install solar energy systems.

C. This article is intended to promote the effective and efficient use of solar energy resources, set provisions for the placement, design, construction and operation of such systems to be consistent with the town comprehensive plan, to uphold the public health, safety and welfare, and to ensure that such systems will not have a significant adverse impact on the ecological, environmental, agricultural, economic, or aesthetic qualities and character of the town.

Section 1520. Applicability

A. A zoning permit shall be required for installation of all solar energy systems, with the exception of:

1. building-integrated photovoltaic systems, such as roof shingles, which are a permanent and integral part of, and not mounted on the building or structure;

2. small solar panels of less than one square yard used individually for charging batteries and powering small equipment or devices (such as lighting); or

3. photovoltaic systems that meet the requirements of the New York State Unified Solar Permit (systems with a rated DC capacity of 25 kW or less that meet other requirements).

B. All large-scale solar energy systems shall obtain special use permit approval from the Planning Board prior to the issuance of a zoning permit. Large scale solar energy systems are permitted only within the Commercial/Industrial and Rural zoning districts.

C. All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code ("Building Code"), the NYS Energy Conservation Code ("Energy Code"), and Executive Law Section 94-C, where applicable.

Section 1530. Small Scale Solar Energy Systems

A. Building-mounted solar energy systems shall incorporate the following design requirements:

1. Solar panels on pitched roofs shall be mounted with a maximum distance of eight inches between the roof surface and the highest edge of the system.

2. Solar panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.

3. Solar panels on flat roofs shall not extend above the top of the surrounding parapet, or more than 24 inches above the flat surface of the roof, whichever is higher.

4. Solar panels shall not restrict chimney function in any way.

5. Solar panels shall not create unsafe structural loads on roofs or walls.

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6. Solar panels shall not be located near any flammable materials.

7. All solar collectors and related equipment shall be surfaced, designed, and sited to minimize glare on adjacent properties and roadways.

8. Signage displaying disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface.

B. Ground-mounted solar collectors for a small-scale solar energy system are subject to the following conditions:

1. Ground-mounted solar energy systems shall not exceed a maximum height of 20 feet and shall adhere to the setback requirements of the underlying district.

2. Small scale ground mounted solar energy systems shall not be located between the front lot line and the principal structure.

3. All solar energy systems should be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the north, while still providing adequate solar access for collectors.

4. All solar collectors and their associated support elements shall, at the time of installation, be designed according to generally accepted engineering practice to withstand wind pressures applied to exposed areas by wind from any direction.

5. All solar collectors and related equipment shall be surfaced, designed and sited to minimize glare on adjacent properties and roadways.

Section 1540. Large Scale Solar Energy Systems

A. Large scale solar energy systems shall be subject to the following review requirements:

1. The Planning Board may request a financial deposit from the applicant to reimburse reasonable and necessary costs incurred by project review.

2. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted in the application.

3. Plans showing the layout of the solar energy system shall be signed by a professional engineer registered in New York State.

4. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.

5. The application shall include a property operation and maintenance plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming, fence maintenance, signage, and lighting.

6. The application shall include a tree survey for the site prepared by a qualified professional. If the proposed layout of the project does not impact trees or mature forest, the Planning Board may waive this requirement.

7. The site plan shall identify wildlife species that may use the parcel, including potential wildlife travel corridors, migration paths, or critical habitats.

8. The Planning Board may require that photo simulations included showing the proposed large scale solar energy system in relation to the site along with elevation views and dimensions, manufacturer's specifications and photos of the proposed large scale solar energy system, solar collectors, and all other components. The Planning Board may require photo simulations to be provided from specific roads or other public areas that may be impacted.

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9. To ensure the proper removal of a large-scale solar energy system as required under Section 1550 of this law, a decommissioning plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of special use permit approval under this Section. The decommissioning plan must specify that after the large-scale solar energy system can no longer be used, it shall be removed and disposed of by the applicant or any subsequent owner in a lawful and environmentally proper manner. The plan shall demonstrate how the removal of all infrastructure, including, but not limited to, panels, foundations, above and below ground wiring, access roads, fencing, and signage and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a professional engineer licensed in New York State. Removal of large-scale solar energy systems must be completed in accordance with the decommissioning plan.

10. The applicant shall provide financial sureties, as set forth, for the removal of a large-scale solar energy system. Pursuant to the execution of the decommissioning plan, the applicant shall provide the Town with a bond in an amount determined by the Town Board to cover the expense of removal of the system and remediation of the landscape in the event the Town must remove the facility. The amount of the bond or security shall be 150% of the cost of removal of the large-scale solar energy system and restoration of the property. The amount of the bond or security shall be updated by a qualified independent engineer licensed to practice in the State of New York to reflect inflation and any other changes every five years thereafter. Updated amount figures will be filed with the Town Board. The bond shall apply to the company operating the facility at the time of decommissioning. The bond or security shall be in a form acceptable to the Town Attorney, which includes, but is not limited to, an escrow account, a letter of credit, perpetual bond, or any combination thereof.

11. If in the course of the delivery, installation, maintenance, dismantling, removal or transport of the solar energy system or any components thereof, the property of the Town of Constantia, including but not limited to roadways, shoulders, drainage structures, signage, guide rails, etc., is damaged by the efforts of the applicant or any agents thereof, the applicant shall, within 30 days of completing construction, completely replace or repair all damage in consultation with the Town Highway Superintendent.

B. All large-scale solar energy systems shall incorporate the following design requirements:

1. Lot Size. Large scale solar energy systems shall be located on lots with a minimum size of five acres. If portions of large-scale solar energy systems extend onto adjacent lots, those lots need not have a minimum size of five acres.

2. Frontage and Setbacks. Large scale solar energy systems shall comply with the following frontage and setback requirements:

a. Minimum frontage: 300 feet

b. Minimum front setback: 100 feet from the centerline of the road

c. Minimum side/rear setback: 100 feet from the lot line

d. Minimum setback from neighboring occupied residence:500 feet

3. Panel Height. Photovoltaic panels shall not exceed a maximum height of 20 feet. This requirement may be relaxed by the Planning Board for agrivoltaics projects.

4. Wiring. All on-site electrical wires associated with solar energy systems shall be installed underground, except for “tie-ins” to a public utility company and public utility company utility poles, towers and lines. This standard may be modified by the Planning Board if the project terrain is determined to be unsuitable due to documented reasons of excessive grading, biological impacts, or similar factors.

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5. Wind Resistance. All solar collectors and their associated support elements shall, at the time of installation, be designed according to generally accepted engineering practice to withstand wind pressures applied to exposed areas by wind from any direction.

6. Glare. All solar collectors and related equipment shall be surfaced, designed and sited to minimize glare on adjacent properties and roadways.

7. Fencing and Screening. All large-scale solar energy systems shall be enclosed by seven-foot-tall fencing with a self-locking gate to prevent unauthorized access. The fencing shall not be used to display any advertising. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. All large-scale solar energy systems (including inverters, batteries, equipment shelters, storage facilities, and transformers) shall be adequately screened from all roads and adjacent residences with a combination of vegetated buffers, earth berms, or landscaping. Vegetation shall be comprised of evergreen trees, at least six feet high at time of planting, plus supplemental shrubs at the reasonable discretion of the Planning Board. The Planning Board may waive screening requirements if sufficient justification is provided by the applicant demonstrating the site has existing screening.

8. Signage. Signage shall include and be limited to:

a. the manufacturer's name, equipment specific information, safety information, and 24-hour emergency contact information. Said information shall be depicted within an area no more than eight square feet.

b. disconnect and other emergency shutoff information clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

9. Lighting. Lighting shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

10. Access. Construction of on-site access roadways shall be minimized. Roadways should be unpaved and constructed with a pervious surface.

11. Conversion of Forest Land. To protect and maintain local forest resources, no large-scale solar energy system shall be permitted on a site that:

a. contains more than one acre of mature forest at the time the application was filed, or

b. previously was a mature forest within five years prior to the submission of an application.

12. Tree-Cutting. Removal of existing trees larger than six inches in diameter should be minimized to the extent possible.

13. Vegetation. Vegetation shall be maintained below solar panels. The ground within the fenced perimeter shall not be tamped, compressed, or otherwise conditioned with herbicides or similar other treatment to inhibit the growth of natural vegetation. The Planning Board may allow for or require co-usage of the lands under and around installed solar panels for grazing or growing crops that could be grown or harvested without damaging or interfering with solar facilities. Final approval from the Planning Board is required.

14. Prime Soils. To the maximum extent practicable, large scale solar energy systems shall not be located on mineral soils groups 1-4. Mineral soils groups 1-4 are classified as highly productive soils by the New York State Department of Agriculture and Markets. Large scale solar energy system components, equipment, and associated impervious surfaces shall occupy no more than 50% of the area of MSG 1-4 within the facility area. If such location is unavoidable, systems shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets. The Planning Board may, at its discretion, relax this standard if the applicant can demonstrate that meeting it would result in adverse impacts to an ongoing agricultural operation or for agrivoltaics projects.

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15. Fire Department Coordination. The owner and/or operator shall provide a copy of the project site plans and electrical schematics to the responsible local fire chief. Upon request, the owner and/or operator shall cooperate with local emergency services in developing an emergency response plan. This plan shall include shutdown protocol and identify the party responsible for initiating shutdown. The owner and/or operator shall offer on-site safety training to all local fire departments before the solar energy system goes into service, and a reoccurring refresher training annually to all local fire departments. The owner and/or operator shall specify a responsible person with an access phone number for public inquiries throughout the life of the installation. Emergency contact numbers shall be displayed on the entrance to the facilities. These requirements shall be met by any and all successive facility owners and operators.

16. Notification of Change in Ownership/Operator. If the owner of operator of the solar energy system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, insurance, sureties/bond, and decommissioning plan. A new owner or operator of the solar energy system shall notify the Town of such change in ownership or operator 30 days prior to any ownership change.

17. Insurance. The operator of the solar energy system shall obtain and maintain insurance, issued by an insurer authorized to do business in New York State, to the specifications and in an amount of $2,000,000 property and liability coverage. Such insurance shall name the Town of Constantia as an additional insured party. The certificate of insurance shall contain a provision that coverage afforded under the applicable policy shall not be cancelled or terminated until at least 30 days prior notice has been provided to the Town. In the event of a termination, cancellation, or lapse of the required insurance coverage, the special use permit to operate the energy system shall be immediately suspended and operation of the system shall cease. Upon restoration of the required insurance coverage, to the satisfaction of the Town, permission to operate may be restored.

18. Indemnification. The applicant, owner and operator of the solar energy system shall release and hold harmless the Town of Constantia and all of its officers, officials, employees, appointees, agents, and servants from and against any and all liability and responsibility for any and all accidents, injuries, and/or damages of any kind to persons (including death) or property arising out of the installation, construction, operation, maintenance, repair, or removal of such system. The applicant, owner, and operator shall indemnify and hold harmless the Town of Constantia, and all of its officers, officials, employees, agents, and servants, from any and all claims, suits, actions, damages, awards, judgements, and costs of every nature, including, reasonable attorneys' fees arising out of the installation, construction, operation, maintenance, repair, or removal of such system.

Section 1550. Abandonment and Removal

Solar energy systems are considered abandoned when the Zoning Enforcement Officer determines the site and system has not been maintained, is a safety risk, or after one year without electrical energy generation and must be removed from the property. If the solar energy system ceases to perform its originally intended function for more than 12 consecutive months, the property owner and/or operator shall remove the system, mounts, and associated equipment and facilities by no later than 90 days after the end of the 12-month period. Failure to comply with this section will result in enforcement action detailed in Article 20 of this law. If the large-scale solar energy system is not decommissioned after being considered abandoned, the Town may remove the system, restore the parcel to its original state and impose a lien on the property to cover costs to the municipality to the extent not covered by any surety/bond required under Section 1540 of this law.

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ARTICLE 16. BATTERY ENERGY STORAGE SYSTEMS

Section 1610. Small Battery Energy Storage Systems

A. A zoning permit issued by the Enforcement officer shall be required for the installation of all small battery energy storage systems.

~~B. Small battery energy storage systems are permitted as accessory uses only and shall~~All small battery energy storage systems shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code and the Energy Code. ~~:~~

~~C. be located inside or rear yards only;~~

~~D. be sited at least 150 from any existing residential structure;~~

~~E. not exceeding 15 feet in height;~~

~~F. have a footprint not exceeding five percent of the total lot area;~~

~~G. be equipped with sprinkler systems.~~

Section 1620. Large Battery Energy Storage Systems

A. Permitting requirements for large battery energy storage systems. A special use permit issued by the Planning Board shall be required for the installation of all large battery energy storage systems. In addition, they must comply with all applicable Federal, State, and Local environmental regulations that include obtaining any required permits. Applications shall be reviewed by the Planning Board, who may approve, approve with modifications, or disapprove. Large battery energy storage systems are subject to the following requirements:

1. Any large battery energy storage system permit application shall include the following information (in addition to that required in Sections 740 and 745):

a. Property lines and physical features, including roads, for the project site.

b. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, existing and proposed structures, exterior lighting, and screening and vegetation.

c. A preliminary specification sheet that documents all proposed storage equipment to be installed. A final equipment specification sheet shall be submitted prior to the issuance of a permit.

d. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system shall be submitted prior to the issuance of a permit.

e. Name, address, phone number, and signature of the project applicant, as well as all property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted in the application.

f. Signage shall be in compliance with American National Standards Institute Z535 and shall include the type of technology associated with the battery energy storage system, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, 24-hour emergency contact information, and any information required by the National Electrical Code. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

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g. Areas within ten feet on each side of large battery energy storage systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover shall be permitted if they cannot readily transmit fire. Removal of trees should be minimized to the extent possible outside the ten-foot radius of the large battery energy storage system.

h. Large battery energy storage systems, including all mechanical equipment, shall be enclosed by a security fence eight feet in height with a self-locking gate to prevent unauthorized access (unless housed in a dedicated-use building) and not interfering with ventilation or exhaust ports. Large battery energy storage systems shall be screened to minimize adverse visual impacts by preserving natural vegetation and providing earth berms and landscaped screening to abut residential properties, public roads, public sites, and known areas of important views or vistas. Existing vegetation may be used to satisfy all or a portion of the required landscape screening. Any unhealthy vegetation shall be removed and replaced immediately. The Town Board has the right to waive the landscaping requirements for large battery energy storage systems where an applicant can demonstrate no impact on adjacent parcels.

i. Minimum setback from road right-of-way lines is 100 feet. Minimum setback from side lot lines is 300 feet. Minimum setback from rear lot lines is 200 feet. Minimum setback from any existing residential structures is 400 feet. The side and rear lot line setbacks for contiguous parcels that include facility components within one proposed project may be waived.

j. Applicant/Operator shall supply and install a dry water pipe that permits direct connection by fire department apparatus for fire suppression purposes in the area of the battery energy storage system. The pipe shall run from a point along the road frontage to the battery energy storage system itself.

B. Safety.

1. Prior to the issuance of a special use permit from the Town Board, the applicant must submit copies of all safety certifications to the Town Board and Enforcement officer.

2. Site access should be maintained, including snow removal, to the battery storage units at a level acceptable to the local fire department and first responders in the area.

3. Large battery energy storage systems, components, and associated ancillary equipment shall have enclosures marked with the environmental rating suitable for the type of exposure in compliance with the most recent National Electrical Code.

4. Battery storage units should be equipped with fire sprinkler systems.

5. The applicant must ensure that appropriate and acceptable training for first responders is conducted prior to commencing operations.

6. The applicant/operator shall be responsible for coordinating and conducting annual training sessions and facility walkthroughs with the local fire departments to ensure familiarity with the layout, technology, and emergency response protocols specific to the battery energy storage system.

7. Keys or lock combinations to all gates shall be provided to the Town Highway Superintendent and local ambulance and fire companies.

8. The applicant/operator shall provide, at their expense and prior to commencing operations, one or more oscillating deck guns or articulating master stream devices compatible with the fire department's existing apparatus, stored on site, if possible, for all locations with battery energy storage systems.

C. Decommissioning Plan and Fund for Large Battery Energy Storage Systems. The applicant shall

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submit a decommissioning plan to be implemented upon abandonment and in conjunction with removal of the facility. The applicant may be required to provide financial sureties, as set forth, for the removal of a battery energy storage system. Pursuant to the execution of the decommissioning plan, the applicant shall provide the Town with a bond in an amount determined by the Town Board to cover the expense of removal of the system and remediation of the landscape in the event the Town must remove the facility. The amount of the bond or security shall be 120% of the cost of removal of the large battery energy storage system and restoration of the property. The amount of the bond or security shall be updated by a qualified independent engineer licensed to practice in the State of New York to reflect inflation and any other changes after one year of project operation, and every fifth year thereafter. The engineer's service fees shall be paid by the owner/operator. Updated amount figures will be filed with the Town Board. The bond or security shall be in a form acceptable to the Town Attorney, which includes, but is not limited to, an escrow account, a letter of credit, perpetual bond, or any combination thereof.

D. Abandonment and Removal of Large Battery Energy Storage Systems. Large battery energy storage systems shall be considered abandoned when they cease operating consistently for more than 12 consecutive months. If the owner and operator fail to comply with decommissioning upon any abandonment, the town may enter the property and utilize the available bond or security for the removal of a large battery energy storage system and the restoration of the site in accordance with the decommissioning plan. Failure to comply with this section will result in enforcement action as detailed in Article 20. Nothing in this agreement or any relevant decommissioning plans shall be read to limit the authority and decommissioning, including recovery of all costs and outside fees (such as attorney fees) associated therewith.

Section 1630. Inspections and Enforcement

A. In order to verify that the battery energy storage system's owner or operator and any and all lessees and renters place, construct, modify, and maintain the battery energy storage system in accordance with all applicable technical, safety, fire, building, and local codes, laws, ordinances, regulations, and other applicable requirements, the town may inspect all facets of placement, construction, modification, and maintenance.

B. Any inspections required by the Town that are beyond the town's technical expertise or ability shall be conducted by third parties at the expense of the applicant.

C. Any complaints or violations of this law will result in enforcement action and/or penalties as detailed in Article 20.

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ARTICLE 17. DATA CENTERS

Section 1710. Applicability.

All data centers shall obtain special use permit approval from the Planning Board prior to the issuance of a zoning permit. Data centers are permitted only within the Rural zoning district.

Section 1720. Siting and Design Standards

A. Building Design and Siting.

1. There shall be no blank, windowless wall facing any private or public street.

2. All mechanical equipment must be fully screened on all sides with a design, materials, details, and treatment compatible with those used on the principal façade of the building.

3. No ground mounted mechanical equipment shall be located in any required setback.

B. Lighting. All exterior lighting, whether building mounted or pole mounted, shall be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and properties. No outdoor lighting used for the data center shall create light that exceeds 0.1 footcandle at any adjacent residential property, or 0.5 footcandle when adjacent to any non-residential use. No light pole shall exceed 18 feet in height. Except for safety lighting, lighting for parking areas shall be automatically turned off by 10:00 p.m.

C. Fencing. If security fencing is provided, such fencing shall be effectively screened using vegetation placed outside the fence and outside of the road right-of-way. Security fencing shall not exceed ten feet in height.

D. Signage. A sign listing 24-hour contact information shall be provided on site in a location easily accessible to emergency responders.

E. Screening.

1. Screening shall be required whenever a data center use is adjacent to a residential use or a hamlet zoning district. The Planning Board may waive the screening requirement when the data center is not adjacent to a residence or a ~~residential~~ hamlet district.

2. Use of existing vegetation for landscaping and screening is strongly encouraged and may be substituted for new berms and plantings when approved by the Planning Board.

3. When fencing has been provided, screening shall be a minimum height of eight feet above ground when the data center abuts residential properties or a hamlet zoning district.

4. All fencing provided along a road frontage shall be landscaped.

Section 1730. Performance Standards

A. Noise

1. An acoustical study prepared by a professional acoustical engineer shall be required as part of the site plan and special use application that demonstrates that the use, including all its components, will not create unreasonable noise.

2. All mechanical equipment shall be fully screened on all four sides by an acoustical barrier using methods including but not limited to louvers, enclosures, fan selection and speed controls, use of restricted generator testing hours, or changing equipment yard orientation.

3. The Planning Board may require additional sound mitigation if the acoustical study indicates potential impacts to sensitive receptors defined as specific people, populations, or land

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uses that face a higher risk of negative health or amenity impacts when exposed to environmental hazards like air pollution, noise, or toxic chemicals. They include vulnerable groups including, but not limited to (i.e., children, elderly) and sensitive locations (schools, hospitals, residences).and when increases in ambient noise above pre-existing levels in excess of 3 dB are likely to occur.

B. Infrastructure.

1. Electricity.

a. Underground wiring shall be used to the maximum extent feasible.

b. Data centers may use dedicated fossil fuel generators for emergency power when the public utility is not available, but not for normal use power.

C. Water.

1. Neither public water nor private well water shall be used for direct single pass or evaporative cooling to limit water usage requirements.

2. The applicant shall provide data showing adequate water capacity for the facility. If no public water service is available, the applicant shall conduct well pump tests to ensure that no adjacent wells are adversely affected by the data center water use.

3. Any public water service area extension to provide water to a data center shall be fully evaluated by the Planning Board for cumulative and growth inducing impacts.

4. Any public water service area extension, when approved, shall be provided at the applicant's cost.

D. Sewer. A data center shall be connected to a sewer service area whenever such infrastructure is present. When such facility is not located in a sewer service area, an onsite wastewater system shall be provided that meets all local, County and New York State Department of Health requirements for on-site wastewater treatment.

E. Stormwater. All NYS Stormwater Pollution Prevention requirements shall be met pursuant to the NY State Pollutant Discharge Elimination System (SPDES). The New York State Stormwater Management Design Manual, most up-to-date version, shall be used in the design. In no circumstance shall heated water be discharged into any wetland or waterway.

F. Clean Air Act. Must comply with Federal and State *Clean Air Act* that includes obtaining all required permits.

G. Safety.

1. An active, clean agent fire protection system shall be provided and maintained in good working order within any structure which contains a data center. High sensitivity smoke detectors should be installed and operational in order to activate this clean agent fire suppression system.

2. There shall be an emergency electricity termination switch installed outside of any containment structure used as a data center.

3. The equipment used in any data center shall be housed in an individually metered, electrically grounded structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes. The containment space shall contain baffles that will automatically close in the event of fire independent of a possible electric system failure.

4. An operations plan shall be submitted and approved by the Planning Board that provides 24-hour emergency contact for the facility.

5. The applicant/operator shall be responsible for coordinating and conducting annual training sessions and facility walkthroughs with the local fire departments to ensure familiarity with the layout, technology, and emergency response protocols specific to data centers.

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6. Keys or lock combinations to all fences and/or gates shall be provided to the Town Highway Superintendent and local police, ambulance, and fire companies.

Section 1740. Decommissioning

The applicant shall submit a decommissioning plan to be implemented upon abandonment and in conjunction with removal of the facility. The applicant may be required to provide financial sureties, as set forth, for the removal of a data center. Pursuant to the execution of the decommissioning plan, the applicant shall provide the Town with a bond in an amount determined by the Town Board to cover the expense of removal of the system and remediation of the landscape in the event the Town must remove the facility. The amount of the bond or security shall be 120% of the cost of removal of the facility and restoration of the property. The amount of the bond or security shall be updated by a qualified independent engineer licensed to practice in the State of New York to reflect inflation and any other changes after one year of project operation, and every fifth year thereafter. The engineer's service fees shall be paid by the owner/operator. Updated amount figures will be filed with the Town Board. The bond or security shall be in a form acceptable to the Town Attorney, which includes, but is not limited to, an escrow account, a letter of credit, perpetual bond, or any combination thereof.

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ARTICLE 18. PLANNED UNIT DEVELOPMENT

Section 1810. General

Planned Development (PD) zones may be established in the town and designated at specific locations on the zoning map with a "PD" designation through a map amendment following the procedure of Town Law Section 265.

Section 1820. Purpose

The purpose of establishing such zones is to allow for large-scale unified development of recreational, residential, and commercial mixed uses that would not be permitted under the standard zoning district regulations of this law.

It is the intent of the PD zone to provide flexible regulations so that an area may be developed within the town that incorporates a variety of residential and nonresidential uses and contain both individual building sites and common property which are planned and developed as a unit. This section encourages innovations in development so that the growing demands for recreational, commercial, and residential needs may be met by a greater variety in type, design, and siting of dwellings and by the more efficient use of land. Planned developments do not require a mix of residential and nonresidential uses to be considered for PD zone status.

While standard zoning is appropriate for the regulation of land use in some areas, these controls may be inappropriate to the innovative techniques of land development allowed by the PD zone concept. A rigid set of space requirements and use specifications would frustrate the application of this concept. Thus, where PD techniques are deemed appropriate through the redesignation of land to a PD zone by the town board, the use and dimensional specifications found elsewhere in this law are herein replaced by the general requirements set forth below.

Section 1830. General Requirements

The following are a list of the requirements that a proposal must meet to be considered for PD zone status:

A. Minimum area. The zone must comprise at least five acres of contiguous land.

B. Ownership. The land tract for a project may be owned, leased or controlled either by a single person or corporation, or by a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners.

C. Required Buffer. Where a planned development proposes multiple family dwellings and/or commercial uses adjacent to residential areas, the planning board shall require a minimum 50-foot vegetative buffer area. Plant material shall be six to eight feet in height when planted and shall be spaced to form an opaque screen either in a single row or in multiple rows with alternate spacing. Berms may be substituted for plant material screening upon approval of the planning board.

D. Permitted Uses. The uses may be mixed, separated, or the development may accommodate only one type of use (i.e., residential or nonresidential). Residences may be of any variety of type including single-family dwellings, two-family dwellings and multiple dwellings. Nonresidential uses may include small retail business operations, community centers, public and semi-public facilities, outdoor recreation, restaurants, home occupations, and accessory uses/structures. All such uses shall be in keeping with the residential character of adjacent areas. No industrial use shall be permitted.

E. Common property in the PD. Common property is not required to be considered for PD status; however, it is often characteristic of such proposals. Common property in a PD is a parcel or parcels of land, with or without the improvements thereon, the use and enjoyment of which are shared by the

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owners and occupants of the individual building sites. When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, satisfactory arrangements must be presented for the improvement, operation and maintenance of such common property and facilities, including private road, drives, service and parking areas, and recreational and open space areas.

Section 1840. Planned Development Zone Procedure

The following are the procedural steps that shall be followed when applying for a PD zone:

A. Application for establishment of a PD zone shall be made to the clerk along with the appropriate filing fee.

B. The application shall meet all submission requirements necessary for a special use review as contained in Article 9 of this law. The planning board shall review the application for sufficiency.

C. Within 62 days of the acceptance of a completed application by the planning board, the planning board shall report its recommendations to the town board. The recommendations shall address the following findings:

1. The uses proposed will not be detrimental to present and potential surrounding uses.

2. Land surrounding the proposed development is compatible in use and can be planned in coordination with the proposed development.

3. The proposed change is in conformance with the general intent of the comprehensive plan for the community.

4. Existing and proposed roads are suitable and adequate to carry anticipated traffic within and around the proposed development.

5. Existing and proposed utility services are adequate for the proposed development.

6. Each phase of the proposed development, as it is proposed to be completed, contains the required parking, landscaping, and utilities necessary for creating and sustaining a desirable and stable environment.

D. Within 62 days of the planning board report, the town board may hold a public hearing on the proposal to rezone.

E. Within 62 days of the public hearing, the town board shall take action to approve, approve with modifications, or disapprove the rezoning proposal.

F. If the town board takes action to approve the proposed rezoning, and after the appropriate PD zone has been placed on the zoning map and filed in the town clerk's office, the applicant must within six months submit application for a special use review to the planning board as provided in Article 9 of this law.

G. If such an amendment is enacted, the permitted development must be confined to the specific designated area and adhere to the approved development plan.

H. In order to exceed any of the above time frames for adoption of a PD zone there must be agreement by both the applicant and the town board.

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ARTICLE 19. FINANCIAL GUARANTEES FOR PUBLIC IMPROVEMENTS

Section 1910. Required Public Improvements

A. All public improvements required pursuant to the approval of special uses shall be constructed and completed to the standards required by state and local laws, rules, and regulations.

B. The construction or installation of any improvements or facilities, other than roads, for which a financial guarantee has been made pursuant to this Section shall be completed within one year from the date of the approval of the subdivision plat or special use. Road improvements shall be completed within two years from the date of approval of the subdivision plat or special use.

C. The applicant may request an extension of time to perform required public improvements provided he can show reasonable cause for inability to construct and install said improvements within the required time. Such extension of time shall not exceed six months. At the end of such extension of time, if the required public improvements are not completed and accepted by the Town, the Town may use as much of the financial security required by this Section to construct and install, maintain, or perfect the improvements as necessary to meet all applicable state and local laws, ordinances, rules, and regulations.

D. At least five days prior to commencing construction of required public improvements, the applicant shall pay to the enforcement officer the inspection fee required by the municipality and shall notify the Town Board or an official designated by the Town Board in writing of the time when the construction of such improvements will be commenced so that the Town Board may cause inspections to be made to assure that all applicable specifications and requirements shall be met in the construction of such improvements, and to assure the satisfactory completion of public improvements required by the Planning Board.

Section 1920. Required Financial Security

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

A. The applicant shall furnish a bond executed by a surety company in an amount equal to the cost of construction of the public improvements required by the Planning Board pursuant to this law.

B. The applicant shall present to the enforcement officer a certified check in an amount equal to the cost of construction of the public improvements required by the Planning Board pursuant to this law.

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

Section 1930. Review of Proposed Financial Security

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

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Section 1940. Schedule of Improvements

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

Section 1950. Staged Refunding of Financial Guarantees

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

Section 1960. Acceptance of Required Public Improvements

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

Section 1970. Required Maintenance Guarantee

Upon acceptance of the required public improvements, a maintenance guarantee shall be established. All such guarantees should be for 10% of the financial guarantee originally required of the applicant. The applicant may provide a maintenance guarantee by one of the methods provided for in Section ~~1840~~ 1920 above, but no maintenance bond shall be for less than $5,000 (face value). All maintenance guarantees required by this section shall commence immediately upon acceptance of the required public improvements by the municipality and shall extend for two years therefrom or for two years from the June first next succeeding the acceptance of the required public improvements, whichever period is longer.

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ARTICLE 20. ADMINISTRATION

Section 2005. Definitions

In this local law, the following terms shall have the meanings shown in this section:

"Assembly Area" shall mean an area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering fifty or more persons for uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

"Building Permit" shall mean a building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. The term "Building Permit" shall also include a Building Permit which is renewed, amended, or extended pursuant to any provision of this local law.

"Certificate of Compliance" shall mean a document issued by the Town of Constantia stating that work was done in compliance with approved construction documents and the Codes.

"Certificate of Occupancy" shall mean a document issued by the Town of Constantia certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the Town of Constantia and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

"Code Enforcement Officer" shall mean the Code Enforcement Officer appointed pursuant to section ~~1501~~ 2010 of this local law.

"Code Enforcement Personnel" shall include the Code Enforcement Officer and all Inspectors.

"Codes" shall mean the Uniform Code and Energy Code.

"Energy Code" shall mean the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

"FCNYS" shall mean the 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.

"Fire Safety and Property Maintenance Inspection" shall mean an inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

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"Hazardous Production Materials" shall mean a solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

"Inspector" shall mean an inspector appointed pursuant to section 2010 of this local law.

"Mobile Food Preparation Vehicles" shall mean vehicles that contain cooking equipment that produces smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

"Operating Permit" shall mean a permit issued pursuant to section 2045 of this local law. The term "Operating Permit" shall also include an Operating Permit which is renewed, amended, or extended pursuant to any provision of this local law.

"Order to Remedy" shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 2080 of this local law.

"Permit Holder" shall mean the Person to whom a Building Permit has been issued.

"Person" shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

"PMCNYS" shall mean the 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

"RCNYS" shall mean the 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

"Repair" shall mean the reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

"Stop Work Order" shall mean an order issued pursuant to section 2025 of this local law.

"Sugarhouse" shall mean a building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

"Temporary Certificate of Occupancy" shall mean a certificate issued pursuant to section 2030 of this local law.

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"Town" shall mean the Town of Constantia.

"Uniform Code" shall mean the New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.

Section 2010. Code Enforcement Officers and Inspectors

A. The Office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and this local law. The Code Enforcement Officer shall have the following powers and duties:

1. to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and the plans, specifications, and construction documents submitted with such applications;

2. upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and to include in terms and conditions as the Code Enforcement Officer may determine to be appropriate Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits;

3. to conduct construction inspections; inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this local law;

4. to issue Stop Work Orders;

5. to review and investigate complaints;

6. to issue orders pursuant to subdivision (a) of Section ~~1980~~ 2080 (Violations) of this local law;

7. to maintain records;

8. to collect fees as set by the Town Board of this Town;

9. to pursue administrative enforcement actions and proceedings;

10. in consultation with this Town's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this local law; and

11. to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.

B. The Code Enforcement Officer shall be appointed by the Town Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

C. In the event that the Code Enforcement Officer is unable to serve as such for any reason, another individual shall be appointed by Town Board to serve as Acting Code Enforcement Officer. The Acting

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Code Enforcement Officer shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

D. One or more Inspectors may be appointed by the Town Board to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

E. The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Town Board of the Town.

Section 2011. Zoning Permits Required

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

A. Erection, re-erection or movement of a building or structure;

B. Change of the exterior structural dimensions of a building or structure;

C. Change in use of land, buildings or structures through the establishment of a new use, or through the expansion or enlargement of an existing use;

D. The resumption of any use which has been discontinued for a period of 12 months or longer;

E. Establishment or change in dimensions of a parking area for nonresidential or multi-family residential uses;

F. Placement of a sign as regulated in Article 10 of this law;

~~G. Change in the contours of land;~~

~~H.~~G. Construction, replacement or major modification of any on-site sewage disposal system.

Section 2012. Zoning Permit Exceptions

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

A. Accessory structures with less than 144 square feet of ground coverage, unless over 15 feet in height;

B. Alterations of less than 144 square feet of ground coverage;

C. Exempt signs listed in Section 1030 of this law;

D. Interior structural alterations or routine maintenance and improvement that does not expand the exterior dimensions of the structure (e.g., roofing, window replacement, siding replacement, etc.);

E. Minor accessory structures such as posts, sidewalks, driveways, flagpoles, playground equipment, ladders, etc.;

F. Family day care homes and group family day care homes;

G. Nonstructural agriculture and forest management uses;~~.~~

~~G.~~H. Tree stands and hunting blinds.

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Section 2013. Temporary Zoning Permits

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

B. Temporary permits may be issued for residential use only in the following circumstances:

1. for one interim dwelling on an individual lot during the construction of a single-family or two-family dwelling on such lot;

2. for one emergency dwelling on an individual lot, when the need for such dwelling resulted from the loss by flood, fire, or other disaster of an existing dwelling within the town.

Section 2014. Application Procedure for Zoning Permits

A. Applications for zoning permits shall be submitted to the zoning officer or town clerk and shall include 2 copies of a layout or plot plan showing the actual dimensions of the lot to be used; the size and location on the lot of existing and proposed structures and accessory structures; the setbacks of structures from all lot lines, road lines, mean high water lines of lakes, streams, ponds and wetlands, and any other features of the lot; and such other information as may be necessary to provide for the enforcement of this law. This information, and other relevant application data, shall be provided on forms issued by the town clerk. Electronic data format submission of all application forms (i.e., pdf) is highly encouraged.

B. When establishing measurements to meet the required setbacks and yard sizes, the measurements shall be taken from the lot line, road line, or nearest mean high-water line to the furthermost protruding part of the use or structure. This shall include such projecting facilities as porches, carports, attached garages, etc.

C. The zoning officer shall take action to approve or disapprove the application within 30 days of the receipt of a completed application by the zoning officer and the payment of all fees.

D. A zoning permit shall expire one year from the date of issue if construction is not substantially started or the use has not commenced. Such permit may be renewed upon payment of all fees.

Section 2015. Building Permits

A. Building Permits Required. Except as otherwise provided in subdivision (b) this section, a Building Permit shall be required for any work must conform to the Uniform Code and/or Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney, or flue in any dwelling unit. No person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Town.

B. Exemptions. No Building Permit shall be required for work in any of the following categories:

1. construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses), which are used for tool and storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 144 square feet;

2. construction of temporary sets and scenery associated with motion picture, television, and

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theater uses;

3. installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);

4. installation of partitions or movable cases less than 5'-9" in height;

5. painting, wallpapering, tiling, carpeting, or other similar finish work;

6. installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

7. replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or

8. repairs, provided that the work does not have an impact on fire and life safety, such as (i) any part of the structural system; (ii) the required means of egress; or (iii) the fire protection system or the removal from service of any part of the fire protection system for any period of time.

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

D. Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

1. a description of the location, nature, extent, and scope of the proposed work;

2. the tax map number and the street address of any affected building or

structure;

3. the occupancy classification of any affected building or structure;

4. where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

5. at least 2 sets of construction documents (drawings and/or specifications) which (i) describe the location, nature, extent, and scope of the proposed work; (ii) show that the proposed work will conform to the applicable provisions of the Codes; (iii) show the location, construction, size, and character of all portions of the means of egress; (iv) show a representation of the building thermal envelope; (v) show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information; (vi) show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building; (vii) include a written statement indicating compliance with the Energy Code; (viii) include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and (ix) evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and

license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number. The following items are exempt from the stamped drawing requirement as per NYS law: farm buildings used directly and solely for agricultural purposes; residential buildings of gross floor area <= 1,500 square feet; alterations, costing less than $20,000 which do not involve changes affecting structural safety or public safety.

6. Applications requiring site plan review by the Planning Board shall be submitted in conformity with the provisions of Article 7 of the Town's Zoning Law.

E. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (D) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp, or in the case of electronic media, an electronic marking. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

F. Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work follows the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work follows the applicable requirements of the Uniform Code and Energy Code.

G. Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

H. Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

I. Time limits. Building Permits shall become invalid unless the authorized work commences within twelve (12) months following the date of issuance. Building Permits shall expire twelve (12) months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

J. Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate, or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

K. Construction in a Town right-of-way. Permission is required to construct or improve an existing

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road cut (driveway) in a Town Highway Right-of-Way. Permission will be granted by the Town provided the project is in the Town's and public interest. Construction is regulated because of the potential for visual and safety impacts to motorists and pedestrians. Depending on the size and scope of the project, the review process may vary considerably. Any project which requires the use of Town Highway Right-of-Way shall be brought to the attention of the Code Enforcement Officer prior to planning such a project. Permit application and the required fee must be made thirty (30) days prior to the start of construction.

L. Fee. The fee specified in or determined in accordance with the provisions set forth in section 2085 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

Section 2020. Construction Inspections

A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (B) of this section is ready for inspection.

B. Elements of work to be inspected. The following elements of the construction process shall be inspected where applicable:

1. work site prior to the issuance of a Building Permit;
2. footing and foundation;
3. preparation for concrete slab;
4. framing;
5. structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;
6. fire resistant construction;
7. fire resistant penetrations;
8. solid fuel burning heating appliances, chimneys, flues, or gas vents;
9. inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;
10. installation, connection, and assembly of factor manufactured buildings and manufactured homes; and
11. a final inspection after all work authorized by the Building Permit has been completed.

C. Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

D. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to the manner in which the work fails to comply

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with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

E. Fee. The fee specified in or determined in accordance with the provisions set forth in section 2085 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

Section 2025. Stop Work Orders

A. Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

1. any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

2. any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

3. any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

B. Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

C. Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

D. Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder, and any other Person performing, taking part in, or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order, other than work expressly authorized by the Code Enforcement Officer to correct the reason for issuing the Stop Work Order.

E. Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 2080 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

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Section 2030. Certificates of Occupancy and Certificates of Compliance

A. Certificates of Occupancy and Certificates of Compliance required. A Certificate of Occupancy or Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy or Certificate of Compliance.

B. Issuance of Certificates of Occupancy and Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy or Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure, or work prior to the issuance of a Certificate of Occupancy or Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy or Certificate of Compliance:

1. a written statement of structural observations and/or a final report of special inspections,

2. flood hazard certifications,

3. a written statement of the results of tests performed to show compliance with the Energy Code, and

4. where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

C. Contents of Certificates of Occupancy and Certificates of Compliance. A Certificate of Occupancy or Certificate of Compliance shall contain the following information:

1. the Building Permit number, if any;

2. the date of issuance of the Building Permit, if any;

3. the name (if any), address and tax map number of the property;

4. if the Certificate of Occupancy or Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy or Certificate of Compliance is issued;

5. the use and occupancy classification of the structure;

6. the type of construction of the structure;

7. the occupant load of the assembly areas in the structure, if any;

8. If the automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;

9. any special conditions imposed in connection with the issuance of the Building Permit; and

10. the signature of the Code Enforcement Officer issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.

D. Temporary Certificate of Occupancy. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate of Occupancy allowing the temporary occupancy of a building or structure, or a

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portion thereof, prior to completion of the work, which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate of Occupancy unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy, may be occupied safely, (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and (3) that all required means of egress from the structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy shall be effective for a period of time, not to exceed six (6) months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

E. Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy, Certification of Compliance, or a Temporary Certificate of Occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

F. Fee. The fee specified in or determined in accordance with the provisions set forth in section 2085 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy, Certificate of Compliance, or for Temporary Certificate of Occupancy.

Section 2035. Notification Regarding Fire and Explosion

The chief of any fire department providing firefighting services for a property within this Town shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent.

Section 2040. Unsafe Buildings, Structures, Equipment and Conditions Of Imminent Danger

Unsafe buildings, structures, and equipment and conditions of imminent danger in this Town shall be identified and addressed in accordance with the following procedures:

A. Definitions. The following words and phrases, as used in this section, shall have the meanings hereinafter ascribed to them. All other words and phrases shall have the meanings normally ascribed to them.

1. Board. The duly elected and constated Town Board of the Town of Constantia, or also "Town Board."

2. Building. Any house, shed, fence, or other man-made structure, or part of any such house, shed, fence, or structure.

3. Dangerous or Unsafe. Includes conditions of structures or buildings such as but not limited to the following:

a. Those who interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

b. Those which, exclusive of foundation, show 33% or more of damage or deterioration of

the supporting member or members or 50% of damage or deterioration of the non-supporting enclosing or outside walls or covering.

c. Those which have improperly distributed loads upon the floors or roofs in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

d. Those which have been damaged by fire, wind, or other causes, so as to have become dangerous to life, safety or the general health and welfare of the occupants or the people of this Town,

e. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein.

f. Those having light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.

g. Those having inadequate facilities for egress in cases of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.

B. Enforcement Officer. The Code Enforcement Officer, or their agent(s), appointed by the Board.

C. Town. The town of Constantia, New York.

D. Criteria for declaration of unsafe buildings. For this section, an unsafe and dangerous building is declared to be:

1. Any building which is dangerous to public health, safety, and general welfare because of its condition, and which may cause or aid in the spread of disease or injury to the health, safety or general welfare of the occupants of it or the neighboring buildings;

2. Any building which, because of lack of proper repair, construction or supervision, constitutes or creates a fire hazard;

3. Any building which, because of its condition or because of a lack of proper windows or doors is available to and frequented by malefactors or disorderly people; or

4. Any building which is a danger to life and safety as a result of a fire or explosion.

E. Inspection and report. Any enforcement officer shall inspect or cause to be inspected any building reported as being a dangerous building. The enforcement officer shall then make a written report of such inspection to the Board of their findings and recommendations regarding the removal or repair of such building.

F. Notice to repair or demolish.

G. Whenever the Code Enforcement Officer finds any building or structure or portion thereof to be an unsafe building, as defined by this section, they shall serve written notice by certified mail, return receipt, or by personal service on the owner of said building or structure or on one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in the same, which said notice shall contain:

1. A description of the premises.

2. A statement of the particulars in which said building is unsafe.

3. An order requiring the same to be made safe and secure by repair or otherwise or to be demolished and removed within 60 days and that said work shall be commenced within 15 days after service of notice.

4. Notice of the time and place for a hearing on the matter before the Board.

5. A statement that, in the event that said building is determined by the Board to be unsafe,

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said building shall be made safe and secure by such repairs or other measures which may reasonably be necessary or shall be demolished and removed by the Town, and that all costs and expenses incurred by the Town shall be charged against the owner of said building or assessed against the land on which the building is located.

H. A copy of said notice shall be filed in the Oswego County Clerk's office in accordance with applicable provisions of law.

I. Hearing.

1. Notice of hearing. Such notice shall further provide that, in case the owner and such persons having an interest in the property or structure as herein prescribed wish to contest the order, a hearing will be held before the Board at a time and place specified and that, in the event that such owner or persons having an interest shall fail to contest such order and fail to comply with the same, the Board will order the repair or removal of such building by the Town and that the Town will assess all costs and expenses incurred by the Town in the removal or repair of such building against the land on which such building is located.

2. Hearing before the Board. At the time and date specified in the notice to repair or demolish, the Board shall conduct the public hearing. It may adjourn from time to time until the hearing is completed and until all interested parties are heard. At the conclusion of the hearing, the Board shall determine whether to revoke the order to repair or remove or to continue said order and direct the owner and other persons to complete the work within a specified time, which shall be reasonable as to the time needed to perform the work and the necessity to protect the general public.

J. Failure to comply with order; assessment of costs. In the event that the owner and persons in interest shall fail to comply with the final order of the Board to make such building safe and secure or to be removed, the Board shall order such building to be made safe and secure or to be removed and shall assess all costs and expense, including the cost of actually removing such building or structure, against the land on which such building or structure is located.

K. Continuation as dangerous buildings prohibited. Any owner or other persons having an interest in the building or in custody of real property located within the Town who allows or permits a building to continue as a dangerous building after due notice as provided in subsections D ~~8(d)~~ through G ~~8(f)~~ of this section shall be guilty of a violation of this section and shall be punished as provided in subsection 8(l) of this section.

L. Trespassing prohibited, penalty. In addition to serving a notice on the owner as provided in subsections 8(d) through 8(f) above, the Board may, if it determines that the purposes of this section will be further effectuated, order that no person other than the owner or his agent shall enter upon the property and shall post on such property signs indicating "no trespassing." When such a determination is made, notice of such fact shall be included in the notice to the owner referred to in subsections 8(d) through 8(f) above. Anyone found trespassing in violation of this subsection shall be liable for a fine not to exceed $50 for each offense.

M. Emergency cases. Notwithstanding the foregoing provisions of this chapter, in case there is an immediate danger to the life and safety of any person or property unless a dangerous building or structure is immediately repaired, vacated or demolished and the owner or other responsible person in charge fails to take immediate action or cannot be located with due diligence, the enforcement officer shall report such facts immediately to the Board, and the Board, if it confirms the findings of the enforcement officer, shall cause the immediate repair, vacation or demolition of such unsafe building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in subsections 8(d) through 8(f) or as hereinafter provided.

N. Effect of transfer of title. The transfer of title by the owner of premises upon which a dangerous building is located shall be no defense to any proceedings under this section.

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O. Liability for costs. Notwithstanding any provision herein to the contrary, the Board may, at its election, institute suit against the owner of said premises for the direct costs, together with a charge of 50% in addition thereto as compensation to the Town for administering, supervising and handling said work and enter judgment thereon against the owner personally for the aforesaid amount. The imposition and collection of any fine or penalty hereinafter prescribed shall not bar the right of the Town to collect the costs of the removal or repair of any dangerous building as herein prescribed.

P. Penalties for offenses. Except as provided in subsection 8(h) above, any person found guilty of violating this section shall be punishable by a fine not exceeding $250 or by imprisonment not exceeding 15 days, or both. Each week that such violation shall continue shall constitute a separate violation.

Section 2045. Operating Permits

A. Operation Permits required. Operating Permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:

1. manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;

2. buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:

a. Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust;

b. Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;

c. Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;

d. Chapter 26, "Fumigation and Insecticidal Fogging." Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;

e. Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;

f. Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;

g. Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;

h. Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;

i. Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse;

j. Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;

k. Section 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;

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l. Section 308, “Open Flames.” Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and

m. Section 319, “Mobile Food Preparation Vehicles.” Operating a mobile food preparation vehicle in accordance with the permitting requirements which are established by local law, as now in effect or as hereafter amended from time to time.

B. energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS.

C. buildings containing one or more assembly areas;

D. outdoor events where the planned attendance exceeds 1,000 people;

E. facilities that store, handle or use hazardous production materials;

F. parking garages as defined in subdivision (a) of section 2060 of this local law;

G. buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by Town Board of this Town; and

H. other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Town Board of this Town.

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

~~A.~~I. Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application should include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

~~B.~~J. Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the Town sufficient information to decide, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.

~~C.~~K.Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in their discretion, issue a single Operating Permit to apply to all such activities.

~~D.~~L.Duration of Operating Permits. Operating permits shall be issued for a specified period consistent with local conditions, but in no event exceed as follows:

1. One hundred eighty (180) days for tents, special event structures, and other membrane structures;

2. Sixty (60) days for alternative activities at a sugarhouse;

3. Three (3) years for the activities, structures, and operations determined of subdivision (a) of this section, and

4. One (1) year for all other activities, structures, and operations identified in subdivision (a) of this section.

The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

~~A.~~M. Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

~~B.~~N. Fee. The fee specified in or determined in accordance with the provisions set forth in section 2085 (Fees) of this local law must be paid at the time of submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

Section 2050. Fire Safety and Property Maintenance Inspections

A. Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

1. at least once every twelve (12) months for buildings which contain an assembly area;

2. at least once every twelve (12) months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and

3. at least once every thirty-six (36) months for multiple dwellings and all nonresidential occupancies.

B. Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to decide, an in-person inspection shall be performed.

C. Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector authorized to perform fire safety and property maintenance inspections at any time upon:

1. the request of the owner of the property to be inspected or an authorized agent of such owner;

2. receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

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3. receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

D. OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator or other authorized entity under Executive Law section 156-e and Education Law section 807-b. Notwithstanding any other provision of this section to the contrary, the Code Enforcement Officer may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to sections 807-a and 807-b of the Education Law and/or section 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Code Enforcement Officer or by an Inspector, provided that:

1. the Code Enforcement Officer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e);

2. the Code Enforcement Officer is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;

3. such inspections are performed no less frequently than once a year;

4. a true and complete copy of the report of each such inspection is provided to the Code Enforcement Officer; and

5. upon receipt of each such report, the Code Enforcement Officer takes the appropriate action prescribed by section 2080 (Violations) of this local law.

E. Fee. The fee specified in or determined in accordance with the provisions set forth in section 2085 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

Section 2055. Complaints

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law, ordinance or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process of responding to a complaint should include the following steps as the Code Enforcement Officer may deem to be appropriate:

A. performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

B. if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 2080 (Violations) of this local law;

C. if appropriate, issuing a Stop Work Order;

D. if a violation which was found to exist is abated or corrected, perform an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

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Section 2060. Condition Assessments of Parking Garages

A. Definitions. For the purposes of this section:

1. the term "condition assessment" means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;

2. the term "deterioration" means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;

3. the term "parking garage" means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:

a. buildings in which the only level used for parking or storage of motor vehicles is on grade;

b. an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and

c. a townhouse unit with attached parking exclusively for such unit;

B. the term "professional engineer" means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;

C. the term "responsible professional engineer" means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term "responsible professional engineer" shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment;

D. the term "unsafe condition" includes the conditions identified as "unsafe" in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and

E. the term "unsafe structure" means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

F. Condition Assessments – general requirements. The owner or operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (G) of this section, periodic condition assessments as described in subdivision (H) of this section, and such additional condition assessments as may be required under subdivision (I) of this section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report on each condition assessment shall be prepared, and provided to the Town, in accordance with the requirements of subdivision (L) of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

G. Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:

1. Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.

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2. Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:

a. if originally constructed prior to January 1, 1984, then prior to October 1, 2019;

b. if originally constructed between January 1, 1984, and December 31, 2002, then prior to October 1, 2020; and

c. if originally constructed between January 1, 2003, and August 28, 2018, then prior to October 1, 2021.

3. Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to June 30, 2023.

H. Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed three (3) years.

I. Additional Condition Assessments:

1. If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (d) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

2. If the Town becomes aware of any new or increased deterioration which, in the judgment of the Town, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (d) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Town to be appropriate.

J. Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the Town within sixty (60) days. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

1. an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;

2. an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;

3. an evaluation and description of the unsafe conditions;

4. an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;

5. an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;

6. an evaluation and description of the risks associated with not addressing the

deterioration, conditions that cause deterioration, and unsafe conditions;

7. the responsible professional engineer's recommendation regarding preventative maintenance;

8. except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and

9. the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.

K. Review Condition Assessment Reports. The Town shall take such enforcement action(s) in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Town shall, by Order to Remedy or such other means of enforcement as Town may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the Town to take any other enforcement action, including but not limited to suspension or revocation of a parking garage operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

L. The Town shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the Town with a written statement attesting to the fact that he or she has been so engaged, the Town shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Town shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to professional engineers.

M. This section shall not limit or impair the right or the obligation of the Town:

1. to perform such construction inspections as are required by section ~~1503~~ 2020 (Construction Inspections) of this local law;

2. to perform such periodic fire safety and property maintenance inspections as are required by section ~~1509~~ 2050 (Fire Safety and Property Maintenance Inspections) of this local law; and/or

3. to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Town by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

Section 2065. Climatic and Geographic Design Criteria

A. The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within this Town as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable,

the maps, charts, and other information provided in the Uniform Code. The criteria to be determined shall include but shall not necessarily be limited to:

1. design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;

2. heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and

3. flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:

   a. the accompanying Flood Insurance Rate Map (FIRM);

   b. Flood Boundary and Floodway Map (FBFM); and

   c. related supporting data along with any revisions thereto.

B. The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

Section 2070. Record Keeping

A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

1. all applications received, reviewed, and approved or denied;

2. all plans, specifications and construction documents approved;

3. all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;

4. all inspections and tests performed;

5. all statements and reports issued;

6. all complaints received;

7. all investigations conducted;

8. all condition assessment reports received;

9. all fees charged and collected; and

10. all other features and activities specified in or contemplated by sections ___ through ___, inclusive, of this local law.

B. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

Section 2075. Program Review and Reporting

A. The Code Enforcement Officer shall annually submit to the Town Board of this Town a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section ~~1970~~ 2070

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(Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

B. The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town related to administration and enforcement of the Uniform Code.

C. The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials this Town is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

Section 2080. Violations

A. Orders to Remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

"The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by [specify date], which is thirty (30) days after the date of this Order to Remedy."

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

B. Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

C. Penalties. In addition to such other penalties as may be prescribed by State law:

1. any Person who violates any provision of this local law or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be punishable by a fine of not more than $200 per day of violation or imprisonment for a period not to exceed six months, or

both fine and imprisonment; and

2. any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to pay a civil penalty of not more than $200 for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of this Town.

D. Injunctive Relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board of this Town.

E. Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section ~~1925~~ 2025 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section ~~1925~~ 2025 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

Section 2085. Fees

A fee schedule shall be established by resolution of the Town Board of this Town. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

Section 2090. Interpretation

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

Section 2095. Planning Board

A. The Town of Constantia Planning Board shall be responsible for implementing the provisions of this local law related to site plan review and subdivision review. No subdivision or site plan shall be approved unless it is in compliance with the requirements of this law.

B. During the course of site plan review, the Planning Board may waive, subject to their judgment and appropriate conditions, the provisions of any and all site plan review standards that are not requisite in the interest of public health, safety and general welfare or that could cause hardship to the applicant.

C. The Planning Board shall have the following powers and duties with respect to this local law:

1. Approval of site plans.

2. Approval of special use permits.

3. Approval of the issuance of temporary permits by the Code Enforcement Officer.

Section 2096. Board of Appeals

A. Creation, appointment, and organization. A Board of Appeals is hereby created and its chairman designated. Said Board shall consist of five members. The Board shall appoint a secretary and shall prescribe rules for the conduct of its affairs. Members of the Board shall be appointed for a term of five years from and after the expiration of the terms of their predecessors in office. If a vacancy occurs other than by expiration of term, it shall be filled by appointment for the unexpired term. Any member of the Board may be removed for cause and after public hearing.

B. Meetings. All meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as such Board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of such Board should be open to the public. Such Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote indicating such fact, and shall also keep records of its examination and other official actions. Every decision or determination of the Board shall be filed in the office of the Town Clerk within five business days and shall be a public record.

C. Powers and Duties. The Board of Appeals shall have all the powers and duties prescribed by law and by this law, which are more particularly specified as follows:

1. Interpretation. Upon appeal from a decision by the Enforcement Officer, to decide any question involving the interpretation of any provision of this law.

2. Use and Area Variances. Upon appeal from a decision by the Enforcement Officer, or upon referral by the planning board, to vary the strict application of any of the requirements of this local law, taking into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. The Board of Appeals shall also consider:

a. 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.

b. Whether the benefit sought by the applicant can be achieved by some method, is feasible for the applicant to pursue, other than an area variance.

c. Whether the requested area variance is substantial.

d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

e. Whether the alleged difficulty was self-created, which consideration shall be relevant to

the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Board of Appeals, in the granting of use and area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community. The Board of Appeals shall have the authority to impose such reasonable conditions and restrictions on any variance granted as are necessary to minimize any adverse impact such variance may have on the neighborhood or community.

D. Procedure for Appeal from Zoning Regulation:

1. The Board of Appeals shall act in strict accordance with the procedure specified by the Town law and by this law. All appeals to the Board shall be in writing on forms prescribed by the Board. Every appeal shall refer to the specific provision of the law involved and shall exactly set forth the interpretation that is claimed, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

2. Time of Appeal. An appeal to the board shall be made within sixty days after the filing of the order, requirement, decision, interpretation, or determination being appealed.

3. Stay Upon Appeal. An appeal will halt any further action by any administrative officials, unless an official can show just cause of imminent peril to life or property, in which case proceedings are not halted unless a restraining order is granted by the Board of Appeals or by a court of record on the application. At that time, the administrative official from whom the appeal was taken shall be notified and due cause shown.

4. Hearing on Appeal. The Board of Appeals shall fix a reasonable time for the hearing and give public notice by publishing notice of the hearing in a newspaper of general circulation in the town at least five days prior to the date of the hearing and shall notify the applicant.

5. Time of the Decision. The Board of Appeals shall decide upon the appeal within 62 days after the hearing. The time within which the Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board.

6. Filing of the Decision. Every decision of the Board of Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case including a record of the vote of each member. The decision of the Board of Appeals on the appeal shall be filed in the office of the Town Clerk within five business days after the day that the decision is made. A copy of the decision shall be mailed to the applicant.

Section 2097. Intermunicipal Agreements

The Town Board of this Town may, by resolution, authorize the Supervisor of this Town to enter into an agreement, in the name of this Town, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

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ARTICLE 21. MISCELLANEOUS PROVISIONS

Section 2110. Amendments

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

Section 2120. Appeals

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

Section 2130. Enforcement

A. Any person, firm, or corporation who violates any of the provisions of this law shall, upon conviction, be deemed guilty of a violation, punishable by a fine of not more than $250, or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment. Each day that an offense continues shall be deemed a separate violation of this law.

B. In addition to the penalties provided above, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this law.

Section 2140. Effect on Other Laws

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

Section 2150. Severability

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

~~Section 2160. Effective Date~~

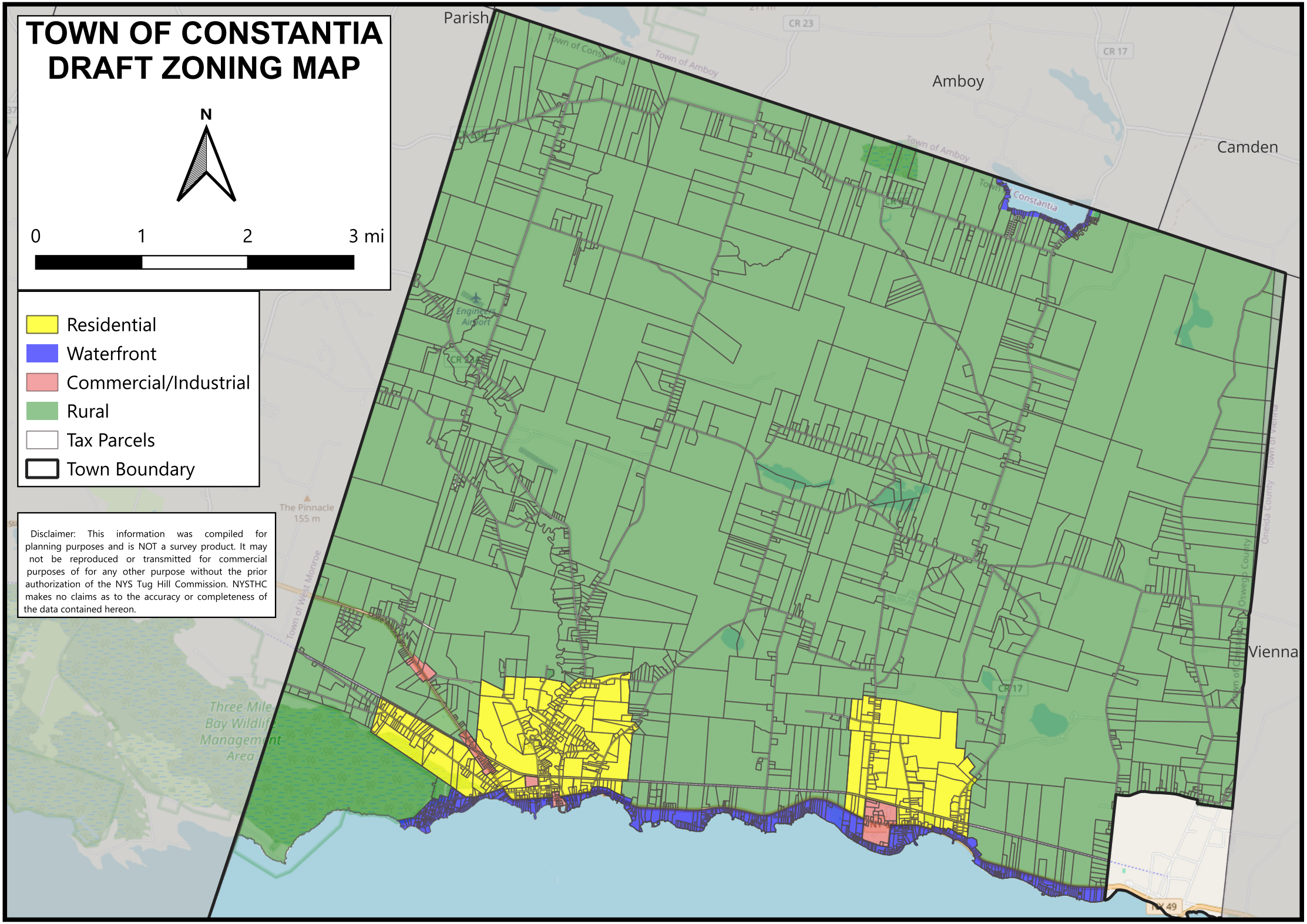
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APPENDICES

Appendix A. Zoning Map

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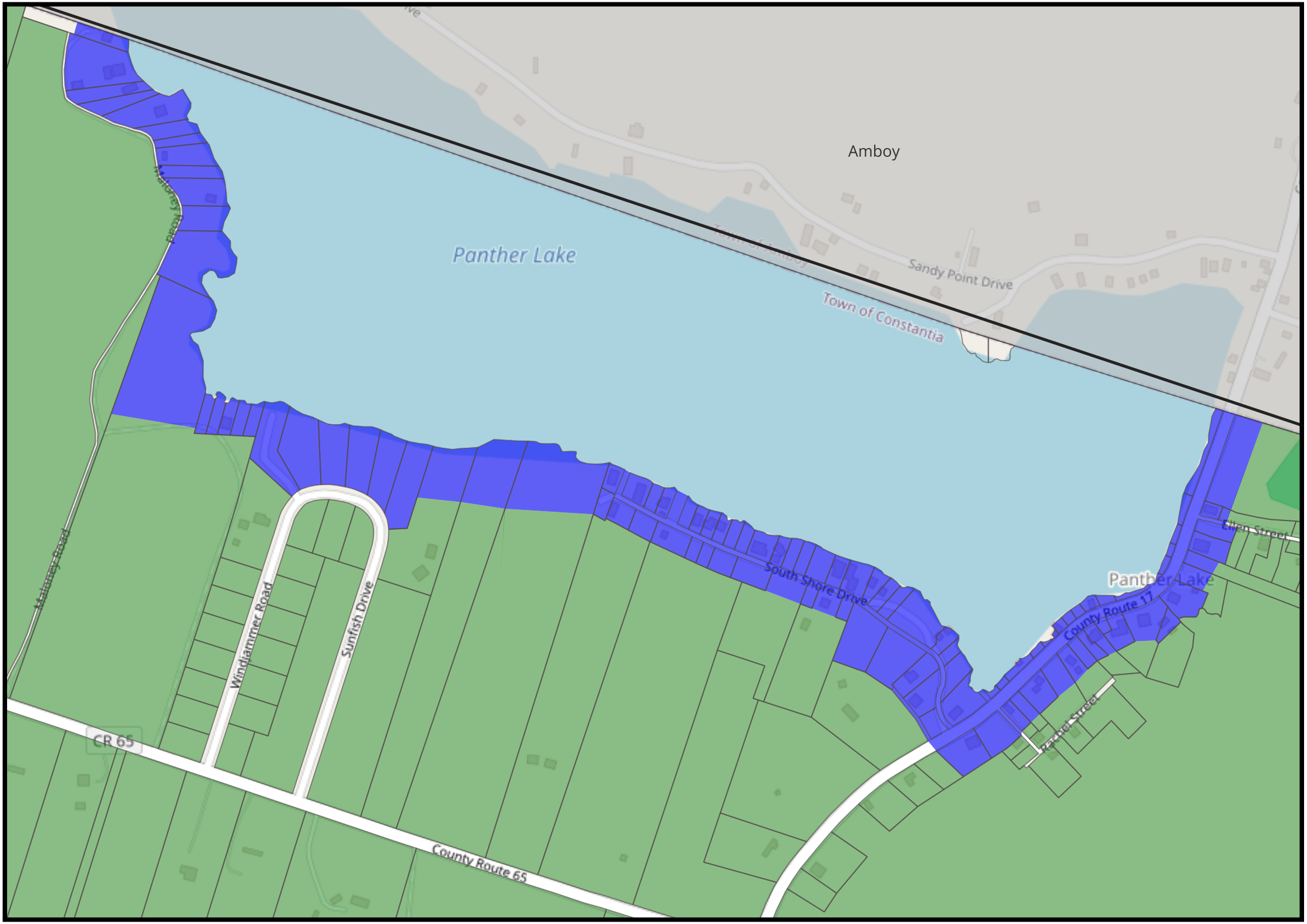
TOWN OF CONSTANTIA
DRAFT ZONING MAP

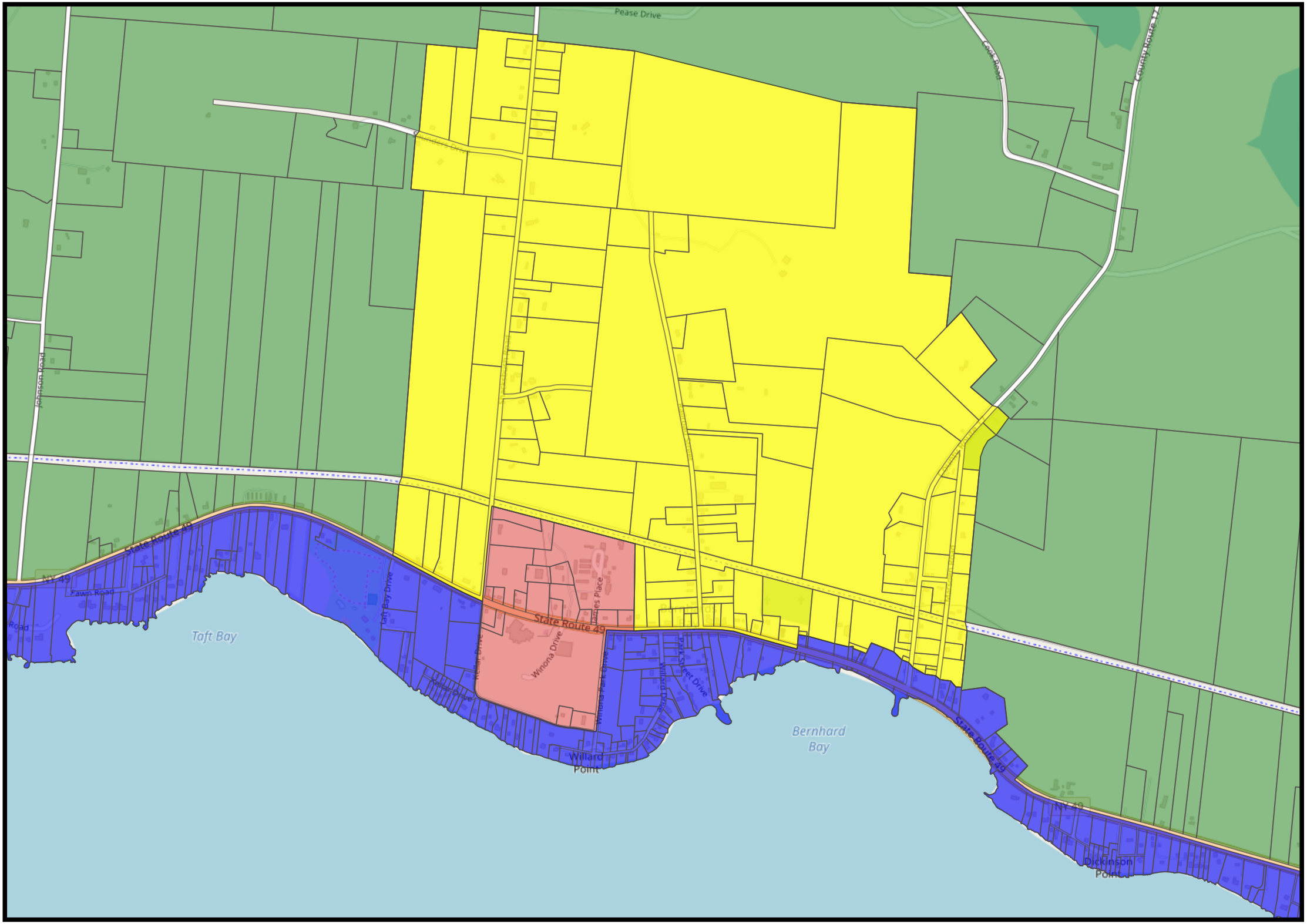


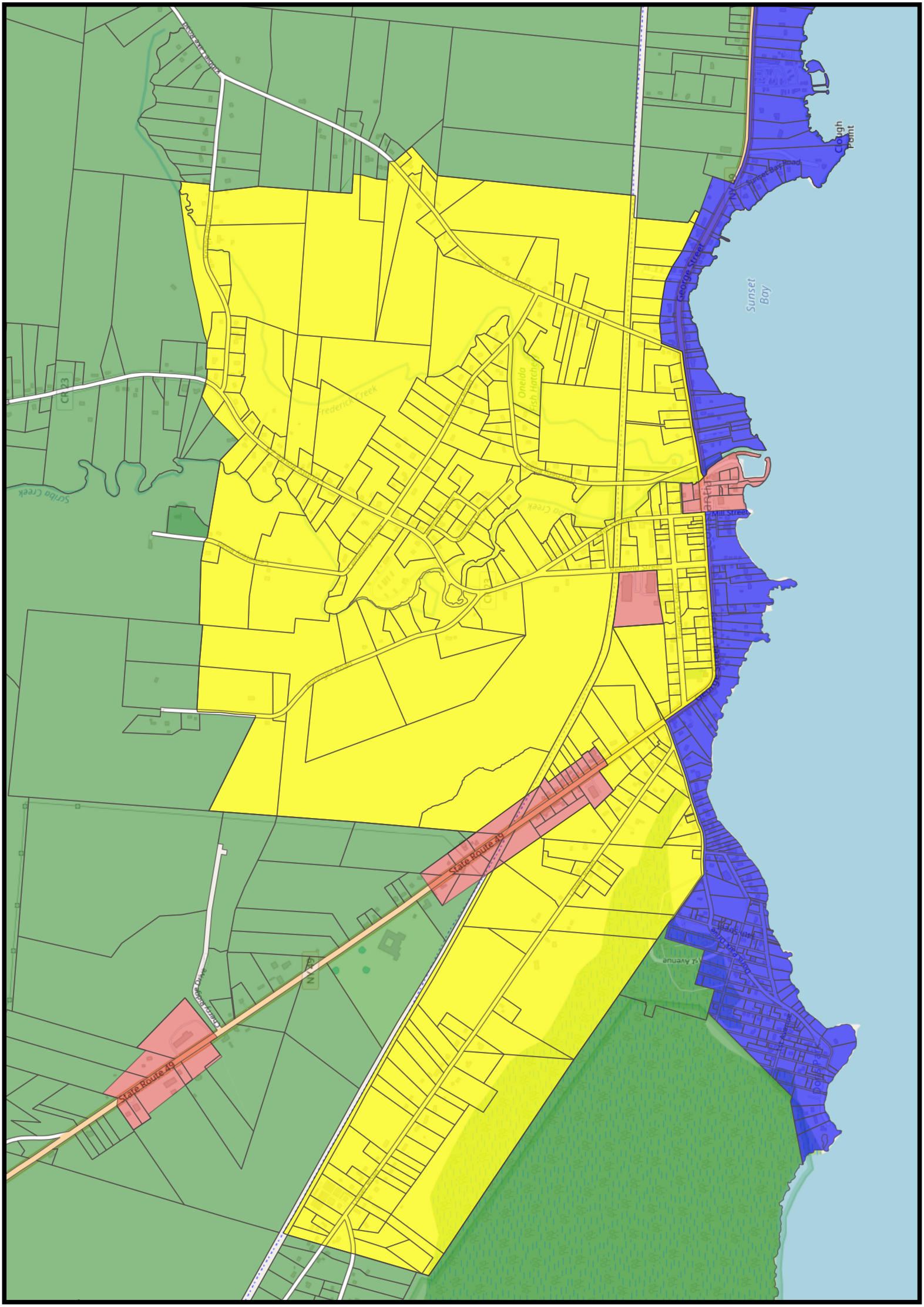
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Appendix B. Supporting Maps and Exhibits

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Amboy
Panther Lake
Town of Constantia
Sandy Point Drive
Whaley Road
Windjammer Road
Sunfish Drive
South Shore Drive
Panther Lake
County Route 17
Ellen Street
Parma Street
CR 65
County Route 65


Pease Drive
Cook Road
County Route 27
Reed Corner Road
State Route 49
Fawn Road
Taft Bay
Taft Bay Drive
Winona Drive
Winona Park Drive
Parkview Drive
Willard Point
Bernhard Bay
Dickinson Point


Sunset Bay
Clough Point
George Street
Mill Street
Oneida Fish Hatchery
Federick Creek
Scriba Creek
State Route 49
State Route 49
CR 23
CR 23
North Avenue
Lighthouse Point Road

TOWN OF CONSTANTIA COMPREHENSIVE PLAN
Population Density
2020

Note: The data represents the centroids of tax parcels. The land use classes were filtered by residential type and the 2020 estimated average household size in the town of Constantia, 2.36 people per household, and village of Cleveland, 2.56 people per household, was multiplied by the number of potential households. The following property classes were considered single-family residences (x1): 210, 240, 241, 242, 250, 270, 280, and 283; two-family residences (x2): 220, 271, and 281; three-family or multiple families (x3): 281, 410, 411, 416, 418, 631, 633, and 693; and seasonal residences (x0.5): 260 and 417. The map shows the population "hot spots" based on this analysis in red, orange, and yellow.



Source: NYSDOT (2020), Oswego Real Property (2020)
Basemap: New York Statewide Digital Orthoimagery Program
Created by: THC/ALM on 08/25/2022

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