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New York State
Department of State
DIVISION OF CORPORATIONS, STATE RECORDS AND UNIFORM COMMERCIAL CODE
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Albany, NY 12231-0001
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Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

4 **of the year 20** 26

Local Law Title: A Local Law of Zoning Text Amendments to the Town of Turin Rural Development Law Regarding Manufactured Homes, Data Centers, and Wind Towers.

Be it enacted by the Town Board **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☑ **Town** ☐ **Village**
(Select one)

of Turin **as follows on the attached pages:**
(Name of Local Government)

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DEPARTMENT OF STATE

Department of State Local Law Index Number: 4 **of the year 20** 26

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

Local Law Filing

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto ascribed as local law number 4 of 20 26 of the (County)(City)(Town)(Village) of Turin was duly passed by the Town Board (Name of Legislative Body) on September 14 20 26 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____ in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____ in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____ . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____ in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20_____ of the City of_____ having submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20_____ became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed thereto, ascribed as local law number _____ of 20_____of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20_____ pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in the paragraph _____ above.

Sheena J. Dickinson

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

9/28/24

(Date)

TOWN OF TURIN RURAL DEVELOPMENT LAW

Local Law 2026-4

Adopted 2026-09-14

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ARTICLE 1. INTRODUCTION

Section 110. Title

This law shall be known as the "The Town of Turin Rural Development Law."

Section 120. Purpose

This law is adopted pursuant to Articles 2 and 3 of the New York State Municipal Home Rule Law and Article 16 of the New York State Town Law. The objectives of this law are to:

1. Protect the open and natural character of the land.
2. Provide for the controlled growth of residential and commercial use of land consistent with the economic and social needs of the community without interfering with existing land use.
3. Preserve the Town's natural resources, particularly the water supply.
4. Promote the health, safety, and general welfare of the community consistent with the objectives of Article 16 of the Town Law.
5. Be aware of and consistent with the goals and policies common to adjacent communities.
6. To make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefore.

Section 130. Previous Regulations

This Law shall replace and supersede all previous variations of the Town of Turin Rural Development Code.

Section 140. Definitions

Except where specifically defined, all words used in this law shall carry customary meaning. Words used in the present tense include the future and the plural includes the singular.

Accessory Apartment: A second dwelling unit located on the same lot as a principal single-family dwelling, located either within the principal dwelling or within an accessory building, which is subordinate to the principal dwelling in terms of size, location, and appearance. Such a dwelling is an accessory use to the principal dwelling.

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

Accessory Use: A use incidental and subordinate to the principal use and located on the same lot with such principal use.

Advertising Sign: A sign which is designed solely for advertising a service or product.

Agriculture: The raising of crops, animals or animal products, the selling of products grown on premises, and any other commonly accepted agricultural operations. Incidental mechanical processing of products is included, as well.

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

Alteration: The increase in ground coverage of any principal or accessory structure. This definition shall apply only to structures which have a height of four feet or more above ground level.

Antenna: A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include but not be limited to radio navigation, radio, television, and microwave communications. The frequency of these waves generally range from 10 hertz to 300,000 megahertz.

Battery Energy Storage System: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a small or large battery energy storage system as follows:

a. Small battery energy storage systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.

b. Large battery energy storage systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

Bed and Breakfast: A building designed to provide overnight accommodations, with or without meals, for transient guests for profit, but only where the use is secondary to the continuous occupancy of the dwelling by a family, 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 an exterior entrance.

Board of Appeals: A board either 1) appointed by the town board, or 2) contracted with pursuant to intermunicipal agreement, to hear and decide appeals of this law.

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

Bulk Storage: Materials stored in large quantities which are usually dispensed in smaller units for use or consumption.

Camp: A building designed as a part-time dwelling for a family, usually inaccessible by automobile during several months of the year and lacking improvements necessary for permanent use as a dwelling.

Campground: Land on which are located, or held open to the public for, two or more cabins, recreational camping vehicles, tents, shelters, or other accommodation suitable for seasonal or temporary living purposes, excluding mobile/manufactured homes.

Campsite: A campsite is a seasonal, interim use and not intended to be a permanent livable residence and lacks the physical features of a dwelling. Campsites are temporary and shall not be used as a residence and must be mobile and moved without any additional structural features. FEMA trailers are temporary housing units and are not allowed. Storage units are not permitted within campgrounds.

Cemetery: Property used for the interring of the dead.

Certificate of Compliance: A certification by the enforcement officer that a lot, structure, or use of land has been developed in conformity with an approved land use permit and complies with the provisions of this law, and may be occupied and used for the purposes specified in such land use permit and certificate of compliance.

Commercial and Processing Use: A commercial or manufacturing activity which involves the manufacturing and processing of raw materials which have been harvested either on or off the site.

Commercial Establishment: *A commercial activity characterized by the direct on-premise sale of goods and services* to the ultimate consumer, including on-premise manufacturing, processing, servicing, and preparation customarily associated therewith and generally involving stock in trade such as are normally associated with department stores,

food markets, and similar establishments, but also including financial institutions, and business and professional offices and services.

Commercial Recreation: Any form of recreation requiring significant levels of organization, buildings of over 144 square feet of ground area, or large numbers of persons. This definition shall not include any facility for the overnight accommodation of guests, or any type of dwelling.

Compressed Air Energy Storage System: A system where a compressed air energy storage plant can compress air and store the compressed air in a cavern underground. At times when demand is high, the stored air can be released and the energy can be utilized during peak demand times.

Data Center: A facility or group of facilities primarily used to house computer systems, servers, data storage equipment, networking equipment, cloud computing infrastructure, artificial intelligence computing infrastructure, cryptocurrency mining operations, or other electronic equipment used for the processing, storage, transmission, or management of digital information. This definition shall include all associated buildings, substations, backup power systems, cooling systems, generators, fuel storage, and other accessory structures or equipment serving such facility.

Dead End Road: A road with only one outlet for vehicles.

Deicing Chloride Salt: Any bulk quantities of chloride compounds and other deicing compounds intended for application to roads, including mixtures of sand and chloride compounds in any proportion where the chloride compounds constitute over eight percent of the mixture. Bulk quantity of chloride compounds means any quantity, but does not include any chloride compounds in a solid form which are packaged in waterproof bags or containers which do not exceed 100 pounds each.

Directional Sign: Off-site sign for the sole purpose of indicating directions to business and other establishments.

Disposal: The burial, discharge, deposit, injection, dumping, spilling, leaking, or release by any other means of a substance to the surface or subsurface of the ground, surface waters, or ground water.

Dwelling: Building or part thereof used as living quarters for one family. The terms dwelling, one-family dwelling, two-family dwelling, or multi-family dwelling shall not include a motel, hotel, boarding house, tourist home, or similar structure, or recreational camping vehicle.

Dwelling, Multi-Family: A building designed for, or occupied by, three or more families living independently of each other.

Dwelling, Single-Family: Building designed for or occupied exclusively by one family.

Dwelling, Two-Family: Building designed for, or occupied by, two families living independently of each other.

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

Educational Facility: Includes parochial, private, public and nursery school, college, university, and accessory uses; and shall exclude commercially operated school of beauty culture, business, dancing, driving, music, and similar establishments.

Electronic Message Center (EMC): A sign that is capable of displaying words, symbols, figures or images that electronically change by remote or automatic means.

Enforcement Officer: Any person appointed by the town board to enforce the provisions of this law.

Essential Facilities: The operation or maintenance by municipal agencies or public utilities of telephone dial equipment centers; electrical or gas substations; water treatment, storage and transmission facilities, pumping stations, wholesale transmission lines and facilities, and similar facilities. The definition of *essential facilities* shall not include power generating facilities of any kind.

Family: One or more persons occupying a dwelling unit and living as a single house keeping unit.

Fertilizers: any commercially produced mixture generally containing phosphorous, nitrogen, and potassium which is applied to the ground to increase nutrients from plants.

Food Service, Bar, Nightclub: Any establishment, however designated, at which food or alcohol is sold for consumption to patrons seated within an enclosed building or on the premises. This definition shall not include food services at a bed and breakfast provided for overnight guests.

Fuel Distribution Operation: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels, where 1000 gallons or more of fuel are stored at any one time on the premises.

Gravel Pit: A lot or land or part thereof used for the purpose of extracting stone, sand, gravel, or topsoil.

Hazardous Substance: Any substance listed as hazardous substance in 6 NYCRR Part 597, Hazardous Substance List, or a mixture thereof. In general, a hazardous substance means any substance which: 1) because of its quantity, concentration, or physical, chemical, or infectious characteristics poses a significant hazard to human health or safety if improperly treated, stored, transported, disposed of, or otherwise managed; 2) poses a present or potential hazard to the environment when improperly treated, stored, transported, disposed of, or otherwise managed; 3) because of its toxicity or concentration within biological chains, presents a demonstrated threat to biological life cycles when released in the environment.

Hazardous Waste: A waste, or combination of wastes, which are identified or listed as hazardous pursuant to 6 NYCRR Part 371, Identification and Listing of Hazardous Wastes. Hazardous waste includes but are not limited to petroleum products, organic chemical solvents, heavy metal sludges, acids with a pH less than or equal to 2.0, alkalies with a pH greater than or equal to 12.5, radioactive substances, pathological or infectious wastes, or any material exhibiting the characteristics of ignitability, corrosivity, reactivity, or EP toxicity.

Herbicides: Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed, and those substances defined pursuant to Environmental Conservation Law Section 33-0101.

Home Occupation: An accessory use of a commercial or professional character customarily conducted within the dwelling by the residents thereof. It must be clearly secondary to the primary residential use and must not change the character of the area from residential. Examples include professional offices, home made product sales, and minor franchise sales.

Hotel/Motel/Lodge/Inn: A facility offering transient lodging accommodations to the general public.

Junkyard: Any junkyard as defined by the County of Lewis Junkyard Law, otherwise known as Lewis County Local Law No. 5 of 1987, as amended.

Land Use Permit: Permit issued by the enforcement officer which indicates the applicant has submitted a satisfactory plan for a use which is in compliance with this law.

Lot: A defined parcel of land considered as a unit, occupied or capable of being occupied by buildings or accessory structures and/or uses. If a public or private road right-of-way or a municipal boundary divides a parcel of land otherwise characterized as a lot by this definition, then the land on either side of this division shall constitute a separate lot.

Lot of Record: A lot for which a valid conveyance has been recorded in the County Clerk's office prior to the effective date of this law (June 29, 1987) and any subsequent amendments.

Lot Frontage: The portion of a lot facing the public road network or an approved private road.

Manufactured Home: A structure transportable in one or more sections that, in the travel mode is eight (8) feet or more in width or forty (40) feet or more in length, or when erected on a site is a minimum of 220 square feet. And that was built on or after June 15, 1976 on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. The term "Manufactured Home" shall include any structure that meets all the requirements and complies with the standards established under the Manufactured Home Construction and Safety Act of 1974 as amended.

Manufactured Home Park: A parcel or tract of land where two or more mobile/manufactured homes are parked or where space is reserved for parking two or more mobile/manufactured homes.

Manufacturing: A commercial activity characterized by the transformation of substances into new products (including the assembly of component parts of manufactured products) such as are normally associated with plants, factories, and mills utilizing power-driven machinery and materials handling equipment.

Manure: Shall mean animal feces and urine.

Mature Forest: A mature forest is any unimproved land in excess of one (1) acre with trees that are predominantly six (6) inches or more in diameter at breast height (dbh).

Mobile Home: Manufactured housing built on a chassis that was built prior to June 15, 1976. A mobile home shall be constructed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A Mobile home shall meet all requirements of a manufactured home set forth in this law. A mobile home shall not be construed to be a recreational camping vehicle

Nonconformity: A lot, structure or use of land lawfully existing at the time of enactment of this law which does not conform to the regulations of the district in which it is situated.

Pesticide: Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use a plant regulator, defoliant, or desiccant, and those substances defined pursuant to Environmental Conservation Law Section 17-0105.

Petroleum: Any petroleum-based oil of any kind which is liquid at 20 degrees Celsius under atmospheric pressure and has been refined, re-refined, or otherwise processed for the purpose of: 1) being burned to produce heat or energy; 2) as a motor fuel or lubricant; or 3) in the operation of hydraulic equipment.

Principal Access: The primary means of vehicular ingress and egress between a lot, parcel, structure, or land use and a public or private road, typically consisting of the driveway, access road, or other approved vehicular entrance principally used to serve the property

Principal Structure: A structure through which the principal use of the lot on which it is located is conducted.

Principal Use: The primary or predominant use of any lot.

Public and Semi-Public Facility: Any one or more of the following uses, including grounds and accessory buildings necessary for their use: religious institutions; public parks, playgrounds, and recreational areas; schools; public libraries; fire, ambulance, and public safety buildings; and public meeting halls and community centers.

Radioactive Material: Any material in any form that emits radiation spontaneously, excluding those radioactive materials or devices containing radioactive materials which are exempt from licensing and regulatory control pursuant to regulations of the New York State Department of Labor or the United States Nuclear Regulatory Commission.

Recreational Camping Vehicle: Shall include motor homes, truck campers, camping trailers, travel trailers, and pop-up trailers used or capable of being used for recreational, travel, and living purposes.

Refuse: Anything putrescible or non-putrescible that is discarded or rejected as useless or worthless.

Religious Facility: Includes church, temple, parish house, convent, seminary, and retreat house.

Road, Minimum Maintenance: A road designated as minimum maintenance by town of Turin Local Law No. 3 of 2026, as amended.

Road, Private Approved: A thoroughfare legally existing on any map of a subdivision filed in the manner provided by law which has not been dedicated and accepted by a municipality for public use.

Road Width: Means width of right-of-way measured at right angles to the center of the road.

Seasonal Use: A use that is not conducted year-round or, if a residential structure, is not occupied year-round, and is not dependent upon access from a snow-plowed or winter-maintained public road or the provision of vehicular public services such as but not limited to emergency services, school busing, fuel delivery, garbage/trash removal, postal/package delivery and home maintenance services during the winter season. No seasonal use shall be used as a primary residence.

Septage: The contents of a septic tank, cesspool, or other individual wastewater treatment work which receives domestic sewage wastes.

Septic Absorption Field: A septic absorption field will be measured from any of its parts to the property line. See Section 345 regarding sewerage disposal for reference.

Setback: The distance from lot lines, buildings, rights-of-way, water bodies or other specified boundaries to the nearest wall or corner of any building.

Sludge: The solid, semi-solid, or liquid waste generated from a waste processing facility, but does not include the liquid stream of effluent.

Social Institution: Includes public or private meeting hall, or place of assembly, not operated primarily for profit.

Solar Energy System, Large: 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.

Solar Energy System, Small: Any solar energy system that has 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 use located on site.
b. Has a total ground surface area no greater than 4,000 square feet.

Solar Energy System: Also known as a "solar collector system." A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation or transfer of stored heat.

Solid Waste: Any garbage, refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded materials including solid, liquid, semi-solid, or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, and from community activities, excluding manure.

Special Use: A use as designated in Section 240 of this law which must be reviewed and approved by the planning board prior to the enforcement officer issuing a land use permit.

Storage Units: Storage units are described as sheds, portable containers and/or garages to shelter objects, seasonal vehicles, personal belongings or consumable products.

Structure: Anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground.

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

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

Vehicle and Engine Service and Repair: A building, or portion of a building, arranged, intended, or designed to be used for making repairs to motor vehicles, engines or equipment.

Water Body: Any lake, pond, wetland, or streambed.

Watercourse: A visible path through which surface water travels on a regular basis. Drainage areas which contain water only during and immediately after a rainstorm shall not be considered a watercourse.

Wetland: An area(s) of marshes or swamps which have been designated as such by the New York State Department of Environmental Conservation or another agency having jurisdiction. Marshes and swamps that have not been classified by an agency as wetland shall not be treated as a wetland.

Wholesale Business: A commercial facility characterized by the sale of merchandise to retail, manufacturing, institutional, or other wholesale establishment in bulk, including on premise storage and distribution facilities.

Wind Energy Facility: An electrical generating facility consisting of one or more wind turbines under common ownership or operating control that includes substations, MET towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.

Wind Turbine: A machine that converts wind's kinetic energy into electricity.

ARTICLE 2. DISTRICT REGULATIONS

Section 210. Districts

The town shall be divided into the following land use districts, which are shown on the attached map and schedule which are included in this law by reference.

A District
B District
C District
D District
F District
W Overlay District-Water Supply Protection Overlay District (see Section 360)
MW Overlay District – Municipal Water Overlay District (see Section 365)

Section 220. District Map Interpretation

Where district boundaries on the district map parallel roads, the location of the boundaries shall be interpreted as follows:

1. The "A" district boundary is located 500 feet from the north side of the centerline of Gomer Hill Road, and 500 feet from each side of Carpenter Road.
2. The "B" district boundary is located 1000 feet from the east side of the centerline of NYS Route 26.
3. The "C" district boundary is located 1000 feet from each side of the centerline of NYS Route 12, NYS Route 26, and County Route 36 – Burdicks Crossing Road. The "C" district also includes the Hamlet of Glenfield
4. The "D" district boundary is located 500 feet from the north side of the centerline of Tabolt Road, and 500 feet from the east side of the centerline of Ward and Brenon Roads.
5. The "F" district boundary is located in the area between 500 feet from the south side of Carpenter Road, 500 feet from the north side of Gommer Hill Rd, and 500 feet from the east side of Ward Road and Brennon Road.
5. The "W" overlay district boundary surrounds the land which is tributary to a 1,500-foot radial zone around the Village of Turin's public water supply wells. Where the bounds of the Water Supply Protection Overlay District, as delineated on the zoning map are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question or their official designee to show that the boundaries differ from those that are indicated.
6. The "MW" overlay district includes parcels serviced by The Town of Turin Water District #1 and The Town of Turin Water District #2.

Section 230. Divided Lots

Where a district boundary divides a lot at the time such boundary is adopted, the requirements of the least restrictive portion of such lot shall extend 100 feet into the more restrictive portion of the lot, provided the lot has frontage on a road in the less restricted district.

Section 240. Land Use Permit Requirements

All uses and structures shall require permits and reviews as indicated on the following chart:

P	=	Land use permit required.
S	=	Land use permit required following special use review by the planning board.
NONE	=	Allowed without land use permit being required.
--	=	Not allowed in this district.

Any land use not listed below is presumed as not allowed in all districts.

LAND USE	A District	B District	C District	D District	F District
Accessory Apartment	P	P	P	P	--
Accessory Structures	P	P	P	P	P
Agricultural Structure	P	P	P	P	P
Battery Energy Storage System, Large	--	--	--	--	--
Battery Energy Storage System, Small	P	P	P	P	P
Bed and Breakfast	S	S	S	S	--
Campground	S	S	S	S	S
Cemetery	S	S	S	S	S
Commercial and Processing Use	--	S	S	--	--
Commercial Recreation	S	S	S	S	S
Commercial Establishment	S	S	S	--	--
Compressed Air Energy Storage System	--	--	--	--	--
Data Center	--	--	--	--	--
Dwelling, Multi-Family	S	S	S	--	--
Dwelling, Single-Family	P	P	P	P	P
Dwelling, Two-Family	P	P	P	--	--
Educational Facility	S	S	P	--	--
Essential Facilities	S	S	S	S	S
Food Service, Bar, Nightclub	S	S	S	--	--
Fuel Distribution Operation	--	S	S	--	--
Gravel Pit	P	--	P	P	P
Home Occupation	NONE	NONE	NONE	NONE	S
Hotel/Motel/Lodge/Inn	--	S	S	--	--
Junkyard	S	--	S	--	--
Manufacturing	--	--	S	--	--
Manufactured Home Park	--	S	S	--	--
Public and Semi-Public Facility	--	S	P	--	--
Religious Facility	S	S	S	S	--
Social Institution	--	S	P	--	--
Solar Energy Facility, Small	P	P	P	P	P
Solar Energy Facility, Large	--	--	--	S	S
Telecommunication Tower	S	S	S	S	S
Vehicle and Engine Service and Repair	--	S	S	--	--
Wholesale Business	--	--	S	--	--
Wind Energy Facility	S	--	--	S	S

Section 250. Lot Frontage and Setback

All principal and accessory uses and structures, other than signs, shall meet the following lot frontage and setback requirements for the district in which it is situated:

	A District	B District	C District	D District	F District
Lot frontage minimum	300'	200'	200'	600', or 400' with a 15-acre minimum lot size	600', or 400' with a 15-acre minimum lot size
Setback minimums:					
from centerline of state highways	75'	75'	75'	--	--
from centerline of other roads	60'	60'	60'	60'	60'
from side and rear lot lines	50'	25'	25'	50'	50'
from well to septic absorption field	100'	100'	100'	100'	100'
from well or septic absorption field to any lot line	50'	50'	50'	50'	50'

Section 260. Seasonal Use Classification

1. Purpose: The purpose of this regulation is to provide for the reasonable use of recreational, agricultural and forestry properties which are accessed solely by minimum maintenance roads. This regulation allows for the reasonable use of such lands for seasonal uses without the prohibitively expensive public cost of providing for wheeled vehicular access through the snow-plowing and the winter maintenance of minimum maintenance roads.

2. As part of an application for a zoning permit, an application for seasonal use classification must be made for any use which intends to have its principal access from a minimum maintenance road. Seasonal use classification shall be applied as a use classification in addition to the use classifications of Section 240 of this law.

3. For a use to be established with its principal access on a minimum maintenance road, it must, in addition to the allowed use requirement of Section 240 of this law, also be classified as a seasonal use, as defined by this law, which is a use which will not have access to a snow-plowed or winter maintained public road or be provided with vehicular public services such as, but not limited to, emergency services, school busing or postal delivery during the winter snow season.

4. Where a use has access to both a minimum maintenance road and to a non-minimum maintenance road, such use shall have its principal access from the non-minimum maintenance road unless classified as a seasonal use.

ARTICLE 3. GENERAL REGULATIONS

Section 305. Signs

1. No sign shall utilize flashing, strobing (rapid on/off display of message(s)), or pulsating lights, and any Electronic Message Centers (EMC) shall not transition more frequently than once every eight (8) seconds.

2. No sign shall be higher than the principal building to which it is accessory except when erected on the roof of the building.

3. Advertising signs unrelated to the premises or not serving as a directional sign within five miles of the premises are not permitted.

4. All existing signs at the time this regulation is adopted shall be allowed to remain as long as they are properly maintained and their use remains current.

5. No sign shall project into public right-of-way.

6. One on-site sign is permitted, not to exceed 32 square feet per side.

7. Off-site directional signs are permitted, located within five miles of the use to which directions are indicated, not to exceed 32 square feet per side.

8. Any Electronic Message Center (EMC) signs shall be equipped with a photocell automatic dimmer that reduces the nighttime brightness to a level no greater than .3 footcandles above ambient lighting.

Section 310. Parking

All uses shall provide adequate off-road parking for all vehicles parked during typical peak use periods. Parking should be designed to eliminate the need to back out onto the public road. Specific minimum standards supplementary to the basic standard cited above are as follows:

1. One parking space for every three seats in a public meeting place.
2. One parking space for every employee at places of employment.
3. One parking space per 250 square feet in a commercial establishment.

Section 315. Basic Performance Standards

No use in any district shall cause unreasonable nuisance adversely affecting adjacent property. This means objectionable noise, smoke, dust, air or water pollution, or any other nuisance must be restrained within property lines.

Section 320. Height of Structures

No structure shall exceed 40 feet in height except agricultural structures, chimneys, communication towers, television and radio masts and antennas, water tanks, spires, and wind towers. Structures exceeding 40 feet in height shall be allowed only upon approval of a special use review, and shall not be approved until the applicant has demonstrated the following:

1. there is a demonstrated public need for the proposed use, and that this need can not be met by any means other than by exceeding the general height limitations of this law;
2. the height of the structure is the minimum necessary to accomplish its intended purpose;
3. all practical means have been used to minimize any negative aesthetic impacts identified by the planning board;
4. the structure does not significantly impair solar or wind access to other structures or solar or wind energy systems equipment.

Section 325. *Solid Waste Disposal*

No junk, garbage, or refuse is permitted to be stored unenclosed in any district except where specifically authorized by this law. Solid waste shall either be disposed of on site by burial or be transported to a solid waste facility.

Section 330. Recreational Camping Vehicles

Recreational camping vehicles shall not be occupied on an overnight basis except in the following circumstances:

1. When located in a campground which has been approved pursuant to Section 415 of this law; or
2. When located on the site of an existing single-family dwelling as an accessory use of the dwelling, with the consent of the owner, and is not occupied for more than 14 consecutive days.

Nothing in this section shall be interpreted to prevent a recreational camping vehicle from being parked unoccupied on the premises of an existing single-family dwelling for storage purposes only.

Section 335. Streams, Lakes, Ponds and Wetlands

The following regulations apply to all land within 100 feet of these bodies:

1. **Prohibited activities:** Dumping of waste materials, junk, refuse or anything that would alter the quality of the water, or the character of the area. Construction of any principal or accessory use.
2. **Activities requiring special use approval:** Any alteration of the water body, such as impoundment, diversion or excavation. Alteration of any existing building.

Section 340. Flood Hazard Areas

These areas are shown on the Flood Insurance Rate Map for the Town of Turin published by the Federal Emergency Management Agency. All activity in such areas shall conform to regulations of the local law entitled "Flood Damage Prevention," Local Law No. 2 of 1994, adopted on July 29, 1994, as it may be subsequently amended.

Section 345. Sewage Disposal

On-site sewage disposal systems shall comply with the specifications and standards set forth in Title 10 NYCRR Part 75, Appendix 75-A, entitled *Standards for Individual Sewage Disposal Systems*, and with any additional provisions as provided for by this law.

Section 350. Dwellings per Lot

There shall be no more than one dwelling on a single lot except for the placement of a temporary residence complying with the provisions of Section 1020 of this law, or upon special use approval. Such special use approval may be granted 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 the resulting dwellings will have setbacks in accordance with this law, the resulting lots will have dimensions in accordance with this law, and all sewage disposal and wastewater systems will be in accordance with the NYS Sanitary Code. The provisions of this section shall not apply to manufactured home parks approved pursuant to Article 7.

Section 355. Unapproved Lots

No land use permit or certificate of compliance shall be issued for any use or structure on any lot which has been filed in the office of the county clerk after January 1, 1999, unless such lot is included in a plat which has been approved by the planning board and filed with the office of the county clerk, or was exempt from said law at the time of filing.

Section 360. Water Supply Protection Overlay District

1. **Purpose:** The purpose and intent of establishing the Water Supply Protection Overlay District is to assist in the preservation of public health, general welfare, and safety of the residents of the town and to facilitate the adequate provision of water through the elimination or prevention of groundwater contamination in the vicinity of wells which supply public drinking water.

2. **Scope and Applicability:** The Water Supply Protection Overlay District shall be considered as overlaying other existing districts as shown on the zoning map. Any uses not permitted in the underlying district shall not be permitted in the Water Supply Protection Overlay District. Any uses permitted in the underlying district shall be permitted in the Water Supply Protection Overlay District, except where the Water Supply Protection Overlay District prohibits or imposes greater or additional restrictions and requirements. In any cases where conflicts arise between these requirements and any other existing regulations, the more restrictive regulations shall apply.

3. **Prohibited Uses:** All uses currently permitted in the underlying district as indicated in Section 240 of this law are permitted in the Water Supply Protection Overlay District with the exception of the following uses, which are prohibited:
    a. Establishment and/or operation of any solid waste management facility or hazardous waste treatment, storage, or disposal facility, including but not limited to: solid waste storage area or facility; transfer station; rail-haul or barge-haul facility; raw waste landfill; sanitary landfill; solid waste landfill; ash landfill; construction and demolition debris landfill; disposal facility; solid waste incinerator; refuse-derived fuel processing facility; pyrolysis facility; construction and debris processing facility; land application facility (including septage sludge spreading); commercial composting facility; surface impoundment; used oil storage, reprocessing, and refining facility; recyclables handling and recovery facility; waste tire storage facility; junkyard; salvage yard; impoundment yard; dump; radiological waste facility; pathological or medical waste facility; or hazardous waste treatment, storage, or disposal facility.
    b. Construction and operation of a disposal system, pint source, or outlet designed to discharge industrial wastes and other wastes except sewage into the land, a watercourse, or a wetland without all required state and federal permits.
    c. Construction of new sewage treatment systems (including individual household septic systems) within 100 feet of the mean high-water mark of a watercourse or wetland unless it precludes the continuation of an existing business or residence.
    d. Construction of new petroleum or hazardous substance storage tanks requiring state registration within 100 feet of the mean high-water mark of a watercourse or wetland unless it precludes the continuation of an existing business or residence.
    e. Construction of municipal/industrial sewage treatment facilities with disposal of primary or secondary effluent.
    f. Dumping of snow removed from streets, roads, and parking areas within 100 feet of any watercourse or wetland.
    g. Outdoor, uncovered stockpiling or bulk storage of unlicensed vehicles, salvage metals, coal, deicing compounds, chemicals, pesticides, and/or fertilizers.
    h. Extraction or removal of materials from the ground which is not subject to the New York State Mineral Resources Law, except for the purpose of on-site construction.
    i. Storage for use of hazardous substances or wastes without all required state or federal permits.
    j. Commercial use, storage, or application of pesticides unless authorization by the New York State Department of Environmental Conservation.
    k. Large battery energy storage systems.
    l. Compressed air energy storage systems
    m. Large solar energy facilities
    n. Wind energy facilities
    o. Data centers

Section 365. Municipal Water Overlay District

1. **Purpose:** The purpose and intent of establishing the Municipal Water Overlay District is to assist in the preservation of public health, general welfare, and safety of the residents of the town and to facilitate development that will utilize water service.

2. **Scope and Applicability:** The Municipal Water Supply Overlay District shall be considered as overlaying other existing districts as shown on the zoning map. Any uses not permitted in the underlying district shall not be permitted in the Municipal Water Overlay District. Any uses permitted in the underlying district shall be permitted in the Municipal Water Overlay District, except where the Municipal Water Overlay District prohibits or imposes greater or additional restrictions and requirements. In any cases where conflicts arise between these requirements and any other existing regulations, the more restrictive regulations shall apply.

3. **Prohibited Uses:** All uses currently permitted in the underlying district as indicated in Section 240 of this law are permitted in the Municipal Water Overlay District with the exception of the following uses, which are prohibited:
    a. Extraction or removal of materials from the ground which is not subject to the New York State Mineral Resources Law, except for the purpose of on-site construction.
    b. Large battery energy storage systems.
    c. Compressed air energy storage systems
    d. Large solar energy facilities
    e. Wind energy facilities
    f. Data centers

Section 370. Accessory Apartments

1. No more than one accessory apartment shall be allowed for each dwelling unit.
2. Each accessory apartment shall be a maximum of 600 square feet.
3. Lot size and dimensions shall conform to the district in which the dwelling is situated.

ARTICLE 4. STANDARDS FOR SPECIFIC SPECIAL USES

Section 405. Vehicle and Engine Service and Repair

1. Minimum lot frontage -- 250 feet.
2. Minimum lot area -- one acre.
3. Minimum distance between pump islands and any public right-of-way -- 20 feet.
4. No exterior storage of dismantled or inoperative vehicles, vehicle parts or salvage materials shall be allowed.

Section 410. Manufactured Home Parks

Manufactured home parks shall comply with the requirements of Article 7 of this law.

Section 415. Campgrounds

Special Use Permit Required: Campgrounds may be established only upon approval of a special use permit. Every three years after initial approval years the owner or operator must submit a Special Use Recertification Application to the Town Clerk for review and approval in accordance with the requirements outlined in Section 1170 of this law. Approval of the recertification shall require demonstration that:
a: the campground is operating in compliance with all applicable standards and regulations; and

b: the continued operation of the campground at the approved location is consistent with the health, safety, and welfare of the community.
The Town reserves the right to inspect the campground at reasonable times and revoke or suspend the special use permit if the operator fails to comply with the conditions of approval or any applicable law.
If recertification is not approved, the campground shall cease operation or take corrective action as directed by the Town. The Town shall have authority to enforce this provision.

Campgrounds shall meet the following design and operation standards:

1. The location of campsites and other features shall comply with the setback requirements of the underlying district.
2. Campsites shall have a minimum size of 1,500 square feet.
3. Internal roads shall be privately owned and maintained and shall provide for the safe and convenient movement of vehicles.
4. All internal roads shall be designed, graded, and leveled with a durable surface of either blacktop, gravel, or concrete, so as to license the safe passage of emergency and other vehicles at a speed of 15 miles per hour.
5. One-way internal roads shall be a minimum of 10 feet in width. Two-way internal roads shall be a minimum of 20 feet in width.
6. No mobile or manufactured homes shall be sited within campgrounds.
7. No accessory structures or storage units shall be sited within campgrounds.
8. Recreational camping vehicles in campgrounds shall not be altered with porches or other additions.
9. No snowmobile trailers shall be stored in campgrounds between May 1 and November 1.
10. Recreational camping vehicles in campgrounds shall be occupied no more than 90 days per calendar year.
11. Any violation of this section shall be corrected within six months of issuance of an order by the Enforcement Officer.

Section 420. Home Occupations

Home occupations shall not cause noise or other disturbance which is a nuisance to neighboring properties. Home occupations shall not detract from the property's primary use as a dwelling.

Section; 425. Junkyards

All junkyards shall comply with the provisions of the County of Lewis Junkyard Law, otherwise known as Lewis County Local Law No. 5 of 1987, as amended. A Lewis County Junkyard License shall be required, issued by the County of Lewis prior to the issuance of a final permit approval pursuant to this law. Final permit approval pursuant to this law shall be contingent upon the junkyard being located in compliance with Section 240 of this law. Nothing in this law shall be construed so as to preempt the enforcement of the County of Lewis Junkyard Law by the County of Lewis in the Town of Turin.

Section 430. Gravel Pits

No person shall mine more than 1,000 tons of material from the earth within one calendar year without applying for a permit from the Department of Environmental Conservation, as required by Title 27 of Article 23 of the Environmental Conservation Law. Access drives within 200 feet of the public road shall be treated to prevent dust. Restored slopes shall have a ratio of 2:1 seeded on completion. Drainage facilities shall minimize erosion and stagnant ponds.

Section 435. Telecommunications Towers

1. **Special Use Permit Required:** Telecommunications towers shall be sited only upon approval of a special use permit. Every three years following the initial approval, the owner/operator shall submit a Special Use Permit Recertification Application to the Town Clerk for review and approval under the conditions outlined in Section 1170 of this law. Approval of the recertification shall require demonstration of the following:

a. The facility is actively being used as a transmission facility; and
b. The tower is necessary to provide service coverage or network functionality at the approved location.
If the recertification application is not approved, the tower shall be removed from the premises in accordance with a removal plan approved by the Town. The Town shall have authority to enforce this provision

2. **Shared Use:** Shared use of exiting towers shall be preferred to the construction of new towers. Where such shared use is unavailable, location of antennae on pre-existing structures shall be sought. An applicant shall be required to present an adequate report inventorying existing towers within a reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities and use of other pre-existing structures as an alternative to new construction. An applicant proposing to share use of an existing tower shall be required to document intent from an existing tower owner to share use. In the case of new towers, the applicant shall be required to submit a report demonstrating good faith efforts to secure shared use from existing towers and to secure location of antennae on pre-existing structures, as well as documenting capacity for future shared use of the proposed tower. Written requests and responses for shared use shall be provided.

3. **Setbacks:** Towers and antennae shall be setback from all lot lines a distance equal to the height of the tower plus 25 feet. Additional setbacks may be required to contain ice-fall or debris from tower failure on-site, and/or to preserve privacy of adjoining residential and public property. Setbacks shall apply to all tower parts, including guy wire anchors and accessory facilities.

4. **General Aesthetics:** All towers and accessory facilities shall be sited to have the least practical adverse visual effect on the environment. Accessory structures shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.

5. **Lighting:** Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA). Towers shall be a galvanized finish or painted gray above the surrounding tree line and painted gray, green or black below the surrounding tree line unless other standards are required by the FAA. Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements.

6. **Tower Design:** Whenever feasible, tower construction shall be of a "monopole" design. All towers shall be fitted with anti-climb devices. Towers shall be designed to provide colocation by at least three providers, or designed so that they can be retrofitted to accommodate at least three providers unless such colocation is not feasible as demonstrated by competent engineering or technical proof.

7. **Signs:** Signs shall not be permitted on towers except for signs displaying owner contact information and safety instructions. Such signs shall not exceed five square feet in surface area.

8. **Vegetation:** Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four inches in diameter (measured at a height of four feet off the ground) shall take place. Clearcutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited.

9. **Screening:** Deciduous or non-deciduous tree plantings may be required to screen portions of the tower from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public property, including roads, the following vegetative screening shall be required. For all towers, at least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least ten feet in height within two years of planting shall be provided to effectively screen the tower base and accessory structures. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival. Plant height in these cases shall include the height of any berm.

10. **Fencing:** The base of any tower and anchors on guyed towers shall be surrounded by an opaque security fence eight feet in height. Such fence shall enclose the base of the tower as well as any and all accessory equipment and structures.

11. **Access and Parking:** A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall be consistent with standards for private roads and shall at all times minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than ten feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential. Public road standards may be waived in meeting the objectives of this section.

12. **Decommissioning:** To ensure the proper removal of a Telecommunication Tower 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 telecommunication tower can no longer be used, it shall be removed and disposed of off-site 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 towers, accessory structures, 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. Any contaminated soil must be disposed of properly at an off-site landfill. Any removed soil must be replaced by NYSDOT approved topsoil imported from off-site. 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 qualified New York State Licensed Engineer. Removal of Telecommunication Towers must be completed in accordance with the Decommissioning Plan.

13. **Financial Security for Decommissioning:** The owner/operator shall be required to provide financial sureties, as set forth, for the removal of a Telecommunications Tower. 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 125% of the cost of removal of the telecommunication tower 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 third year thereafter. Updated amount figures will be filed with the Town Board. The bond shall apply to the company in operation of the facility at the time of decommissioning. The bond or security shall be in a form acceptable to the Town Attorney or Super Majority of Town Board members if the Town Attorney is unavailable. Acceptable forms of security include, but are not limited to, an escrow account, a letter of credit, perpetual bond, or any combination thereof.

14. **Annual Inspection:** Towers shall be inspected annually on behalf of the tower owner/operator by a New York State licensed professional engineer for structural integrity and continued compliance with these regulations. A copy of such inspection report, including findings and conclusions, shall be submitted to the enforcement officer no later than December 31 of each calendar year.

15. **Annual Radiation Emission Certification:** The owner/operator shall submit certification on an annual basis, signed by a New York State licensed professional engineer, verifying that such facility is in compliance with all applicable federal, state and local radio frequency radiation emission standards. Such annual certification shall be delivered to the enforcement officer during the month of December of each calendar year. This requirement shall be considered an implied condition to any site plan, special use permit and/or use variance granted for the facility.

16. **Maintenance:** All facilities shall be maintained in good order and repair. Routine maintenance and repair shall be conducted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, except for emergency repairs which may be undertaken at any time.

Section 440. Cemeteries

Cemeteries shall be subject to special use reviewed by the planning board prior to issuance of a land use permit. Such permit may be issued where the town board has sufficient evidence that: 1) the road access is adequate for the proposed level of use; 2) adequate and appropriate funds for the perpetual maintenance of the cemetery are provided; and 3) there is a sufficient area at the site to operate the proposed cemetery.

Section 445. Wind Energy Facilities

Special Use Permit Required: Wind Energy Facilities shall be sited only upon approval of a special use permit. Every three years following initial approval, the owner or operator shall submit a Special Use Recertification Application to the Town Clerk for review and approval under the conditions outlined in Section 1170 of this law. Approval of the recertification shall require demonstration that:
a: The facility is operating in compliance with all applicable standards and regulations; and
b: The continued operation of the facility at the approved location is necessary for energy production and is consistent with the health, safety, and welfare of the community.
If the recertification application is not approved, the facility shall be decommissioned or brought into compliance as directed by the Town. The Town shall have authority to enforce this provision.

1. Setbacks:
    a. Setback from all adjacent landowner lot lines shall be two times the height from the ground to the tip of the blade at its most extended position.
    b. Setback from any existing residential structures, not owned by participants in a wind energy project, shall be three times the combined height of the tower and rotor blade length.

2. Information to be submitted:
    a. Standard drawings of the wind turbine structure, including the tower, base and footings, drawings of access roads, and including an engineering analysis and certification of the tower, showing compliance with the applicable building code.
    b. Data pertaining to the tower's safety and stability, including safety results from test facilities.

3. Safety:
    a. Wind energy facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
    b. Wind turbine towers shall not be climbable up to 15 feet above ground level.
    c. Any wind energy system found to be unsafe by the local enforcement officer shall be repaired by the owner to meet federal, state and local safety standards or removed within six months. If any wind energy system is not operated for a continuous period for 12 months, the town of Turin will notify the landowner by registered mail and provide 45 days to respond. In such a response, the landowner shall set for the reasons for the operation difficulty and provide a reasonable timetable for corrective action. If the town deems the timetable for corrective action as unreasonable, they must notify the landowner and such landowner shall remove the turbine within 120 days of receipt of notice from the town.

4. Nuisance:
    a. Audible noise due to wind energy facility operations shall not exceed 50 dBA for any period of time, when measured at any residence, school, hospital, church or public library existing on the date of approval of the wind energy facility.

b. The applicant shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any wind energy facility.

5. Environmental and Visual:
   a. Wind turbines shall not be used for displaying any advertising except for reasonable identification or the manufacturer or operator of the wind energy facility.
   b. Wind turbines shall be painted a non-reflective, non-obtrusive color.

6. Wind Data Gathering Tower: All wind data gathering towers shall be located at least 50 feet plus the height of the structure from road right of way, and side and rear lot lines. A public hearing is required as part of the special use review.

7. Interference Communications: It is the responsibility of the owner of the wind energy facility/wind test towers to avoid placement of the wind turbine at any location that may interfere with any form of communication, but not limited to television, radio, microwave, and telecommunication. If interference results from the placement of any related structure, it is the responsibility of the aforementioned owners to resolve this interference at their own expense.

8. Wind Turbine Noise: Unless manufacturer data is provided that demonstrates sound levels produced by WECS are anticipated not to exceed 50 dBA at the property line of the site, the applicant shall provide with the application a noise analysis and report by a professional engineer licensed in the State of New York documenting the potential noise levels associated with the proposed WECS. The report shall document noise levels at the site property lines, and occupied structures (receptors) not on the site within 1500 feet of the turbine. The noise analysis shall provide pre-existing ambient noise levels, combined ambient and turbine sound levels, and include low frequency noise.

9. Shadow Flicker: The applicant shall conduct a study on potential shadow flicker. The study shall identify locations where shadow flicker may be caused by the WECS and the expected duration and intensity of the flicker at these locations. For residences, the zone for predicting shadow coverage shall include the area within a 100-foot radius of the center of the residence. The study shall identify areas where shadow flicker may interfere with residences or highways and detail measures that will be taken to mitigate or eliminate such interference.

10. Decommissioning Plan: To ensure the proper removal of a no longer functioning Wind Energy Facility, a Decommissioning Plan shall be submitted as part of the special use permit 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 Wind Energy Facility can no longer be used, it shall be removed and disposed of off-site 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 towers, 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. Any contaminated soil must be disposed of properly at an off-site landfill. Any removed soil must be replaced by soil imported from off-site. 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 qualified New York State Licensed Engineer. Removal of Wind Energy Facility must be completed in accordance with the Decommissioning Plan.

11. Financial Surety: The applicant shall be required to provide financial sureties, as set forth, for the removal of a Wind Energy Facility. 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 facility and remediation of the landscape in the event the Town must remove the facility. The amount of the bond or security shall be 200% of the cost of removal of the Wind Energy 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 third year thereafter. Updated amount figures will be filed with the Town Board. The bond shall apply to the company in operation of the facility at the time of decommissioning. The bond or security shall be in a form acceptable to the Town Attorney, or a Super Majority of Town Board members if the Town Attorney is unavailable. Acceptable forms of security include, but are not limited to, an escrow account, a letter of credit, perpetual bond, or any combination thereof.

12. Host Community Agreement.

While Wind Energy Facilities may benefit the Town, they will also impose costs such as required infrastructure additions or improvements, environmental impacts, needs for new and/or enhanced public safety and emergency service response, aesthetic and quality of life concerns, loss of farmland, erosion of tax base, and other foreseen and unforeseen impacts.

Existing revenue sources are not sufficient to fund and/or offset the detrimental impacts of Wind Energy System development in the Town.

It is both authorized by New York State Statute and desirable for the Town of Turin to provide for a requirement that developers of Wind Energy Systems enter into an agreement with the Town prior to commencement of operation of such facilities to ensure that developers provide for an ongoing level of support, care and maintenance of the facilities during their useful life, pay to the Town a fee as shall be determined by the Town to be necessary to offset the costs and impacts to the Town incident to a facilities development and/or operation, and to address such other matters as are determined by the Planning Board and/or the Town Board to be necessary or advisable conditions to the development of any such facility. This agreement shall also ensure that the benefits of these wind energy resources are available to the entire community, and the Town of Turin may require the applicant to also include such benefits as part of said agreement. Such an agreement is hereinafter referred to as "Host Community Agreement." Prior to the issuance of a land use permit for any Wind Energy System, the operator shall enter into a Host Community Agreement with the Town of Turin.

The Host Community Agreement shall:

a. Contractually obligate the developer to comply with any terms and conditions of any special use permit approved by the Planning Board.

b. Provide for payment by the applicant to the Town of associated impact fees to be used and applied by the Town to pay for and/or to offset the costs and impacts incurred by and/or arising from the development and/or operation of the wind energy system. In order to ensure that the benefits of the project's wind energy resources are available to the entire community, this agreement shall also make funds available for non-profit and community development projects at the discretion of the Town Board and provide for such other contractual requirements as may be necessary given the specific elements of a particular project and in the event that the operator and/or owner shall enter into an agreement with the Lewis County Industrial Development Agency ("LCIDA") to provide for an abatement in real property taxes or other tax exemption or abatement, be cross-defaulted with the agreement between the operator and/or owner and the Lewis County Industrial Development Agency.

13. Abandonment and Removal:

Wind Energy Facilities are considered abandoned when the 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 Wind Energy Facility ceases to perform its originally intended function for more than twelve (12) consecutive months, the project sponsor/property owner shall remove the system, mount and associated equipment and facilities, by no later than ninety (90) days after the end of the twelve (12) month period. Failure to comply with this section will result in enforcement action detailed in Section 1210 of this law. If the Wind Energy Facility is not decommissioned after being considered abandoned, the Town may remove the system, restore the property and impose a lien on the property to cover costs to the municipality to the extent not covered by any surety/bond required.

14. Engineering Fees: All engineering fees associated with the proposed project are assumed to be the applicant/project sponsor's responsibility and the town will not be liable for such expense.

Section 450. Small Battery Energy Storage Systems

A land use permit issued by the Enforcement Officer shall be required for the installation of all small battery energy storage systems. Small battery energy storage systems shall maintain a 100-foot minimum setback from any existing residential structure and shall be screened from view of the public roadway.

Section 455. Large Battery Energy Storage Systems

Large battery energy storage systems are prohibited in all districts due to the health, safety and environmental risks they present which are heightened by the risk of operational fires.

Section 460. Compressed Air Energy Storage Systems

Compressed air energy storage systems are prohibited in all districts due to the health, safety and environmental risks they present.

Section 465. Data Centers

1. Prohibition. Data centers shall be prohibited in all zoning districts within the Town of Turin.
a. Any proposed or existing use that falls within this definition shall be deemed non-conforming and subject to the provisions of Subsection 3 below.
2. Rationale. The Town finds that Data Centers:
a. Impose substantial and ongoing demands on electrical infrastructure, water supplies, emergency services, and transportation networks;
b. Generate noise, heat, and visual impacts that are incompatible with the Town's rural character and scenic resources;
c. Undermine long-term land use objectives aimed at preserving agricultural viability, open space, and low-density residential development.
3. Treatment of Existing Non-Conforming Data Centers.
a. Any Data Center legally established prior to the effective date of this provision shall be classified as a non-conforming use.
b. Non-conforming Data Centers may continue operations but shall not be:
i. Enlarged or structurally altered beyond routine maintenance,
ii. Reconstructed if destroyed more than 50% (by value), or
iii. Transferred to a new owner if the operation ceases for a period exceeding six months.
These provisions are consistent with New York State standards for non-conforming uses.

4. Authority. In adopting this prohibition, the Town exercises its zoning authority granted by New York State Town Law Article 16 (Sections 261–275), under the police power to promote the health, safety, welfare, and rural character of the community. Further grounded in Home Rule authority as provided by Article IX of the NYS Constitution and enabling statutes (Town Law, Village Law, and General City Law).
5. Enforcement and Remedies. Violations of this section constitute a violation of the Town zoning law and shall be subject to enforcement sanctions under Section 268 of Town Law and Section1210 of this zoning code, including permits revocation, fines, and injunction

ARTICLE 5. PLANNED DEVELOPMENT DISTRICTS

Section 510. General

Planned Development districts may be established in the town and designated at specific locations on the Land Use District Map with "PD" designation through a map amendment following local law amendment procedures.

Section 520. Purpose

The purpose of establishing such districts is to allow for large-scale unified development of recreational, residential, and commercial mixed uses that would not be permitted under other district regulations. It is the intent of this Planned Development district to provide flexible land use and design regulations so that areas may be developed within the town that incorporate a variety of residential and non-residential uses, and contain both individual building sites and common property which are planned and developed as a unit. This article encourages innovations in development so that the growing demands for recreational, commercial, and residential needs may be met by 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 non-residential uses to be considered for Planned Development district status. While the standard districting function is appropriate for the regulation of land use in some areas, these controls represent a type of regulatory strictness which may be inappropriate to the innovative techniques of land development contained in the Planned Development district concept. A rigid set of space requirements along with use specifications would frustrate the application of this concept. Thus, where PD techniques are deemed appropriate through the redesignation of land to a Planned Development district by the town board, the use and dimensional specifications found elsewhere in this law are herein replaced by the general requirements below.

Section 530. General Requirements

Following is a list of the requirements that a proposal must meet to be considered for PD status:

1. **Minimum area:** The district must comprise at least five acres of contiguous land.
2. **Ownership:** The tract of land 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.
3. **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.
4. **Permitted Uses:** Following are descriptions of residential and non-residential uses permitted in the PD district. These uses may be mixed, separated, or the development may accommodate only one type of use (i.e., residential or non-residential). Residences may be of any variety of types including single family dwellings, two family dwellings and multiple dwellings. Non-residential uses shall include small retail business operations, community centers, public and semi-public facilities, outdoor recreation, restaurants, home occupations, accessory uses/structures. All such uses shall

be in keeping with the residential character of the adjacent areas. No industrial uses shall be permitted.

5. **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 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 540. Planned Development District Procedure

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

1. Application for establishment of a PD district shall be made to the town board along with the appropriate filing fee. The town board shall forward the application to the planning board within seven days of receipt.
2. The application shall contain all requirements necessary for a special use approval. The planning board shall review the application for sufficiency.
3. Within 45 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:
    a. The uses proposed will not be detrimental to present and potential surrounding uses.
    b. Land surrounding the proposed development is compatible in use and can be planned in coordination with the proposed development.
    c. The proposed change is in conformance with the general intent of the comprehensive plan for the community.
    d. Existing and proposed roads are suitable and adequate to carry anticipated traffic within and around the proposed development.
    e. Existing and proposed utility services are adequate for the proposed development.

f. 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.

4. Within 45 days of the planning board report, the town board shall hold a public hearing on the proposal to redistrict.
5. Within 45 days of the public hearing, the town board shall take action to approve, approve with conditions, or disapprove the redistricting proposal.
6. If the town board takes action to approve the proposed redistricting, and after the appropriate PD district has been placed on the Land Use District map and filed in the town clerk's office, the applicant must within six months submit application for a special use approval to the planning board.
7. If such an amendment is enacted, the permitted development must be confined to the specific designated area and adhere to the approved development plan and program. Anything different from this constitutes a violation of this law.
8. In order to exceed any of the above time frames for adoption of a PD district there must be agreement by both the applicant and the town board.

ARTICLE 6. FINANCIAL GUARANTEES FOR PUBLIC IMPROVEMENTS

Section 610. Required Public Improvements

1. All public improvements required pursuant to the approval of subdivision plats or special use approvals shall be constructed and completed to the standards required by state and local laws, rules, and regulations prior to final approval of a subdivision plat or special use.

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

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

4. At least five days prior to commencing construction of required public improvements the applicant shall pay to the town clerk 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 620. Required Financial Security

Applicants for subdivision plot or 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 subdivision plat or special use approvals. Acceptable financial security shall be provided to the Town in one of the following ways:

1. The applicant shall furnish a bond executed by a surety company in an amount equal to the cost of construction of the public improvements required by the planning board pursuant to this law.
2. The applicant shall present to the town clerk a certified check in an amount equal to the cost of construction of the public improvements required by the planning board pursuant to this law.
3. The applicant shall present to the town clerk 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 630. Review of Proposed Financial Security

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

Section 640. 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 town clerk, the Town and the applicant shall enter into a written agreement itemizing the required public improvements, establishing a schedule for the construction and installation of such improvement, and itemizing the cost of construction and installation for each improvement. Whenever feasible, costs shall be organized by logical phases of work completion in order to facilitate the partial release of funds held as a financial guarantee by the municipality to the applicant as work is satisfactorily completed.

Section 650. 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 town clerk, 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 town clerk will then direct in writing to the surety company of financial institution having custody of the guarantee funds to release the approved amount of those funds to the applicant.

Section 660. 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 670. Required Maintenance Guarantee

Upon acceptance of the required public improvements, a maintenance guarantee shall be established. All such guarantees shall be for 10% of the financial guarantee originally required of the applicant. The applicant may provide a maintenance guarantee by one of the methods provided for in Section 620 above, but no maintenance bond shall be for less than $5,000 (face value). All maintenance guarantees required by this article shall commence immediately upon acceptance of the required public improvements by the municipality and shall extend for two years therefrom or for two years from the June first next succeeding the acceptance of the required public improvements, whichever period is longer.

ARTICLE 7. MANUFACTURED HOME PARKS

Section 710. Location and Conditions

Special Use Permit Required: Manufactured Home Parks shall be sited only upon approval of a special use permit. Every three years following the initial approval, the owner or operator shall submit a Special Use Recertification Application to the Town Clerk for review and approval under the conditions outlined in Section 1170 of this law. Approval of the recertification shall require demonstration that:
a: The park is operation in compliance with all applicable standards and regulations; and
b: The continued operation of the park at the approved location is consistent with the health, safety, and welfare of the community.

If the recertification application is not approved, the manufactured home park shall cease operation or take corrective action as directed by the Town. The Town shall have authority to enforce the provision.

The site of a proposed manufactured home park:

1. 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-street 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;
2. shall have generally level to gently rolling topography over an area of sufficient size to allow development of the manufactured home park without significant alteration or disturbance of existing natural amenities or features such as stands of mature trees, stream courses, shore lines, wetlands or bedrock outcroppings; and
3. 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.

Section 720. Site Requirements

1. **Manufactured Home Site:** 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. All sites shall be a minimum of 5,000 square feet.

2. **Setbacks and Spacing:**

   a. All mobile/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 mobile/manufactured home shall be considered part of the mobile/manufactured home for the purpose of spacing requirements.
      (1) Minimum of 150 feet from the road line of any public road.
      (2) Minimum of 30 feet from the center line of any roadway internal to the manufactured home park.
      (3) All structures shall be set back a minimum of ten feet from all site lines.

   b. No manufactured home site, internal roadway, parking lot, recreation area or storage facility for fuels, supplies or equipment shall be located within 30 feet of adjoining property external to the manufactured home park.

Section 730. Design Requirements

1. **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 or at least 200 feet from the nearest intersection of public roads, if any, and at least 150 feet from any other entrances to the manufactured home park, if any;
   c. entrances shall have sufficient width to allow reasonable turning movements of vehicles with mobile/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 mobile/manufactured homes;

f. at least two independent entrances and access roads shall be required to serve any manufactured home park having 20 or more mobile/manufactured homes; and

g. access roads connecting manufactured home park interior roads with the public road shall meet town road standards.

2. **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 mobile/manufactured homes attached.

b. All manufactured home sites shall be parallel or be perpendicular to such internal roads.

c. All roads shall be paved with a durable surface of blacktop, gravel, or concrete and shall be designed, graded and leveled as to permit the safe passage of emergency and other vehicles at a speed of 15 miles per hour.

d. Straight, uniform gridiron road patterns should be avoided unless they can be relieved by manufactured home clustering, landscaping and an open space system.

e. Cul-de-sacs shall be provided in lieu of closed end roads with a turnaround having an outside roadway character of at least 90 feet.

f. All internal roads shall have a minimum 30-foot right-of-way, 16 feet of which must be paved.

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

4. **Walkways:** A four-foot-wide hard surfaced pedestrian walkway shall be provided along and at least five feet from each access road between the entrance to the public highway and either a) the first mobile/manufactured home unit or b) such location within the manufactured home park as may be required by the planning board to assure pedestrian safety.

5. **Water Supply and Sewage Disposal Systems:** Shall be designed and constructed in compliance with all New York State Health Department and Environmental Conservation Department requirements and approvals. Proof of such compliance must be submitted prior to final approval.

6. **Garbage and Refuse:** All receptacles, including cans and dumpsters, 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.

7. **Fuel Supply and Storage:**

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

b. Specific Requirements:

(1) All fuel oil tanks shall be placed at rear of mobile/manufactured home and not located less than five feet from any exit.
(2) It is recommended that a central fuel supply system be provided.
(3) Supports or standards for fuel storage tanks are to be of a non-combustible material.

c. Liquefied Gas:
(1) Such system shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
(2) Systems shall have at least one accessible means for shutting off gas. This means shall be located outside of individual manufactured homes.
(3) All liquid propane gas piping shall be well supported and protected against mechanical injury.
(4) Storage tanks shall not be less than 100 pounds and must be located at rear of manufactured homes and no closer than five feet from any exit.

8. **Park Management Contact:** The owner or operator of a manufactured home park shall designate a responsible manager, owner, or agent who may be contacted regarding the operation and maintenance of the park. Current contact information, including a telephone number and mailing address, shall be provided to the Town and to all tenants and shall be updated within thirty (30) days of any change.

a. Failure to provide or update the required park management contact information within thirty (30) days shall constitute a violation of this Local Law. Upon determining that a violation exists, the Town's Code Enforcement Officer shall issue a written Notice of Violation to the owner or operator of the manufactured home park. If the violation is not corrected within ten (10) days of the date of the notice, the Town may pursue enforcement pursuant to Town Law §268, including but not limited to:
· issuance of appearance tickets;
· civil fines as established in Chapter 2 of the Town Code for zoning violations;
· suspension or revocation of any permits associated with the operation of the manufactured home park;
· injunctive relief in a court of competent jurisdiction to compel compliance.
Each week the violation continues after the compliance deadline shall constitute a separate and additional offense.

9. **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.

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

11. **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.

12. **Screening:** The entire manufactured home park shall be screened from the view of adjacent properties and roadways by the planting of shrubbery. Such shrubbery shall be of a species suitable to the Planning Board and shall mature to at least an eight-foot height.

Section 740. Responsibilities of Operators and Park Occupants

1. 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, streets, facilities and equipment in good repair and in a clean and sanitary condition.

2. The park operator shall place or supervise the placement of each manufactured home on its manufactured home pad which includes ensuring its stability by securing all tie-downs skirting, anchoring, and compliance with all applicable New York State Uniform Fire Prevention and Building Code requirements and installing all utility connections.

3. 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.

4. 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.

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

5. Travel trailers shall not be parked, whether permanently or temporarily, in any manufactured home park.

6. Written summary of operator and occupant responsibilities shall be provided to each occupant as part of the lease agreement or issuance of tenancy documents, and any updated version shall be physically provided to all occupants within thirty (30) days of adoption. The park operator shall maintain a current copy of such responsibilities and make them available to the Town upon request, in either digital or paper form.

7. Manufactured homes shall be installed and maintained in accordance with the approved site plan for the manufactured home park. No manufactured home shall be relocated to another lot or pad within the park, nor shall any additional manufactured home pad be established, without prior approval from the Town Planning Board (for site plan amendments) or the Town Code Enforcement Officer (for administrative modifications), as applicable, and full compliance with all provisions of this law. Any relocation of manufactured homes or creation of additional manufactured home pads that requires modification to the approved site plan shall be processed as a site plan amendment in accordance with

   New York State Town Law, including required referrals, public hearings, and any applicable SEQRA review. The park operator shall not undertake any such changes until the amended site plan has been formally approved by the Town.

8. Violations of this Article relating to the construction, maintenance, operation, occupancy, or physical condition of the manufactured home park may be enforced by the Town Code Enforcement Officer in accordance with the provisions of this law and applicable provisions of the New York State Uniform Fire Prevention and Building Code and Property Maintenance Code. Nothing herein shall be construed to require the Town to enforce private lease agreements or other contractual obligations between the park operator and occupants.

9. Nothing in this Section shall limit the Town's authority to enforce the Lewis County Junkyard Law (Local Law 3 of 2021) if conditions within a manufactured home park meet the definition of a junkyard under that law.

   a. This provision shall apply only when conditions meet the legal definition of a junkyard under Local Law 3 of 2021.

ARTICLE 8 – SOLAR ENERGY SYSTEMS

Section 810. Solar Energy Systems.

1. The Town of Turin 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.

2. The Town of Turin 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.

3. 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's 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 820. Applicability

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

a. Photovoltaic systems that are integrated directly into building materials, such as roof shingles, and that are a permanent and integral part of, and not mounted on the building or structure;

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

c. 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).

2. All Large-Scale Solar Energy Systems shall obtain special use permit approval from the Planning Board prior to the issuance of a land use permit. Every Three years following initial approval, the owner or operator shall submit a Special Use Recertification Application to the Town Clerk for review and approval under the conditions outlined in Section 1170 of this law. Approval of the recertification shall require demonstration that:
   a: The facility is operating in compliance with all applicable standards and regulations; and
   b: The continued operation of the facility at the approved location is consistent with the health, safety, and welfare of the community.
   If the recertification application is not approved, the facility shall be decommissioned or brought into compliance as directed by the Town. The Town shall have authority to enforce this provision.

Section 830. Solar Design Standards

1. 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.

2. All on-site electrical wires and necessary equipment prior to connection to energy grid must be in underground vaults and comply with specifications provided by the local utility company. 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.

3. All Solar Energy Systems shall be operated such that no damage is caused by stray voltage. If it has been demonstrated that a system is causing stray voltage, the system operator shall promptly mitigate the damage or cease operation of the system.

4. All solar panels shall have anti-reflective coatings.

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

6. 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, to minimize the migration of light or sound from the installation and to minimize the development of sight obstructions for adjacent structures or land parcels.

7. All Solar Energy Systems shall 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.

8. Solar Energy Systems and equipment shall be permitted only if they are determined by the Town of Turin not to present safety risks, including, but not limited to, weight load on structures, ingress or egress to property in the event of an emergency, traffic site lines, and wildlife habitat.

9. Large Scale Solar Energy Systems shall be fully operational within 18 months of an approved special use permit or the Town may require implementation of the Decommissioning Plan.

Section 840. Small Scale Solar Energy Systems

1. Building-mounted Solar Energy Systems shall incorporate the following design requirements, in addition to those listed in Section 830 of this law:

    a. 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.

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

    c. 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.

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

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

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

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

2. Ground-mounted solar collectors for a Small-Scale Solar Energy System are subject to the following conditions:

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

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

Section 850. Large Scale Solar Energy Systems

1. Large-Scale Solar Energy Systems shall be subject to the following review requirements.

a. The Planning Board shall request a financial deposit from the applicant to reimburse reasonable and necessary costs incurred by project review. All engineering fees associated with the proposed project are assumed to be the applicant/project sponsor's responsibility and the town will not be liable for such expense.

b. 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.

c. Plans showing the layout of the Solar Energy System shall be signed by a Professional Engineer registered in New York State.

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

e. 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, snow removal from panels, snow removal for access purposes and lighting.

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

g. 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, and 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.

h. No mature forest may be removed for large scale solar development, or removed for large scale solar development in the previous five years.

i. To ensure the proper removal of a Large-Scale Solar Energy System as required under Section 860 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 off-site 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. Any contaminated soil must be disposed of properly at an off-site landfill. Any removed soil must be replaced by NYSDOT approved topsoil imported from off-site. Any water contamination must be remedied by a method approved by NYS DEC. Any neighboring well contamination must be remedied to provide safe water for lifetime of property owner. 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 qualified New York State Licensed Engineer. Removal of Large-Scale Solar Energy Systems must be completed in accordance with the Decommissioning Plan.

j. The applicant shall be required to 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 200% 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 after one year of project operation, and every third year thereafter. Updated amount figures will be filed with the Town Board. The bond shall apply to the company in operation of the facility at the time of decommissioning. The bond or security shall be in a form acceptable to the Town Attorney or Super Majority of Town Board members if the Town Attorney is unavailable. Acceptable forms of security include, but are not limited to, an escrow account, a letter of credit, perpetual bond, or any combination thereof.

2. All Large-Scale Solar Energy Systems shall incorporate the following design requirements, in addition to those listed in Section 830 of this law:

a. Lot Size. Large Scale Solar Energy Systems shall be located on lots with a minimum size of 10 acres.

b. Setbacks. The Town of Turin has imposed large setback distances as a way to balance and mitigate potential negative visual aesthetics caused by this type of facility which the Town Board and the Community believe would slowly degrade the Town's character, charm, and quality of life for residents. Additional health and safety concerns caused by operational fires and the potential for negative environmental impacts have also reinforced these setback distances.

Large Scale Solar Energy Systems shall comply with the following setback requirements:
Front: one thousand (1,000) feet from the centerline of the road.
Side/Rear: one thousand (1,000) feet from lot lines (lot lines internal to the project are exempted)
Neighboring residence/commercial establishment/religious facility/public or semi-public facility: two thousand (2,000) feet
Neighboring school: one (1) mile

c. Fencing and Screening. All Large-Scale Solar Energy Systems shall be enclosed by fencing with a self-locking gate to prevent unauthorized access. The fencing material shall be an opaque security fence eight feet in height. Warning signs with the operator's contact information shall be maintained at the entrance and perimeter of the fencing. The solar energy system is required to be screened by landscaping sufficient to the planning board as needed to avoid adverse aesthetic impacts and any potential visibility from roadways, tails, or adjacent properties. Soil berms shall be required to block neighboring views at 1.5 times the height of the highest structure. Arborvitaes shall be planted in front of or on berms, wherever most appropriate to provide the most visual screening benefit. Final approval of the fencing and screening plan is required from the planning board.

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

i. 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.

ii. Disconnect and other emergency shutoff information shall be 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.

e. Lighting. Lighting shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties. Final approval of the lighting plan is required from the planning board.

f. Access. Construction of on-site access roadways shall be minimized. Roadways shall be unpaved and constructed with a pervious surface that limits dust, debris and erosion

g. Topsoil Preservation. Topsoil shall be stripped and stockpiled in accordance with NYS Department of Agriculture and Markets – Guidelines for Solar Energy Projects as amended and updated.

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

i. 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 shall allow for or require co-usage of the lands under and around installed solar panels for grazing or growing of crops that could be grown or harvested without damaging or interfering with solar facilities. Final approval from the planning board is required.

j. 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 this standard would result in adverse impacts to an ongoing agricultural operation.

k. Fire Department Coordination. The Owner and/or Operator shall provide a copy of the project site plans and electrical schematic to the responsible local Fire Chief and County Emergency Services Department. Additionally, the Owner and/or Operator shall initiate the development of an emergency response plan within 6 months of the special use permit approval with local emergency services. The Owner and/or Operator shall provide any necessary additional equipment/apparatus to the local fire department and provide and maintain any needed facility to house said equipment. The Owner and/or Operator shall offer on-site safety training to all local fire departments within six (6) months of operation, and an annual reoccurring refresher training to all local fire departments. The Owner and/or Operator shall reimburse any additional training costs, membership fees and insurance costs incurred by the fire department. 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 number shall be displayed on the entrance to the facilities.

l. Notification of change in Ownership/Operator. If the owner or operator of the Solar Energy System changes or the owner of the property changes, the special use permits 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, and decommissioning plan within 30 days of the legal change. A new owner or operator of the Solar Electric Energy System shall notify the Town of such change in ownership or operator thirty (30) days prior to any ownership change. Should any of these provisions not be met, the town may initiate enforcement action detailed in section 1210 of this law and removal referenced in section 860.

m. 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 appropriate to the project. Such insurance shall name the Town of Turin as an additional insured party. The certificate of insurance shall contain a provision that coverage afforded under the applicable policy shall not be canceled or terminated until at least thirty (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.

n. Indemnification. The applicant, owner and/or operator of the Solar Energy System shall release and hold harmless the Town of Turin 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 Turin, 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.

o. Notification of neighboring properties. The applicant shall provide written notice to all neighboring property owners within 5 miles of the proposed project within 30 days of submission of a special use permit application.

p. Notification of neighboring towns and villages. The applicant shall provide written notice to all neighboring towns and villages within 5 miles of the proposed project within 30 days of submission of a special use permit application.

q. Community information session. The applicant shall provide a community information session and public notice of this session within 45 days of submission of a special use permit application.

3. Host Community Agreement.

While Large Scale Solar Energy Facilities may benefit the Town, they will also impose costs such as required infrastructure additions or improvements, environmental impacts, needs for new and/or enhanced public safety and emergency service response, aesthetic and quality of life concerns, loss of farmland, erosion of tax base, and other foreseen and unforeseen impacts.

Existing revenue sources are not sufficient to fund and/or offset the detrimental impacts of Large-Scale Solar development in the Town.

It is both authorized by New York State Statute and desirable for the Town of Turin to provide for a requirement that developers of Large Scale Solar Energy Systems enter into an agreement with the Town prior to commencement of operation of such facilities to ensure that developers provide for an ongoing level of support, care and maintenance of the facilities during their useful life, pay to the Town a fee as shall be determined by the Town to be necessary to offset the costs and impacts to the Town incident to a facilities development and/or operation, and to address such other matters as are determined by the Planning Board and/or the Town Board to be necessary or advisable conditions to the development of any such facility. This agreement shall also ensure that the benefits of these solar energy resources are available to the entire community, and the Town of Turin may require the applicant to also include such benefits as part of said agreement. Such an agreement is hereinafter referred to as "Host Community Agreement." Prior to the issuance of a land use permit for any Large-Scale Solar Energy System, the operator shall enter into a Host Community Agreement with the Town of Turin.

The Host Community Agreement shall:

a. Contractually obligate the developer to comply with any terms and conditions of any special use permit approved by the Planning Board.

b. Provide for payment by the applicant to the Town of associated impact fees to be used and applied by the Town to pay for and/or to offset the costs and impacts incurred by and/or arising from the development and/or operation of the solar energy system. In order to ensure that the benefits of the project's solar energy resources are available to the entire community, this agreement shall also make funds available for non-profit and community development projects at the discretion of the Town Board and provide for such other contractual requirements as may be necessary given the specific elements of a particular project and in the event that the operator and/or owner shall enter into an agreement with the Lewis County Industrial Development Agency ("LCIDA") to provide for an abatement in real property taxes or other tax exemption or abatement, be cross-defaulted with the agreement between the operator and/or owner and the Lewis County Industrial Development Agency.

4. Agrivoltaics

The Town of Turin recognizes that farming and agriculture are important aspects of New York State's overreaching goal of safeguarding the environment. The Town of Turin further recognizes that the use of solar energy should not be to the detriment of agriculture, but rather should be in harmony with agriculture. Thus, the Town encourages applicants to respect such values held by the State and Town by including aspects of agrivoltaics in community benefit agreements. The Town is particularly interested in agrivoltaic initiatives which incorporate the farming of fruits and/or vegetables in close proximity to solar panels. Such use would assist in mitigating the loss of valuable farmland.

Section 860. Abandonment and Removal

Solar Energy Systems are considered abandoned when the 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 twelve (12) consecutive months, the project sponsor/property owner shall remove the system, mount and associated equipment and facilities, by no later than ninety (90) days after the end of the twelve (12) month period. Failure to comply with this section will result in enforcement action detailed in Section 1210 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 property 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 850 of this law.

ARTICLE 9. NONCONFORMITIES

Section 910. Intent

The intent of this article is to recognize lots, structures and uses of land and structures which legally existed prior to the enactment or subsequent amendment of this law which would be prohibited or unreasonably restricted by the requirements herein. All rights of nonconformity shall continue regardless of the transfer of ownership of nonconforming lots, structures or uses.

Section 920. Lots

1. A nonconforming lot of record may be improved with structures or utilized for permitted uses or activities, provided the provisions of Section 345 of this law can be met.

2. Where two or more adjoining nonconforming lots exist in the same ownership, such lots shall be considered as combined to meet requirements contained herein.

Section 930. Structures

1. Any structure which is nonconforming as to use, setbacks, road frontage, height or any other require ment of this law, which is damaged or destroyed by fire or other hazard, may be repaired, restored or reconstructed provided that such work is undertaken within one year of the date on which the damage or destruction occurred. No such work shall increase the nonconformity of the structure.

2. A nonconforming structure may not be structurally altered during its life to an extent greater than half its present size. In no case shall such expansion increase the nonconformity although lateral additions are permitted.

Section 940. Uses

1. Whenever a nonconforming use has been discontinued for a period of one year, such use shall be considered abandoned and shall not thereafter be re-established. This provision may be waived where transfer of ownership is delayed in a probate case.

2. A nonconforming use may not be changed to create another nonconforming use unless reviewed and approved by the board of appeals.

3. A special use approval shall be required for any alteration or reconstruction which is on the premises of a nonconforming multi-family residential or nonresidential use, or any nonconforming use in the Water Supply Protection Overlay District.

ARTICLE 10. ADMINISTRATION

Section 1005. Land Use Permits Required

No land use activity as listed below, other than those specifically exempted in Section 1007 of this law, shall be carried out until a land use permit has been issued by the enforcement officer stating that the proposed building, structure, use of land or development activity complies with the requirements of this law:

1. Erection, re-erection or movement of a building or structure;
2. Change of the external structural dimensions of a building or structure;
3. Change of use of land, buildings or structures through the establishment of a new use, or through the expansion of enlargement of an existing use;
4. The resumption of any use which has been discontinued for a period of 12 months or longer;
5. Establishment or change in dimensions of a parking area for nonresidential or multi-family residential use;
6. Placement of a sign as regulated in Section 305 of this law;
7. Change in contours of land;
8. Construction, replacement or major modification of any on-site sewage disposal system;
9. Construction of below-ground pools, and the placement of above ground pools which are located for one year or longer.

Section 1007. Land Use Permit Exceptions

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

1. Accessory structures with less than 144 square feet of ground coverage, unless over 20 feet in height;
2. 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.);
3. Minor accessory structures such as posts, sidewalks, driveways, flagpoles, playground equipment, etc.;
4. Family day care homes and group family day care homes;
5. Nonstructural agriculture and forest uses.

Section 1010. Land Use Permit Procedures

1. Permit applications shall be filed with the town clerk, who shall refer them to the enforcement officer.

2. Two copies of a plot plan drawn to scale shall be submitted with all applications for land use permits. The plot plan shall show the dimensions of the lot; the location of all buildings; locations, dimensions, and capacities of sanitary and water facilities; percolation test results; access to and location of public highways; the location of right-of-way lines of State highways and State highway drainage easements, and; a brief description of the proposed use. The enforcement officer shall approve the plot plan, return one copy to the applicant if all requirements of this law are met, and issue a land use permit. The permit shall be posted in plain view of the road at the site.

3. The enforcement officer shall, upon arrangement with the applicant and following completion of all work, make a site inspection. When the changes are confirmed as being in agreement with the plot plans previously approved, the enforcement officer shall then issue a certificate of compliance and file one copy with the town clerk and deliver or mail one copy to the applicant within five business days.

4. Any use or structure for which a land use permit has been issued that has not substantially commenced within one year of the issuance of the permit shall require a new application, review and approval.

Section 1015. Special Use Approval Procedures

1. Applications for special uses shall be filed with the town clerk, who shall refer them to the enforcement officer. The enforcement officer shall review all applications for general compliance with this law, and shall refer all applications found to be in compliance with this law and requiring special use review to the planning board.

2. The planning board shall review all applications for compliance with this law, and shall approve, approve with modifications, or disapprove the applications. Upon approval or approval with modifications of an application, the planning board shall refer the application to the enforcement officer for the issuance of a land use permit.

3. The enforcement officer shall, upon arrangement with the applicant and following completion of all work, make a site inspection. When the changes are confirmed as being in agreement with the site plans and conditions previously approved by the planning board, the enforcement officer shall then issue a certificate of compliance and file one copy with the town clerk and deliver or mail one copy to the applicant within five business days.

4. Any use or structure for which a special use approval has been granted that has not substantially commenced within one year of the issuance of the land use permit shall require a new application, review and approval.

5. For uses that require it, a Special Use Recertification Application must be submitted to the Town Clerk, and approved under the conditions set forth by section 1170 of this law. Approval of the recertification shall require demonstration that:
   a: The use or structure complies with all applicable standards and conditions of prior approvals; and
   b: The continued operation of the use at the approved location is consistent with the health, safety, and welfare of the community.
   If the recertification application is not approved, the use or structure shall be discontinued and removed from the site. The Town shall have authority to enforce this provision.

Section 1020. Temporary Land Use Permits

1. Temporary land use permits may be issued for the following uses:
   a. for one interim dwelling on an individual lot during the construction of a single-family or two-family dwelling on such lot;
   b. 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;

c. upon proof of the special necessity for an agricultural use where additional dwellings are needed for farm employees or family members, the planning board may grant a special use approval for the installation of a maximum of two manufactured homes to be placed on the same individual lot as an existing conventional single-family dwelling conditioned upon the following: 1) the manufactured homes shall not be occupied by persons other than employee or family members, and 2) the manufactured homes shall be removed within six months from the date when the special necessity ceases.

d. for temporary uses and structures incidental to a construction project.

2. Temporary land use permits may be issued for a period not to exceed one year. In cases of special necessity for an agricultural use as provided for in subsection c. above, temporary land use permits may be issued for a period not to exceed three years.

3. All temporary land use permits shall be conditioned upon agreement by the applicant to remove any nonconforming uses or structures upon expiration of the permit.

Section 1025. Fees

Permit fees shall be established by town board resolution. The cost of any additional site inspections, tests, or professional consulting needed to comply with the regulations of this law shall be paid by the applicant. The need for such information shall be determined by the enforcement officer.

Section 1030. Certificate of Compliance

No use or structure requiring a land use permit shall be occupied, used, or changed in use until a certificate of compliance has been issued by the enforcement officer stating that the use or structure complies with the provisions of this law.

Section 1035. Enforcement Officer

This law shall be enforced by the enforcement officer, who shall be appointed by the town board. The enforcement officer shall issue permits only in strict compliance with this law, and shall have no authority to vary the requirements unless so directed by the board of appeals. The enforcement officer shall be empowered to make site inspections as necessary to assure compliance with this law. It shall be the mutual responsibility of permit applicants and the enforcement officer to arrange for inspection of premises prior to permit issuance. The duties of the enforcement officer shall be to:

1. Approve and disapprove land use permits, temporary land use permits and certificates of compliance;
2. Scale and interpret district boundaries on the district map;
3. Refer appropriate matters to the board of appeals, planning board, or town board;
4. Revoke land use permits, temporary land use permits or certificates of compliance where there is false, misleading or insufficient information or where the applicant has varied from the terms of the application;
5. Investigate violations, issue stop work orders and appearance tickets, and refer violations to the town justice or the town board;
6. Report at regular town board meetings the number of land use permits and certificates of compliance issued.

Section 1040. Board of Appeals

1. The board of appeals shall consist of five members as set forth in Section 267 of the Town Law, or in the alternative the town board may enter into an agreement pursuant to Article 5-G of the General Municipal Law and Section 284 of the Town Law to establish a cooperative board of appeals. In the event of a cooperative board of appeals, membership shall be as per the contractual agreement and may otherwise vary from provisions of Section 267 of the Town Law as may be set forth in that agreement.

2. The powers of the board of appeals shall be to interpret this law and to grant area variances and use variance in accordance with the standards set forth in Section 267-b of the Town Law and as may be otherwise provided by law.

3. The procedure before the board of appeals shall be in accordance with Section 267-a of the Town Law except as may be specifically modified by intermunicipal agreement should the town elect to enter into a cooperative board of appeals, in which event such procedures shall be strictly governed by the intermunicipal agreement.

4. This local law specifically supersedes those provisions of Section 267 of the Town Law requiring that there be three or five members of the board of appeals, that the terms be staggered, that the town board select the chairman, and the voting power of members of the board of appeals in the event that the town should enter into an intermunicipal agreement pursuant to Section 284 of the Town Law and Article 5-G of the General Municipal Law in which event the intermunicipal agreement shall govern those factors.

ARTICLE 11. SPECIAL USE REVIEW AND APPROVAL

Section 1105. Authority

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

Section 1110. Applicability

1. All uses designated as requiring special use review pursuant to Section 240 of this law, shall have an application approved by the planning board prior to the issuance of a land use permit or a certificate of compliance by the enforcement officer.

2. A full special use review shall not be required for minor amendments to plans or minor changes to uses previously approved pursuant to this article, as determined by the planning board. Minor amendments to plans or minor changes to uses shall be review pursuant to the provisions of Town Law Section 274-a, site plan review, and shall follow the procedures of this article except that a public hearing shall not be mandatory. The planning board may hold a public hearing at their discretion.

Section 1115. General Review Criteria

The planning board shall require that all applications comply with the following general review criteria:

1. that the site is designed in the interests of 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;
2. that the site is designed so as to be in harmony with the comprehensive plan for the community;
3. that parking areas are adequate for the intended level of use, and arranged and screened so as to minimize negative impacts on adjacent properties;

4. that access to the site is safe and convenient and relates in an appropriate way to both the internal circulation on the site as well as the town road system;
5. that the internal circulation of the site is arranged so as to minimize impacts on the town road system;
6. that the site is suitably landscaped, and appropriately screened from adjacent properties and the road so as to protect the visual character of the area and to minimize negative impacts on adjacent properties and the neighborhood;
7. that pedestrian ways are safe and adequate, and are properly integrated with the pedestrian ways of adjacent properties and the neighborhood;
8. that any activities on the site which are incompatible with adjacent properties are suitably buffered so as to minimize negative impacts on such adjacent properties;
9. that signs, site lighting, and the locations of all buildings and structures are in keeping with the character of the neighborhood;
10. that any changes to existing drainage patterns, or increased drainage due to development activity have no negative impacts on adjacent property;
11. that proposed water supply and sewage disposal facilities are safe and adequate;
12. that development activity complies with all other standards and requirements of this law.

Section 1120. Application

The enforcement officer shall refer any application for a land use permit which requires a special use approval to the planning board. An application for a special use approval shall be filed with the planning board, and the appropriate fee as determined by the fee schedule adopted by town board resolution shall be paid to the town clerk. Three copies of the application and site plans shall be provided which shall include the following:

1. Name and address of applicant and owner, if different, and of the person responsible for preparation of drawings;
2. Date, north point, written and graphic scale
3. Boundaries of the site plotted to scale, including distances, bearings, and areas;
4. Locator map showing the site in relationship to the town;
5. Location and ownership of all adjacent lands as shown on the latest tax records;
6. Location of all land use district boundaries;
7. Location, name, jurisdiction and width of adjacent roads;
8. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use or adjoining the property;
9. Complete outline of existing or proposed deed restrictions or covenants applying to the property;
10. Existing hydrologic features together with a grading and drainage plan showing existing and proposed contours at a maximum of ten-foot intervals;
11. Location, proposed use, and height and dimensions of all buildings including the number and distribution by type of all proposed dwelling units, and the designation of the amount of gross floor area and gross leasable area proposed for retail sales and services, office and other commercial or industrial activities;
12. Location and design of all parking and loading areas, access and egress drives, fire lanes and emergency access areas;
13. Provision for pedestrian access, including public and private sidewalks;
14. Location of outdoor storage;
15. Location, design and materials of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences and screening.
16. Description of the method of securing water supply and disposing of sewage, and the location and design of such facilities;
17. Location and design of all energy distribution and storage facilities, including oil, gas, electrical, and solar energy;
18. Location, size and design of all proposed signs;
19. Location and design plan of outdoor lighting facilities with proposed lumen output;

20. General landscaping plan and planting schedule, including the location and proposed development of all buffer areas;
21. Erosion and sediment control plan conforming to the standards and practices contained in the USDA Soil Conservation Service Engineering Field Manual (EFM) and New York Guidelines for Urban Erosion and Sediment Control, or other erosion and sediment control manual recognized by the planning board;
22. An agricultural data statement pursuant to Town Law Section 283-a, when applicable;
23. 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;
24. An environmental assessment form (EAF) and, when applicable, a draft environmental impact statement (EIS) pursuant to 6 NYCRR Part 617;
25. Other elements integral to the proposed development as considered necessary by the planning board.

Section 1125. 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 1130. Environmental Impact Review

The planning board shall be responsible for the completion of an environmental assessment form (EAF) for each application. The planning board shall be responsible for compliance with 6 NYCRR Part 617 (State Environmental Quality Review Act regulations) in cooperation with other involved agencies in the review of any application.

Section 1135. Review

Upon a determination by the planning board that the application is complete, the board shall review the site plan taking into consideration the objectives as outlined in Section 1015 above and all other requirements of this law.

Section 1140. Area Variance

During the course of the review, should the planning board determine that an approval may not be feasible without the granting of an area variance as defined by Town Law Section 267-a, the planning board may refer the application to the board of appeals for the consideration of such variance.

Section 1145. Public Hearing

The planning board shall conduct a public hearing. Such public hearing shall be conducted within 62 days of the receipt of the completed application and shall be advertised at least five days before the hearing in a newspaper in general circulation in the town. A notice of the hearing shall be mailed to the applicant at least 10 days before the hearing.

Section 1150. Referral to County Planning Board

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 and -m to the county planning board. This shall include any use that falls within 250 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 1155. Final Action

1. The planning board shall take action within 62 days of the public hearing. The time within which the planning board must render its decision may be extended upon mutual consent of the applicant and the planning board. The action of the planning board shall be in the form of a written statement to the applicant stating whether or not the application is approved, approved with modifications, or disapproved. In its approval, the *planning board shall have the authority to impose such reasonable conditions and restrictions on the issuance* of a land use permit for the application as are directly related to and incidental to the application. The decision of the planning board shall be filed in the office of the town clerk within five days of the decision, and a copy mailed to the applicant.

2. If the application is approved, and upon 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 application and site plans and immediately forward to the enforcement officer for the issuance of a land use permit.

3. If the application is approved with modifications, the planning board shall specify in the statement all modifications to be made. Upon payment by the applicant of all fees and reimbursable costs due to town, and upon approval of the modified application and site plans, the planning board shall endorse its approval on a copy of the application and site plans and immediately forward to the enforcement officer for the issuance of a land use permit.

4. If the application is disapproved, the statement shall contain the reasons for such findings.

Section 1160. Report to County Planning Board

Within 30 days of final action on any matter referred to the county planning board pursuant to Section 1150 above, the planning board shall file a report of the final action it has taken with the county planning board.

Section 1170. Recertification of Special Use Permit

Recertification of Special Use Permits is necessary to ensure continued compliance with conditions and regulations for such uses. It also is a means of ensuring that the Town has accurate contact information for such uses in case of an emergency.

1. **Application for Recertification:** Special Use Permits requiring periodic recertification shall submit a Special Use Recertification Application to the Town Clerk prior to the expiration date of the current Special Use Permit. The application shall include a completed Environmental Assessment Form (EAF) Part 1, and, when applicable, a draft Environmental Impact Statement (DEIS) pursuant to 6 NYCRR Part 617.

2. **Review of Application:** The Planning Board shall review the application within thirty (30) days of receipt. The Planning Board may request that the enforcement officer review the application and conduct a site inspection to verify compliance with the terms and conditions of the existing permit.

3. **Planning Board Action:** The Planning Board shall take action to approve, approve with conditions, or disapprove the Recertification Application within sixty-two (62) days of receipt. The decision of the Planning Board shall be filed in the Office of the Town Clerk within five (5) days of the decision, and a copy shall be provided to the applicant.

4. **Disapproval and Remediation:** If the application is disapproved, the Planning Board shall issue a written statement specifying the reasons for disapproval. The applicant shall within thirty (30) days submit a remediation plan that is acceptable to the enforcement officer and the Planning Board. Upon completion of the remediation plan in accordance with its approved timeline, The Planning Board shall resume review pursuant to Section 1170 (2) of this Law.

5. **Non-Recertification or Cessation of Use:** Where a Recertification Application is not approved, or the use has been discontinued or abandoned, the owner or operator shall implement the approved decommissioning plan or otherwise remove the use from the site in accordance with the provisions of the Law.

6. **Enforcement:** Failure to comply with this section shall constitute a violation and shall be subject to enforcement action as provided in Section 1210 of this Law.

ARTICLE 12. MISCELLANEOUS

Section 1210. Violations and Penalties

1. Whenever a violation of this law occurs any person may file a complaint in regard thereto. All such complaints shall be in writing and shall be filed with the enforcement officer who shall properly record and investigate such complaint. If the complaint is found to be valid, the enforcement officer shall issue a stop work order requiring all work to cease until the violation is corrected. If the violation is not corrected within the specified time, the enforcement officer shall take action to compel compliance.

2. Pursuant to Criminal Procedure Law Section 150.20(3), the enforcement officer is hereby authorized to issue an appearance ticket to any person causing a violation of this law, and shall cause such person to appear before the town justice.

3. Pursuant to Municipal Home Rule Law Section 10 and Town Law Section 268, any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation and subject to fine and/or imprisonment. Any violation of this law is an offense punishable by a fine not exceeding $350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than $350 nor more than $700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than $750 nor more than $1000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

4. The town board may maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law.

Section 1220. Interpretation

The provisions of this law shall supersede local laws, ordinances, codes, or regulations to the extent that they are inconsistent with the provisions of this law. However, nothing herein shall prevent the adoption and enforcement of a law, ordinance, code or regulations which is stricter or establishes a higher standard than those provided in this law; such high provisions shall take precedence over these regulations.

Section 1230. Partial Invalidity

If a term, part, provision, section or paragraph of this law shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not invalidate the remaining terms, parts, provisions, sections or paragraphs.

Section 1240. Amendments

The town board may amend the provisions of this law pursuant to Town Law Section 265 and Municipal Home Rule Law Article 3 after public notice, public hearing, compliance with the State Environmental Quality Review Act regulations (6 NYCRR Part 617), and following appropriate referral to the county planning board pursuant to General Municipal Law Section 239-m.

Section 1250. Effective Date

This law shall be effective upon filing with the Secretary of State.