New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
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Local Law Filing

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DEPARTMENT OF STATE

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

VILLAGE OF CONSTABLEVILLE

LOCAL LAWS INDEX NUMBER 1
OF THE YEAR 20 26

Local Law No. 1 of the Year 2026

" VILLAGE OF CONSTABLEVILLE ZONING LAW"

(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, designated as Local Law No. 1 of 2026 of the Village of Constableville was duly passed by the Village Board on August 3, 2026, 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, designated as Local Law No. ____ of 20__, of the County, City, Town, Village of _____ was duly passed by the _____ on _____, 20__, and was approved, not approved, repassed after disapproval, by the _____, and was deemed duly adopted on _____, 20__, in accordance with the applicable provisions of law.~~

~~**3. (Final Adoption by Referendum.)**~~

~~I hereby certify that the Local Law annexed hereto, designated as Local Law No. ____ of 20__, of the County, City, Town, Village of _____ was duly passed by the _____ on _____, 20__, and was approved, not approved, repassed after disapproval, by the _____ 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 a Permissive Referendum and Final Adoption Because No Valid Petition was Filed Requesting Referendum.)~~

~~I hereby certify that the Local Law annexed hereto, designated as Local Law No. ____ of 20__, of the County of Lewis was duly passed by the Lewis County Board of Legislators on _____, 20__, and was approved, not approved, repassed after disapproval, by the _____ 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.~~

~~5. (City Local Law Concerning Charter Revision Proposed by Petition.)~~

~~I hereby certify that the Local Law annexed hereto, designated as Local Law No. ____ of 20__, of the City of _____ having been 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 hereto, designated as Local Law No. ____ 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 the 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 of 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 Paragraph 1, above.

Mary Failing

Mary Failing, Clerk
Village of Constableville

(Seal)

Dated: September 4, 2026

VILLAGE OF CONSTABLEVILLE ZONING LAW

ADOPTED

6/2/2025

Date	Reason
8/3/2026	Clarify municipal facilities, revise STR language, add renewable energy systems, and expand on admin. processes throughout.

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ARTICLE 1. INTRODUCTION

Section 110. Enacting Clause

Pursuant to the authority conferred by Article 7 of the State of New York Village Law and Articles 2 and 3 of the Municipal Home Rule Law of the State of New York, the Village Board of the Village of Constableville, NY, hereby adopts and enacts this local law.

Section 120. Title

This law shall be known as the "Zoning Law of the Village of Constableville".

Section 130. Purpose

The purpose of this law is to provide for orderly growth, to lessen congestion on the roads, to secure safety from fire, flood and other disasters, to provide adequate light and air, to prevent the overcrowding of land, to protect historical and recreational attributes, to avoid excessive concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, and to promote the health, safety, and general welfare of the public.

This law has been made with reasonable consideration, among other things, as to the character of the Village of Constableville and the suitability for properly developed uses, and with a priority to conserving the Village's rural character and encouraging the appropriate use of land throughout the Village.

Section 140. Uses and Structures Existing Prior to Law

This law does not apply to uses and structures that are lawfully in existence as of the date this law becomes effective. Any use that would otherwise be subject to this law, which has been discontinued for a period of six (6) months or more, shall be subject to review pursuant to the terms of this law before such use is resumed. Any use or structure shall be considered to be in existence, provided such use or structure has been substantially constructed prior to the effective date of this law.

Section 150. Single Zone

For the purpose of this law, the entire jurisdiction of the Village of Constableville shall be considered within a single unnamed zone, and the application of this law shall be uniform throughout the Village.

The Village hereby adopts a Solar Energy System Overlay District to regulate or prohibit the placement of such large energy solar systems so that the public health, safety, and welfare will not be jeopardized. Strong consideration was also applied to the locations based on the potential visual impacts on scenic vistas.

a. Strong considerations were given to the formulation of the Village of Constableville Solar Energy System Overlay District, including: the locations based on the potential visual impacts on scenic vistas, in addition to the idle space necessary for such development. It should be noted that this Solar Overlay District has been built from the foundation outlined in the 2021 Lewis County Agricultural Enhancement Plan where Priority Farmland was identified through a variety of factors, including the amount of road frontage, percentage of high-quality soils, percentage of parcel available for farming, and whether it is a parcel with a primary agricultural use in hopes to conserve valuable agriculturally productive land and lessen visual impacts.

Section 155. Development Area Restrictions

To comply with the goals put forth within the Village Comprehensive Plan, the following developmental restrictions apply:

1) Development in or within 50 feet of a Federal or NYS- designated wetland or waterbody is prohibited.
2) Development within 100 feet of the Sugar River and the Gulf shall be prohibited.
3) Consultation with Lewis County Soil and Water must occur to develop an Erosion Control Plan if development is proposed on land with slopes averaging over 10%, and any suggestions shall be integrated into the proposed plans for the project, before approvals may be made.
4) Schedule C- Development Constraints Map shall be used to prohibit adverse development within identified areas.

The Board may impose stricter dimensional restrictions or lessen the restrictions based on the proposed use, and the unique features of the proposed site. Any modifications to the established standards shall be noted in the corresponding minutes with explicit reasoning for the action as it relates directly to the waterbody, wetland, gulf, and/or river.

Section 160. Laws Replaced and Superseded

1. This law shall replace and supersede the following local laws and regulations and any amendments thereto:
    a. Local Law No. 1 of the year 1992: Village of Constableville Mobile Home and Travel Trailer Park Law.
    b. Local Law No. 1 of the year 2005: Regulating Adult-Oriented Businesses in the Village of Constableville.
    c. Local Law No. 2 of the year 2005: Constableville Outdoor Furnace Local Law.
    d. Local Law No. 2 of the year 2012: Local Law to Control the Storing or Depositing of Abandoned, Junked, or Inoperative Vehicles.
    e. Local Law No. 1 of the year 2018: Regulations on the Keeping of Farm Animals and Poultry within the Village.
    f. Local Law No. 1 of the year 2022: Village of Constableville Solar Energy Law.

ARTICLE 2. PERMITS REQUIRED

Section 210. Zoning Permits Required

No land-use activity as listed below shall be carried out until a zoning 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, resurrection or movement of a building or structure;
2. Change of the exterior structural dimensions of a building or structure;
3. Change in use of land, buildings or structures through the establishment of a new use, or through the expansion or enlargement of an existing use;
4. The resumption of any use which has been discontinued for a period of six (6) months or longer;
5. Establishment or change in dimensions of a parking area for nonresidential or multi-family dwelling uses;
6. Placement of a sign as regulated in **Section 535** of this law;

Any use not listed in Schedule A as expressly permitted is hereby prohibited.

Section 220. Zoning Permit Exceptions

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

1. Accessory structures with less than 144 square feet in size, unless over 20 feet in height;
2. Alterations of less than 144 square feet in size;
3. Fences or walls;
4. Interior structural alterations or routine maintenance and improvements that do not expand the exterior dimensions of the structure (e.g., roofing, window replacement, siding replacement, etc.);
5. Minor features, such as posts, sidewalks, existing driveways, flagpoles, playground equipment, etc.;
6. Nonstructural agriculture and forest management uses.

Section 230. Activities Requiring Special Use Permit Approval

Uses subject to special use permits are generally appropriate in the zone in which they are allowed but may not be suitable for a particular parcel of property within the zone due to neighboring uses. The purpose of a special use permit review is to allow the Village Board to assess the use for its suitability for the specific site on which it is proposed.

All new commercial and light industrial uses, manufactured home parks, and multiple dwellings within the Village that have not been substantially constructed by the effective date of this law, shall require special use permit review and approval prior to issuance of a zoning permit.

Any use requiring special use permit approval that has been discontinued for a period of six (6) months or longer shall be considered abandoned and may not be reinstituted without receiving a Village General Permit approval and a zoning permit.

Section 240. Activities Exempted from Special Use Permit Approval

The following land use activities are exempt from special use permit approval. However, this law does not supersede, modify, or replace procedural or substantive requirements of other local, State, or Federal laws or regulations which may apply to the development, or the necessity that the applicant comply with those laws and regulations and obtain all necessary permits and certificates thereunder, including those of New York State's Uniform Fire Prevention and Building Code.

1. Home-based businesses, as defined by this law.
2. Exterior alterations or additions to a commercial or industrial structure, which will not increase the gross floor area of the existing structure by more than 25% within any five-year period.
3. Interior alterations that do not change the nature or use of a commercial or light-industrial structure.
4. Agricultural structures.
5. Municipal-owned buildings, infrastructure, and facilities constructed, remodeled, repaired, or replaced by or for the Village of Constableville shall be exempt from special use permit requirements, provided such use is consistent with the general intent of this law and does not conflict with the Village's Comprehensive Plan. This exemption applies only to municipal development within the Village's own jurisdiction and does not extend to other governmental entities unless a determination of immunity is made pursuant to the balancing of public interests test established in Matter of County of Monroe v. City of Rochester (1988).

Section 250. Activities Requiring a General Permit

The purpose of a General Permit is to provide a tool for the Village to ensure compliance, adapt conditions to ensure use remains compatible with neighboring properties and the character of the Village, as well as a way to keep contact information up to date.

Any activity requiring a General Permit according to Schedule A shall be required of all permit holders to verify no changes to use, operation, or contact information. Annual General Permits will be due no later than December 31st each year, starting in 2025. Schedule A reflects the uses that require the General Permit renewal and the frequency.

The Village Clerk will maintain a digital record (Excel document most likely), providing written notification, no later than 30 days and no sooner than 90 days before permit expiration. The notification letters are a courtesy, and should they not be sent for any reason, the responsibility ultimately falls on the applicant/owner to provide the General Permit by the annual deadline as a condition of the permit approval. The digital record will also be used to document noncompliance and shall be provided to the Village Board and Code Enforcement Office by no later than the second week in January to initiate **Article 11** regarding Violations and Penalties.

ARTICLE 3. GENERAL REGULATIONS

For any regulations that have contradicting provisions, stricter regulations shall prevail.

Section 300. Lot Area and Frontage

1. Lots fronting on NYS Route 26 shall have a minimum area of 1.5 acres and a minimum lot road frontage of 200 feet.
2. Lots not fronting on NYS Route 26 shall have the following area and frontage:
    a. A minimum area of 4,000 square feet and a minimum road frontage of 30 feet (if provided with public sewer).
    b. A minimum area of 1.5 acres and a minimum road frontage of 120 feet (if not provided with public sewer.

Section 305. Side Yard

All principal uses shall have a side yard of five feet, minimum.

Section 310. Rear Yard Depth

All principal uses shall have a rear yard of five feet, minimum.

Section 315. Front Yard Depth

All principal uses shall have a minimum front yard depth that is the lesser of the yards previously established on adjacent parcels from the road's right-of-way of Town, Village, County, Private, and State Roads. If both adjacent parcels are vacant, the minimum front yard depth shall be 30 feet from Town, Village, County, Private or State Road right of way.

In this instance, vacant parcels mean lots with the absence of structures.

All principal uses shall have a maximum front yard depth of forty feet when lots are smaller than 1.5 acres.

Section 320. Building Coverage

A lot shall not exceed 75% of building coverage for lots that are one-half acres or less in area. A lot shall not exceed 50% of building coverage for lots that are more than one-half acres in area.

Building lot coverage shall be calculated by including the footprint of any primary and accessory structures, driveways, parking areas, or similar developed areas.

Section 325. Building Heights

1. Building heights shall not exceed 35 feet or 3 stories when measured from the curb level to the roof of the building. Building heights exclude appurtenances such as chimneys, antennas, air ventilation systems, spires, etc.
2. This section does not apply to telecommunication towers as they are not considered buildings.
3. Building height restrictions do not apply to the historic Constable Hall's existing structure(s).

Section 330. Dwellings per Lot

There shall be no more than one dwelling on a single lot except upon special use permit approval. Such special use permit approval may be issued 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 front and side yards in accordance with this law (not by creating nonconforming lots), the resulting lots will have areas in accordance with this law, and all sewage disposal and wastewater systems will be in accordance with the NYS Sanitary Code.

The one dwelling per lot provision does not apply to lots containing or proposing an accessory dwelling unit.

Section 335. Private Water Wells/ Septic Systems

Municipal utility (water and or sewer) services are required to be utilized to lots that are serviceable by such. The request for municipal utility services shall be made to the Village before planning or attempting to utilize private water/sewage services.

On properties where Village water and sewage services can not be provided/ utilized, private wells and leech fields shall be a minimum distance of 50' from all property lines and all other standards outlined in Appendix 75 A unless a Department of Health waiver is warranted and attained.

Section 340. Fences / Walls

All fences and walls, as defined by this law, shall be subject to the following standards:

1. The finished side of all fences and walls shall face outward from the premises towards neighboring properties, with brackets and/or supports facing inward toward the premises away from neighboring properties.
2. No person being the owner or occupant of lands and premises shall construct, use or maintain a fence along the boundary line of any street, sidewalk or grounds if located within 20 feet from the intersection of two street lines, or so as to interfere with the view of traffic approaching the intersection within a distance of 75 feet measured along the center line of each street from the intersection of such center line.
3. It is recommended that all perimeter fences be set back at least two (2) feet from the property lines to allow for maintenance of the structure. All disputes related to perimeter fences will be handled by the Village.

4. All gates and moveable parts shall open into the owner's property.
5. No fence or wall shall exceed eight feet in height measured from the ground except as authorized by special use permit.
6. Walls shall be well-constructed utilizing masonry materials and shall include an appropriate foundation to ensure the wall is adequately supported.
7. No fence shall be constructed out of hazardous materials such as concertina wire, razor wire, or out of pallets, scrap materials, and roofing materials.
8. No electric fences shall be allowed, except commercially available electric fences installed in accordance with the manufacturer's specifications and used for agricultural purposes.
9. Fences shall be uniformly constructed of wood, composite, vinyl, picket, wrought iron, chain link, or other common fencing material not previously excluded therein.
10. Fences designed for temporary use, such as an orange plastic fence, snow fence, or construction/safety fence shall be removed after its purpose ceases. Snow fences shall not be erected before October 15 and shall be removed by April 30.
11. All fences shall be properly maintained to ensure safety, stability and aesthetic compatibility with the surrounding area. Fences shall be structurally sound, free from decay, rot and other defects that may compromise the integrity of the structure.
    a. Damaged and deteriorated fences shall be repaired or replaced promptly to maintain their appearance and structural integrity.
    b. Fences shall be maintained in a clean and neat condition, free from excessive debris, graffiti, vegetation, refuse, debris or other unsightly materials.
    c. Fences shall not pose a hazard to public safety, such as sharp edges, broken boards or loose wires.

Section 345. Home-Based Businesses

Home-based business activities meeting the thresholds of the definition of this law shall require a zoning permit. All uses defined by this law as home-based businesses shall comply with the following standards:

1. Permanent owner residency is assumed and required to be considered a home-based business.
2. Operations must be limited to the confines of the principal structure or accessory structure.
3. Exterior changes to structures (above routine maintenance) are not allowed without special use permit approval.
4. Signs that are flush on buildings, or projecting from buildings, shall not exceed 10 square feet, free-standing signs shall be no more than four square feet in size.
5. Signs with moving parts, flashing lights, or exposed neon tubing shall only be allowed with written authorization of the Village Board.
6. Manufacturing and assembly shall be limited to 3 horsepower tools.
7. Noise, glare, vibration shall be limited. Electronic and microwave interference with radios, TVs and other household appliances is prohibited.
8. Operations shall be limited to the hours of 6 a.m. to 9 p.m.
9. Customer parking shall be on-site and off the public right-of-way.
10. Total floor area of business not to exceed 400 square feet.

Any home-based business activity exceeding the standards and criteria above shall be considered a commercial use subject to special use permit approval.

Section 350. Adult Entertainment Uses/Oriented Businesses

The Village Board hereby finds that the operational characteristics of adult entertainment uses increase the detrimental impact on a community when such uses are spread throughout the community. The Village Board finds that, based upon common knowledge, experience and studies conducted by other municipalities, both large and small (such as Kansas City, Missouri, and the Village of Bergen, New York), the adult entertainment uses sought to be regulated by this chapter have been associated with criminal and other socially undesirable behavior, such as disorderly conduct, prostitution, pornography, drug trafficking and substance abuse, which have the effects of depressing property values in the surrounding neighborhood and increasing the burden upon law enforcement personnel and municipal expenditures. Therefore, this law is intended to promote the health, safety, and general welfare of the residents of the Village of Constableville by establishing the following development standards for any adult entertainment use:

This section shall apply to any uses where patrons may be restricted based on age shall continue to be prohibited in the Village of Constableville this is to include but is not limited to adult bookstores, adult entertainment cabaret, adult video stores, peep shows, adult motels, adult theater, body painting studio, adult model studio and the like.

Adult Entertainment Development Standards:

1) Adult entertainment uses may not be located within a half mile (2,640 feet), measured from parcel bounds of churches, schools, parks, playing fields, municipally owned parcels, Constable Hall, or other areas in which groups of minors regularly congregate.
2) No such use may be located on a New York State Highway.
3) Such uses shall not be located within 100 feet of any residential lot line.
4) Adult entertainment uses shall be limited to one sign, on the building no larger than 5 square feet.
5) All building openings, entries, windows, doors, etc. shall be covered or screened in a manner to prevent view into the interior from outside the premises. Windows shall be opaque glass or similar.
6) Adult uses shall be fully screened from all residential properties by fencing or hedges at least eight feet in height.
7) Outdoor lighting shall be limited to a light by the entrance and a shielded light on the structure. No colored lights or signs are permitted for this use.

The Village of Constableville prides itself on its wholesome, family-oriented character, which the Board feels it would not be able to maintain without the establishment of clear dimensional standards for adult entertainment uses and businesses.

Section 355. Farm Animals and Poultry Within the Village

1. Prohibition.

    a. No person owning less than ten (10) acres of contiguous land within the Village of Constableville shall keep, harbor, or shelter any large farm animal within the Village of Constableville.
    b. All livestock must be kept in a sanitary environment, cared for according to good animal husbandry standards, and must be maintained disease-free to the greatest extent possible.
    c. All animal waste must be properly disposed of off-site and kept away from property lines. Odors shall be controlled to prevent impact on neighboring properties.

    d. No person shall keep, maintain, or possess more than twelve (12) poultry on any single lot.

e. Livestock feed must be stored in heavy plastic or metal containers and securely covered to prevent access by pests.
f. Person shall obey DEC Conservation Law regarding possession, harbor, or shelter of any exotic animals, wild game or other wildlife within the Village of Constableville. Given the confines of the Village, even if DEC permitting could be attained, residents shall not be allowed to possess, harbor or shelter any aforementioned species within the Village for the health and safety of all.
g. No crowing animals, such as roosters, shall be allowed within Village limits. Other animals must be kept from making excessive noise, ensuring that the noise level at the property line does not exceed more than five decibels above ambient levels.
h. No person shall allow any large farm animal(s) or poultry to run at large within the Village of Constableville. Animals must remain on the owner's property; a fence or other containment structure may be required by the Village Board with appropriate milestones for erection after one documented occurrence.
i. The slaughter of livestock in public view within the Village is strictly prohibited.

If the Village Board receives any substantiated complaints regarding any of the above-listed prohibitions, violations and penalties will follow **Sections 1150 and 1160**, respectively.

2. Restrictions.
   All property owners within the Village of Constableville must adhere to the following conditions:

   a. The maximum number of animals will be limited to no more than six (6) large farm animals per acre.
   b. The land on which large farm animals or poultry are kept must be properly fenced or the animals must be contained in a suitably sized structure to keep the animals on the property.
   c. Any waste generated from large farm animals or poultry must be dealt with in such a way as to avoid excessive, noxious, or otherwise unpleasant odors to neighbors within the Village or removed from the property by the property owner on a regular basis, i.e., no less frequently than weekly or sooner if necessary to avoid unnecessary odors to neighbors within the Village.

3. Property owners having large farm animals and/or poultry pre-existing this law in the Village of Constableville are not exempt from this law. A homeowner with "large farm animals and/or poultry' at the time of adoption of this law must come into compliance with this law within one hundred and eighty (180) days of the effective date of this local law.

Section 360. Storage Vehicles

Any bus, van, recreational camping vehicle, semi-trailer (or part), truck trailer, mobile home, or trailer of any kind used for nonvehicular storage purposes is prohibited within the Village of Constableville. The Village is taking this strong approach to retain the charm of the Village and ensure the health and safety of the residents. Given the increase in substance use and misuse in rural areas, the Village is actively seeking approaches to limit the opportunity for harmful behaviors.

Property owners that currently possess storage vehicles on Village lots, pre-existing this law in the Village of Constableville are not exempt from these regulations. A property owner with a vehicle that could be classified as a 'storage vehicle' by the Code Enforcement Officer at the adoption of this law

must comply within one hundred and eighty days (180) days from the effective date of this law, otherwise, the Village and Code Enforcement shall follow Article 11 regarding Violations and Penalties.

Section 365. Junk Vehicles

With respect to any motor vehicle whether automobile, bus, boat, recreational camping vehicle, truck box camper trailer, trailer, truck, tractor-trailer, motor home, motorcycle, motorized bicycle, mini-bicycle, jet-ski, snowmobile, vessel or any other device originally intended for travel on the public highways, trails, or on water OR any motor vehicle not required to be licensed or a motor vehicle not usually used on public highways (such as ATV, farm and heavy construction equipment, timber harvesting equipment, golf carts, etc.) which meets any of the following conditions:

- Is unlicensed and/or unregistered;
- Is either abandoned, wrecked, stored, discarded, dismantled, or partly dismantled; or
- Is not in any condition for legal use upon the public highway.
- With respect to any motor vehicle not required to be licensed, or any motor vehicle not usually used on public highways, the fact that such motor vehicle has remained unused for more than six (6) months or is not in a condition to be removed under its own power shall be presumptive evidence that such motor vehicle is a junk vehicle.

The above statement, and definition, mirror that which is contained in Lewis County Local Law Number 3 of 2021 or as amended herein.

1. Storage Requirements of Junk Vehicles.
    a. Any piece of equipment meeting the definition of a junk vehicle shall be required to be stored on private property within a garage or other fully enclosed structure unless a farming operation is situated on land and said parcels have a current Agricultural District # 6 designation (See c).

    b. The Village of Constableville shall deem the storage of exposed junk vehicles to be unlawful for any person as owner of a vehicle and/or as owner of real property within the Village of Constableville to store or deposit or cause, suffer or permit to be stored or deposited an unregistered, abandoned, junked, or inoperative motor vehicle or motor vehicles or any part or piece thereof on any real property, private property or private premises within the Village, except within a garage or other enclosed structure.

    c. Farming operations must move inoperable 'junk vehicles', farm equipment, and tractors to the less visible sight of public right of way to the greatest extent possible. Such locations may be behind agricultural buildings, along existing fence rows where vegetation is present, behind topographic features such as hills or gullies or further away from public roads. These graces only pertain to vehicles and equipment that directly relate to the farm operation.

        1. Existing farming operations may have 180 days from the filing of this Zoning Law with the Secretary of State to comply with the provisions within this law before **Article 11, Sections 1150 and 1160** shall apply.

All provisions and requirements of the County of Lewis Local Law 3 of 2021 and as amended, shall apply.

Section 370. Outdoor Furnaces

1. Prohibition. The construction, installation, and operation of outdoor furnaces are hereby prohibited within the Village of Constableville.

2. Pre-existing Outdoor Furnaces. Outdoor furnaces installed before the effective date of this law are permitted under the following conditions:

    a. The furnace may be operated only between September 1st and May 31st.

    b. The furnace shall be equipped with properly functioning spark arrestors within one year of this law becoming effective.

    c. The enlargement of such furnaces is prohibited.

    d. Furnace emissions shall not interfere with the reasonable enjoyment of life or property.

    e. No malodorous air contaminants from the furnace shall be detectable outside the property on which the furnace is located.

    f. The furnace emissions shall not cause damage to vegetation or property.

    g. The furnace emissions shall not be harmful to human or animal health.

    h. Furnaces are limited to firewood and untreated lumber as a fuel. The burning of any other material is prohibited.

    i. The furnace shall not emit emissions greater than 20% opacity (six-minute average).

Section 375. Prohibited Uses

A. **Purpose and Findings**
The following uses are prohibited within the Village because the Village Board finds, based on the small geographic size of the Village, its predominantly residential development pattern, limited transportation infrastructure, proximity of homes to commercial corridors, and the absence of industrially zoned land, that these specific uses would create impacts that cannot be adequately mitigated within the Village limits. These impacts include excessive noise, traffic generation, hazardous materials, infrastructure burdens, or land area requirements incompatible with the Village's scale, character, and capacity.

B. **Prohibited Uses**
Due to the documented health, safety, welfare, environmental, and infrastructure concerns noted above, the following uses are prohibited in any location within the Village:

1. **Advanced compressed air energy storage facilities**
    These systems require subsurface caverns, high-pressure storage, heavy industrial equipment, and significant utility infrastructure incompatible with the Village's residential scale and geology.

2. **Airports and landing strips**
   Such uses require large separation areas, runway lengths, and noise buffers that cannot be accommodated within the Village's boundaries.

3. **Industrial uses as defined in Article 13**
   Industrial uses involve hazardous materials, heavy truck traffic, waste outputs, and noise levels incompatible with the Village's small-scale development pattern and infrastructure capacity. This prohibition does *not* include "light industrial uses," which remain allowable by Special Use Permit as provided in Schedule A.

4. **Large solar energy systems**
   Large solar systems require expansive land areas and buffer yards unavailable within the Village's boundaries, as documented in **Schedule B** mapping. These systems are appropriate only within the Town of West Turin.

5. **Battery energy storage systems (large-scale)**
   Due to fire-suppression requirements, thermal-runaway risks, and the need for large buffer zones, large-scale battery systems cannot be safely accommodated within the Village's dense residential pattern.

6. **Campgrounds**
   Campgrounds require significant acreage, internal circulation systems, on-site water and wastewater capacity, and buffering from adjacent residential uses. These land characteristics do not exist within the Village limits.

7. **Junkyards**
   Junkyards involve storage of inoperative vehicles, fluids, and waste materials that pose risks to neighboring residential properties and water resources and conflict with the Village's existing junk-vehicle regulations.

8. **New outdoor furnaces**
   Based on documented nuisance impacts and previous local regulation, new outdoor furnaces are prohibited due to air-quality, odor, and visibility impacts that cannot be mitigated in the Village's compact environment. Pre-existing furnaces remain regulated under **Section 370**.

9. **Vape/smoke shops**
   Due to the proximity of residences, schools, and youth-oriented community facilities, and the Village's interest in reducing youth exposure to nicotine and THC retail environments, vape/smoke shops are prohibited as a retail use.

10. **Storage vehicles**
    As defined in **Article 13**, storage vehicles are prohibited due to their demonstrated contribution to blight, safety concerns, and obstruction of sight lines, as further detailed in Section 360.

11. **Burial of human remains outside licensed cemeteries**
    Burial of human remains outside an approved cemetery is prohibited to protect groundwater resources, prevent improper interment practices, and ensure compliance with NYS Public Health Law.

ARTICLE 4. SPECIAL USE PERMIT REVIEW

Section 405. Authority

The Village Board of Trustees of the Village of Constableville is hereby authorized, pursuant to the State of New York Village Law 7-725-b, to review and approve, approve with modifications, or disapprove special use permits within the Village as designated in accordance with the standards and procedures set forth in this law.

Section 410. General Review Criteria

The Village Board shall require that all special use permits comply with the following general review criteria:

1. That the proposed use is of a character compatible with the surrounding neighborhood and In harmony with the Village of Constableville's Plan for the community;
2. That the public facilities to service the proposed use, including water supply, sewage disposal, drainage facilities, road facilities, and any other utilities and public services are adequate for the intended level of use;
3. That the site is designed in the interests of the public health, safety, welfare, comfort and convenience of the public in general, the residents of the proposed development, and the residents of the immediate surrounding area;
4. That the site is designed so as to be in harmony with the comprehensive plan for the community;
5. That parking areas are adequate for the intended level of use, and arranged and screened so as to minimize negative impacts on adjacent properties;
6. 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 road systems;
7. That the internal circulation of the site is arranged so as to minimize impacts on the road systems;
8. 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 but not to impede the line of sight for motorists;
9. 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;
10. That signs, site lighting, and the locations of all buildings and structures are in keeping with the character of the neighborhood;
11. That any changes to existing drainage patterns, or increased drainage due to development activity has no negative impacts on adjacent property;
12. That proposed water supply and sewage disposal facilities are adequate;
13. That development activity complies with all other standards and requirements of this law.

Section 415. Application

The Enforcement Officer shall refer any application for a zoning permit that requires a special use permit review to the Village Board. An application for a special use permit review shall be filed with the Village Board, and the appropriate fee as determined by the fee schedule adopted by the Village Board resolution

shall be paid to the Village 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, Northpoint, 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 Village;
5. Location and ownership of all adjacent lands as shown on the latest tax records;
6. Location, name, and existing width of adjacent roads;
7. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use or adjoining the property;
8. Complete outline of existing or proposed deed restrictions or covenants applying to the property;
9. Existing hydrologic features, including wetlands, together with a grading and drainage plan showing existing and proposed contours at a maximum of five-foot intervals;
10. 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;
11. Location and design of all parking and loading areas including access and egress drives and fire lanes and emergency access areas;
12. Provision for pedestrian access, including public and private sidewalks;
13. Location of outdoor storage;
14. Location and design of all existing or proposed site improvements, including drains, culverts, retaining walls, fences and screening;
15. Description of the method of securing public water supply and disposing of sewage, and the location and design of such facilities;
16. Location and design of all energy distribution facilities, including electrical, gas, and solar energy;
17. Location, size and design of all proposed signs;
18. Location and design plan of outdoor lighting facilities including approximate lumen output;
19. General landscaping plan and planting schedule, including the location and proposed development of all buffer areas;
20. 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 Village Board;
21. A statement of the nature and extent of the interest of any state employee, or officer of employee of the Village in the applicant pursuant to the State of New York General Municipal Law Section 809.
22. An environmental assessment form (EAF) and, where required, a draft environmental impact statement (EIS);
23. DEC jurisdictional determination or written confirmation that no DEC permit is required for proposed footprint expansion or land disturbance.

Section 416. Review Timeline and Appeals Process

1. **Initial Review Period**

   Upon receipt of a complete special use permit application, the Village Board shall begin its

review within 30 calendar days. The completeness of the application shall be determined by the Enforcement Officer in consultation with the Village Clerk.

2. **Decision Deadline**
   The Village Board shall render a decision to approve, approve with conditions, or deny the application within 62 calendar days of the close of any required public hearing, unless extended by mutual written agreement between the applicant and the Village Board.

3. **Notification of Decision**
   The Village Clerk shall notify the applicant in writing of the Village Board's decision within five business days of the decision being filed. The notification shall include any conditions of approval or reasons for denial.

4. **Appeals Process**
   Any applicant aggrieved by the decision of the Village Board may file an appeal with the Zoning Board of Appeals (ZBA) within 30 calendar days of receiving written notice of the decision. The appeal shall follow the procedures outlined in **Section 1170** of this law.

5. **Recordkeeping**
   All decisions, including approvals, denials, and conditions, shall be recorded in the official minutes of the Village Board and maintained by the Village Clerk as part of the public record.

Section 420. Waiver of Submission Requirements

The Village Board may waive any of the submission requirements listed in **Section 415** above where it deems that the information is either not applicable or is unnecessary to a particular special use permit review; however any such waiver must be noted specifically with justification in the corresponding meeting minutes.

Section 425. Environmental Impact Review

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

Section 430. Review

Upon a determination by the Village Board that the application for a special use permit review is complete, the board shall review the special use permit taking into consideration the objectives for special use permit review as outlined in **Section 410** above, the general standards for all uses as outlined in **Article 3** of this law, and any special standards for the use found in this law.

Section 435. Variance

During the course of the review, should the Village Board determine that a special use permit approval may not be feasible without the granting of a variance as defined by the State of New York Village Law Section 7-712, the Village Board may at any time refer the application and site plans to the Zoning Board of Appeals for the consideration of such variance.

Section 440. Public Hearing

1. The Village Board may conduct a public hearing. Such public hearing, if conducted, shall be conducted within 62 days of the receipt of the completed application for a special use permit review and shall be advertised at least five days before the hearing in the newspaper used for general circulation used by the citizens of the Village. The public hearing may be conducted before or after the County Planning Board Review has taken place.
2. Public hearings can't be waived by NYS Statute.
3. There is a 10-day notice requirement sent to the clerk of the adjacent municipality for property within 500' of the municipal line.
4. If a public hearing is conducted, the Village Board shall have 62 days from the close of the public hearing to render their final action.

Section 445. County Planning Board Review

The Village Board shall refer all special use permit review matters that fall within those areas specified under the State of New York General Municipal Law 239-m to the Lewis County Planning Board prior to final action. If the Lewis County Planning Board does not respond within 30 days from the time it receives a full statement on the referral matter, then the Village Board may act without such report.

Section 450. Final Action

1. Within 62 days of closure of the public hearing the Village Board shall act on the special use permit. The time within which the Village Board must render its decision may be extended upon mutual consent of the applicant and the Village Board. The action of the Village Board shall be in the form of a written statement to the applicant stating whether or not the special use permits are approved, approved with conditions, or disapproved. The decision of the Village Board shall be filed in the office of the Village Clerk within five business days and a copy provided to the applicant and the Enforcement Officer.

2. If the special use permit is approved, and upon payment by the applicant of all fees and reimbursable costs due to the Village, the Village Board shall endorse its approval on a copy of the application and site plans.

3. If the special use permit is approved with modifications, the Village Board shall specify in the statement all modifications to be made. Upon payment by the applicant of all fees and reimbursable costs due to Village, and upon satisfaction of ALL approval conditions of the application and site plans, the Village Board shall endorse its approval on a copy of the application and site plans.

4. If the special use permit is disapproved, the statement shall contain the reasons for such findings. In such case, the Village Board may recommend further study of the application and resubmission after it has been revised or redesigned.

Section 455. Report to the County Planning Department

The Village Board shall report final actions to the Lewis County Planning Board in accordance with the State of New York General Municipal Law 239-m.

ARTICLE 5. SPECIAL USE PERMIT REVIEW DESIGN STANDARDS

Section 505. Application of Design Standards

1) An application for special use permit approval shall not be approved unless the proposed use meets the standards of this article.

2) The exterior façade and overall design shall be consistent with the 2024 Lewis County Downtown Design Guide to the greatest extent possible.

3) The Village Board may waive and/or modify, subject to appropriate conditions, the provisions of any or all standards and/or requirements set forth in this article if in the special circumstances of a particular application such standards are not in the interest of the public health, safety, and general welfare or strict adherence to such standards and/or requirements would cause unnecessary hardship for the applicant without achieving public benefit objectives. The Village Board shall state its reasons for granting any waivers or modifications in writing and file the same along with the special use permit application and supporting documents.

4) All uses requiring a Special Use Permit review must comply with the following:

   a) Lot area not required for buildings, structures or parking shall be landscaped with grass, decorative trees, and/or shrubs of noninvasive species. A plan showing the location and species of plan material shall be provided with the application.
   b) All utility lines shall be provided underground when practical.
   c) The following property maintenance standards shall be complied with:
      i. All landscaping, including lawns, shrubs, and trees, shall be maintained in a neat, clean, and healthy condition;
      ii. Weeds, dead or dying plants, and litter shall be removed promptly;
      iii. Regular lawn mowing, trimming, and watering shall be performed;
      iv. Landscaping shall be designed to enhance the appearance of the property and minimize negative impacts on neighboring properties; and
      v. The Village shall enforce compliance in documented situations after at least one written warning has been issued requesting compliance. The Village may add the associated expenses incurred to rectify compliance with the property owner's Village tax bill.

Section 510. Municipal Sewer, Water, and Public Facilities

Municipal sewer, water, and other utilities shall be provided in accordance with the requirements of the Department of Health, NYS Sanitary Code, and subject to any other regulations applicable to the Village.

Municipal water and sewer shall be utilized by all residents who have access to minimize the number of private wells and septic systems for the health and safety of all as well as the financial health of the Village to maintain such infrastructure.

Section 515. Access/Traffic Standards

Special use permit approval shall be conditional upon the applicant obtaining any necessary approvals from the jurisdictional permitting authority, e.g., the County. In addition, the following access requirements shall apply to the extent the Village Board determines their appropriateness to the proposed use:

1. Private roads and driveways shall be constructed and maintained so as to provide for year-round access.
2. Private roads and driveways shall be finished with a surface that will assure that it will be maintained free of dust and debris. Surface materials may include oil and chips, pervious pavement, compact gravel, or blacktop.
3. There shall be a minimum distance of 35 feet between proposed and existing driveways on public roads.
4. Driveways shall be combined wherever possible to minimize the number of access points onto public roadways.
5. No driveway centerline shall intersect a road line less than 70 feet from the intersection of any two roadways.
6. Driveway grade and width shall be such that adequate and safe access is provided for emergency and service vehicles during all seasons.
7. The minimum maintained width of all non-residential driveways shall be 20 feet, which allows for incoming and outgoing vehicles to pass one another safely.
8. The additional traffic generated, together with existing traffic, shall not exceed the capacity of the highway(s) that serve the development.
9. In situations where the proposed additional traffic is likely to result in a significant decrease in traffic safety conditions, the Village Board may require the applicant to provide traffic improvements as a condition of special use permit approval or to reduce the size or density of the proposed development.

Section 520. Parking/Loading Standards

The following off-road loading standards shall be met by the applicant unless otherwise waived or modified by the Village Board:

1. On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
2. Adequate off-street parking must be provided. There shall be at least two parking spaces for each manufactured home site within a manufactured home park, and two parking spaces for each dwelling unit.
3. Commercial/industrial uses shall have one parking space per 1,000 square feet of gross floor area, or one space per three employees, whichever will require a larger number of spaces.
4. Minimum dimensions of parking spaces shall be eight (8) feet by eighteen (18) feet. Car loading spaces shall be at least fifteen (15) feet in width and at least twenty-five (25) feet in length, exclusive of access and turning areas. Truck loading spaces shall be at least

fifteen (15) feet in width and at least sixty (60) feet in length, exclusive of access and turning areas.

5. Curbing may be required at the Board's discretion, along the frontage to delineate access points.
6. Where possible, parking/loading areas should be located to the sides or rear of the use to lessen the visual impact.
7. Any loading dock facing a road front shall be sufficiently far back from the road to enable the largest permitted tractor trailer to maneuver into said loading dock without obstructing traffic.

The Board may lessen parking requirements in writing where they see fit to do so on a case-by-case basis to reduce the potential for stormwater runoff and other water quality issues.

Section 525. Landscaping and Screening

Landscaping and screening shall be provided as follows for any use requiring a special use permit:

1. Existing vegetation shall be used to the greatest extent possible.
2. Along a property line facing a residential property, a 10 feet wide buffer strip of evergreen planting shall be provided to effectively screen the commercial/light industrial, manufactured home park, or recreational camping vehicle park use from view.
3. Along road frontage, a 5 feet wide buffer of landscaping shall be provided where appropriate and designed so as not to obstruct sight distance at points of access.
4. Where appropriate, a wall, fence, or earthen berm of location, height, and design approved by the Village Board, may be substituted for the required planting.
5. Where the existing topography and/or landscaping provide adequate screening, the Village Board may modify the planting and/or buffer area requirements.

Section 530. Lighting

Adequate lighting shall be provided on a site to ensure safe movement of persons and vehicles and for security purposes. All lighting shall be designed and arranged so as to minimize glare and reflection on adjacent properties and roadways.

1. The style of light and light standards should be consistent with the architectural style of the principal building.
2. The maximum height of free-standing lights should be the same as the principal building but not exceeding 25 feet from the base ground level.
3. Where lights along the property lines will be visible to adjacent residents, the lights should be appropriately shielded and downcast.
4. Spotlight-type fixtures attached to buildings should be avoided.
5. Free-standing lights should be so located and protected to avoid being easily damaged by vehicles.
6. Lighting plans detailing compliance with the above-mentioned items are required to satisfy this item for the Special Use Permit.

Section 535. Signs

Signs shall conform to the following standards:

1. There shall be no more than one sign per entrance that identifies the development.

2. Signs shall be compatible with the general environment of the project site.
3. Signs with moving parts, flashing lights or exposed neon tubing shall be only allowed, without written authorization of the Village Board prior to placement.
4. Maximum height for a free-standing entrance sign, from base elevation, shall be no greater than 20 feet.
5. Maximum area of a sign unless otherwise authorized, shall not exceed 32 square feet.
6. Dynamic signs with scrolling text and or images where a complete message cycle movement rates and brightness complies with Federal Highway Administration (FHWA) standards shall only be allowed with written authorization of the Village Board before placement. Dynamic signs are not permitted to flash or blink.
    i. Not-for-profit organizations such as Constable Hall or the Volunteer Fire Company are exempt from the required written authorization.

Signs for municipal use are exempt from any and all sign regulations of this law.

Section 540. Drainage

On site drainage shall conform to the following requirements:

1. To the extent practicable, all development shall conform to the natural contours of the land, and pre-existing manmade drainageways shall remain undisturbed.
2. Wherever practicable, the drainage system of a development shall be coordinated with the connections to the drainage systems or drainageways on surrounding properties or roads.
3. The natural state of watercourses, swales, or rights-of-way shall be maintained as nearly as possible. All drainage facilities shall be designed for a 50-year storm, minimum. The Village Board may require facilities sized for more intensive storms should development conditions in the vicinity of the site warrant a greater degree of protection.
4. Surface water runoff shall be minimized and detained on-site as long as possible and practicable to facilitate groundwater recharge. Practicality is determined by the Village or a Village-procured consultant rather than the developer, however, any expenses assumed by the Village to determine practicality; will be passed on to the developer.
5. All developments shall be constructed and maintained so that adjacent properties are not substantially impacted by surface waters as a result of such developments. No development shall be constructed or maintained so that such development impedes the natural flow of water thereby causing damage to any adjacent properties or unreasonably collects and channels surface water onto adjacent properties at such locations or at such volume as to cause substantial damage to such lower adjacent properties.

Section 545. Erosion Control

Erosion control plan shall be submitted where required by the Village Board as follows:

1. Such plan shall be required where development activities:
    a. Disturbs one acre or more of land.
    b. Is to be conducted on a site which has a slope anywhere on the site that averages 10 percent or more over a horizontal distance of at least 100 feet.

    For purposes of this section, disturbed land shall mean any use of the land by any use requiring special use permit approval, that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air,

gravity, wind, or ice from the site of its origin. Looking at the full scope of the project site including but not limited to acreage involved in proposed the building footprint, additional accessory structures, drainage ways, accessways, land clearing, land leveling and grading.

2. All measures necessary to minimize soil erosion and to control sedimentation in the disturbed land area shall be provided. Every effort shall be made by the applicant to minimize velocities of water runoff and retain sedimentation within the development site as early as possible following disturbances.

ARTICLE 6. MANUFACTURED HOMES, ACCESSORY DWELLING UNITS, SHORT-TERM RENTALS AND RECREATIONAL CAMPING VEHICLES

Section 610. Manufactured Home

1. Except as otherwise provided by this law, a zoning permit shall be required before an owner, tenant or other occupant of real estate may locate, or replace a manufactured home in the Village of Constableville or erect, enlarge or replace an accessory structure to that manufactured home. A permit shall be issued pursuant to, and in accordance with, the requirements of this law.

2. No person or entity in possession of real estate within the Village of Constableville, as owner, tenant, or otherwise, shall knowingly authorize or permit the use of that property as the site of a manufactured home, unless a permit has first been issued pursuant to this law.

Section 615. Application Procedures for Manufactured Homes

The Village has determined that Manufactured Homes will require a Zoning Permit to review the adequacy of waste disposal, drainage, parking, and other requirements relative to health, safety, and general welfare, as well as compatibility with the neighborhood.

1. Application: The applicant will file for a Zoning Permit or Temporary Permit shall be obtained from the Village Clerk. Applications shall be made using forms established by resolution by the Village Board of Trustees.

2. Site Plan Contents: The applicant shall provide a site plan indicating: all property lines and dimensions; all existing or proposed structures; all existing roads, easements, or proposed driveways; all existing or proposed wells and sanitary facilities; all bodies of water, streams, or wetlands.

3. Issuance of Zoning Permit: Within thirty (30) days of receipt by the Village Clerk of a completed application and Special Use Permit approval, the Enforcement Officer shall approve or deny the application for a manufactured home permit or temporary permit as long as workload allows. Approval or denial shall be based upon conformance with the applicable requirements of this law. The applicant shall be notified, in writing, of the Enforcement Officer's decision.

4. Zoning Expiration: A zoning permit shall expire twelve (12) months from the date of issuance. A permit may be renewed upon authorization of the Village Board of Trustees.

5. Temporary Permit Expiration: Temporary permits shall expire six (6) months from the date of issuance. A temporary permit may be renewed once upon authorization of the Village Board of Trustees. If a permit is required after the first renewal, the applicant must pursue a manufactured home permit as the situation will no longer be considered temporary.

Section 620. Manufactured Home Emergency Living Quarters Exception

A manufactured home may temporarily be located within the Village and occupied as living quarters, exempt from the requirements of **Sections 630 and 635**, upon the following conditions:

1. The usual living quarters of the occupants have been rendered uninhabitable because of fire, flood or other disaster;
2. Within 48 hours after occupancy, temporary arrangements have been implemented for safe and adequate access, fuel and water supply, and sewage disposal for the manufactured home;
3. Within 120 hours after placement of the manufactured home, and application for a temporary permit is filed; and
4. The manufactured home is removed from such temporary site by the expiration date of the temporary permit or within three days after service of a notice of determination denying the temporary permit on account of failure to meet any of the foregoing conditions, whichever is earlier.

Section 625. Manufactured Home Interim Quarters Exception

A single manufactured home may temporarily be located within the Village and occupied, exempt from the requirements of **Sections 630 and 635**, upon the following conditions:

1. The intended occupants are in the process of constructing or renovating a conventional dwelling upon the same lot or are engaged in a construction project within the Village;
2. A temporary permit is first obtained;
3. Temporary arrangements are first implemented for safe and adequate access, fuel and water supply, and sewage disposal for the manufactured home; and
4. The manufactured home is removed from such temporary site at the earliest to occur of the following: by the expiration date of the temporary permit; the expiration of three days from service of a notice of determination denying the temporary permit on account of failure to meet any of the foregoing conditions; the completion of the work associated with issuance of the temporary permit.

Section 630. Regulations for all Manufactured Homes

The following standards shall apply with respect to each manufactured home located within the Village of Constableville unless specifically exempted by other provisions in this law:

1. Manufactured Home Features:
    a. All manufactured homes shall be in compliance with standards equal to or more stringent than the U.S. Department of Housing and Urban Development (HUD) Manufactured Mobile Home Construction and Safety Standards, 24 CFR Part 3280 (1976), and as amended. The applicant is responsible for providing adequate evidence that these standards have been complied with. The presence of a permanent certification label affixed to the mobile home by the manufacturer shall

be presumptive evidence that the construction of a manufactured home is in compliance with such standards;

b. The manufactured home shall bear data relative to the structural zone and wind zone for which the home is designed;
c. The manufactured home shall bear data relative to the heating and insulation zone and outdoor design temperature;
d. The manufactured home shall have a pitched roof of a minimum ratio of about ¼ (about 14 degrees). Such roof shall have roofing shingles or a shingle-like appearance;
e. The manufactured home shall have a minimum width of no less than twenty-four (24) feet; and
f. Pursuant to New York State Executive Law Article 21-B, Title 2, a manufactured home that is affixed to a permanent foundation and conforms with the identical development specifications and standards, including general aesthetics and architectural standards, applicable to conventional site-built one-family dwellings within the Village.
    i. Without being in compliance with the requirements contained in New York State Executive Law Article 21-B, Title 2, the manufactured home is only permitted within an approved manufactured home park.

2. Manufactured Home Skirting
    a. The manufactured home shall be provided with a skirt within 15 days of placement at its site in order to screen space between the manufactured home and the ground.

    b. The skirt shall be of permanent material providing a finished exterior appearance.

3. Manufactured Home Pad
    a. The manufactured home site shall be provided with a pad, basement or cellar, which will give a firm base and adequate support for the manufactured home;

    b. A basement or cellar, shall be constructed in accordance with the New York State Uniform Fire Prevention and Building Code;

    c. A pad shall have a dimension approximating the width and length of the manufactured home and any expansions thereto; and

    d. Pads shall be either:
        i. 10 inches of compact gravel; or

        ii. A full concrete slab at least six inches thick; or

        iii. Six inches of compacted gravel with a reinforced concrete runner on each side of the pad to provide support. Such runner shall be a minimum of four feet wide, 65 feet long, and six inches thick; or

        iv. Be comprised of such other materials as are recommended and approved by the manufactured home manufacturer or by a licensed engineer.

The relocation of a "Mobile Home" shall not be permitted given the advanced age of such structures and the presumed risk to the health and safety of the inhabitants.

Section 635. Manufactured Home Placement Standards

The following standards shall apply with respect to the location or relocation, of each manufactured home within the Village of Constableville unless specifically exempted by other provisions of this law.

1. Lot Size and Character

a. Each lot intended or acting as the site of a manufactured home and having the required frontage on a public or private road must consist of at least 4,000 square feet.

b. Such lot shall have at least 30 feet of frontage upon a public or private road;

c. At the time of manufactured home placement and thereafter, no other manufactured home and no buildings other than accessory structures or condemned structures may be situated upon the lot;

   i. -If condemned structures are present on the lot, the condemned structure must be removed to the satisfaction of the Code Official before the approval of the special use permit for the proposed manufactured home.

d. Each lot shall have access to and provide adequate potable water supply and sewage disposal in accordance with NYS Health Codes and Local Laws and Ordinances of the Village of Constableville.

2. Placement

The placement of the manufactured home, and/ or associated accessory structures shall conform to the following standards:

a. Minimum setbacks shall be:

   For manufactured homes and accessory structures:
   i. Minimum Front Setback: lesser of the yards previously established on adjacent parcels
   ii. Maximum Front Setback: minimum front setback plus 10'
   iii. 5' side setback for manufactured homes;
   iv. 5' rear setback for manufactured homes;

b. Fuel tanks shall be located out of public view on the opposite side of the manufactured home from the road line. In the case of a corner lot, fuel tanks shall be located along a side of the manufactured home, not facing the road, and completely screened from view.

Section 640. Manufactured Home Nonconformities

1. Pre-existing Manufactured Homes

a. A permit shall not be required for the continued location, use or occupation of a manufactured home situated within the Village on the effective date of this law (a "pre-existing manufactured home"), and the manufactured home itself, as well as pre-existing accessory structures and well and septic systems, shall be exempt from the standards set forth in **Sections 630 and 635** of this law so long as the manufactured home remains at that particular site.

b. A permit shall be required, however, to replace, improve or enlarge a pre-existing manufactured home, or accessory structure less than 200 square feet, or to add accessory structures larger than 200 square feet. In all situations whether or not a permit is required:

I. The replacement, enlargement or addition shall meet all of the standards set forth in **Sections 630 and 635** of this law;

II. The replacement, enlargement or addition shall not result in any further or greater encroachment of the placement standards set forth in **Section 635** then existed at the effective date of this law;

III. In order to replace a pre-existing manufactured home or accessory structure, there must be compliance with all of the standards set forth in **Sections 630 and 635.**

Section 645. Accessory Dwelling Units (ADU)

The Village Board plans to utilize accessory dwelling units as a progressive means to address the housing shortage. Accessory dwelling units may be permissible when conditions match the intent and standards outlined in this section.

The purpose and intent for accessory dwelling units is to be an allowed use in certain situations to:

1. To provide an additional long-term housing solution at minimal costs by the use of existing housing stock and infrastructure,
2. Provide housing that responds to changing family needs, smaller households, and increasing housing costs.
3. Provide certain homeowners with a means of obtaining rental income, companionship, security, and services, thereby enabling them to stay more comfortable in homes and neighborhoods longer.
4. Provide accessible housing for seniors and people with disabilities
5. Protect the stability, property values, and the residential character of neighborhoods.
6. To protect long-term housing stock, no dwelling unit on a parcel containing an ADU may be used or offered as a short-term rental. This prohibition applies to both the ADU and the principal dwelling.

To succeed with the purpose and intent, accessory dwelling units shall not be operated as short-term rentals. Should the approved property appear on any Short-Term Rental website or reports, the property owner may be subject to **Article 11** regarding Violations and Penalties as applicable.

1. Accessory Dwelling Unit Terminology:

Accessory Dwelling Unit (ADU)- A subordinate dwelling unit, 650 square feet or less, located either within a principal residential dwelling, (inclusive of garage if attached thereto), or within an approved detached accessory structure, having its own ingress and egress and providing independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation. All ADUs shall meet the requirements of habitable space as defined by the New York State Uniform Fire Prevention and Building Code and shall incorporate Universal Design Standards into their design. ADU's must also comply with the provisions in Article 3.

Types of ADU

i. Accessory apartments are ADUs attached to or part of the principal dwelling. Accessory apartments are limited to attached garages.
ii. Accessory cottages- are ADU's detached structures. Examples include converted detached garages or new construction.

2. Accessory Dwelling Unit Standards:

ADU's shall comply with the following developmental standards:

A. No more than one accessory dwelling unit may be permitted per lot.
B. An ADU is only permitted at a single-family dwelling lot and is prohibited from all other housing types including but not limited to two-family dwellings (duplexes), apartment buildings, multi-family dwellings, and mobile/manufactured homes, etc.
C. An ADU cannot be sold separately from the principal dwelling unless the resulting subdivision produces two conforming lots.
D. ADU sites must demonstrate adequate parking on the lot for the principal structure and the proposed ADU, such that on-street parking shall not be required.
E. Accessory dwelling units shall be no smaller than 200 square feet and no greater than **650** square feet of floor area and shall have no more than two bedrooms.
    - The intent to limit the size is to ensure that there are not two full-size dwellings upon one lot, which eventually could cause property disputes, among other issues.
F. ADUs shall not be permitted on nonconforming lots or within nonconforming structures. Existing structures that do not meet required setbacks shall not be permitted to be used as an ADU.
G. Manufactured homes/mobile homes shall not be permitted as accessory dwelling units.
H. A lot or parcel of land containing an ADU shall be occupied by the owner of the premises. The owner may reside permanently in either the ADU or the principal dwelling unit.
I. The ADU/principal dwelling shall not be rented or offered for rent for less than 30 consecutive days, otherwise, **Article 11** regarding Violations and Penalties provisions may apply. If violations occur more than three (3) times in a twelve (12) month period or five (5) times in a five (5) year period, an order to deconstruct the ADU could be issued.
J. Once an ADU is established, the conversion or change of the primary owner-occupied residence to rental use is prohibited and will result in an order to deconstruct the ADU within six (6) months of such notification and may be subject to **Article 11** regarding Violations and Penalties.
K. Approved accessory dwelling units will require an annual General Permit renewal and associated fee by December 31st each year.
L. An Annual General Permit shall be required of all permitted (existing/new) accessory dwelling units to verify no changes to use, operation, or contact information. Annual General Permits will be due no later than December 31st each year, starting with 2025. The Village Clerk will maintain a digital record providing written notification, no later than 30 days and no sooner than 90 days before permit expiration. The notification letters are a courtesy, and should they not be sent for any reason, the responsibility ultimately falls on the applicant/owner to provide the General Permit by the annual deadline as a condition of the permit approval. The digital record will also be used to document noncompliance and shall be provided to the Village Board and Code Enforcement Office by no later than the second week in January to initiate **Article 11** regarding Violations and Penalties.

3. Accessory Apartment Specific Standards:

An Accessory Apartment may be allowed within a principal structure with a zoning permit issued by the zoning officer upon satisfactory site plans that comply with the definition of accessory dwelling unit, building codes, and this section.

a) An appropriate principal structure when referring to accessory dwelling units may be structures attached to principal dwellings such as garages or similar, when such structures are attached, they are considered the principal structure. The intent of this section is not to convert a single-family dwelling to a two-family dwelling.
b) If a separate entrance to the accessory dwelling unit is provided, it shall be to the side or rear of the single-family dwelling.
c) Fire escapes or exterior stairs for access to an upper-level accessory apartment shall not be located within street view on the principal dwelling.
d) No exterior changes shall be made to the building in which the accessory apartment is located that, in the opinion of the Board, would alter the single-family dwelling character and appearance of the residence.
e) The proposed accessory apartment shall comply with all applicable building, fire, electrical, health, and other safety codes.

4. Accessory Cottage Specific Standards:

An Accessory Cottage utilizing an existing detached structure from the principal structure may be allowed upon issuance of a special use permit and meet the following additional standards:

a. The maximum height allowed for an accessory cottage is the lesser of 25 feet or the height of the principal dwelling.
b. Accessory cottages must be located at least six feet behind the principal structure when not utilizing an existing structure.
c. The accessory cottage shall meet the general setback requirements of the principal use, single-family dwelling front setback, as well as ten (10) feet setback on sides and rear from all property lines and all existing structures.
d. The proposed accessory cottage shall comply with all applicable building, fire, electrical, health and other safety codes.
e. If setbacks cannot be satisfied, the proposed accessory dwelling unit shall not be permitted.

Section 650. Short-Term Rentals (STR)

1. Intent

A. The Village recognizes the growing popularity of Short-Term Rental (STR) platforms and their potential to promote tourism and support local economic development. The Village also recognized that STRs may have impacts on neighboring properties, neighborhood character, environmental resources, and the overall health, safety, and welfare of the community. However, maintaining a supply of long-term rental housing for permanent residents is essential. Because multiple-family dwellings are a key component of the Village's limited long-term housing stock, they are not permitted to be converted into STR units.
B. To balance these priorities, these provisions governing STR uses are designed to allow the Village to realize the economic benefits that this type of use can bring, while preserving the community character and long-term affordable housing stock.
C. Based on documented data assessing housing availability and community impacts, including findings from the 2022 Lewis County Housing Needs Assessment, the Village finds that capping STR permits at 12 (approximately 10% of residential parcels) is necessary, proportional, and the least restrictive means available to maintain long-term housing supply and neighborhood stability. Nothing in this section is intended to prohibit lawful residential use of property; rather, these regulations address the unique impacts of transient occupancy.

2. **Transition From Prior Special Use Permit STR Approvals**
To ensure consistency and uniform administration, all Short-Term Rentals previously operating under a Special Use Permit (SUP) shall be required to transition to the Short-Term Rental Permit system established in this section. Any prior SUP authorization for STR use shall expire upon the earlier of:
    A. The expiration date of the prior Special Use Permit; or
    B. 24 months from the effective date of this Local Law.

Upon such expiration, continued STR operation shall only be permitted under a valid Short-Term Rental Permit issued pursuant to this section. Former SUP approvals shall not constitute grandfathered rights and shall not exempt an STR from compliance with the operational standards, inspection requirements, numerical cap, or renewal requirements established herein.

3. **Permit Requirement.**
    A. Any structure or portion of a structure proposed for Short-Term Rental use shall be disclosed as such at the time of zoning permit or building permit application. Converting any existing structure or addition to STR use requires an STR Permit under this section.
    B. It is unlawful for any person to operate a STR within the Village without first obtaining a Short-Term Rental Permit. After the issuance of a Short-Term Rental Permit, the owner of a STR must also register with Lewis County, as required by Lewis County Local Law 8 of the year 2025, as amended.
        i) For pre-existing STRs, see **Section 1060** Nonconforming Short-Term Rentals to determine compliance requirements.
    C. An approved Short-Term Rental Permit is valid for 24 months from the date of the County's Short-Term Rental Registration Date. Short-Term Rental Permits may be renewed by the Village Board pursuant to the terms of this section for each successive 24-month period during which rentals take place.
    D. The Village Board Clerk shall maintain an active STR permit registry and send renewal notices to permit holders at least 60 days prior to permit expiration.
        i) It is the permit holder's responsibility to submit a complete renewal application before the expiration date.
    E. Failure to renew the STR permit by the deadline will result in expiration and removal from the active permit list.
        i) Applicants seeking permit renewals should do so at least 60 days prior to the permit's expiration date to avoid lapsing without receiving the renewal.
    F. STR Permits are issued to the property owner and are not assignable or transferable. Any change in ownership results in immediate expiration of the permit. The new owner must submit a new STR Permit application and shall be subject to all requirements and numerical caps in effect at the time of application.
        i) Applicants whose permits expire due to non-renewal or change in ownership shall be placed at the end of the waitlist if they reapply. Previous permit status does not provide priority or preferential placement on the waitlist.

4. **Application for Short-Term Rental Permit**

The form and content of the Short-Term Rental Permit application shall be determined by the Village Zoning Enforcement Officer and/or the Village Board and shall contain such information as the Zoning Enforcement Officer and/or Village Board deems necessary to determine the sufficiency of the application. Such an application shall contain, at a minimum:

a) The property address and tax parcel number.
b) The number of dwelling units located on the property.
c) The ceiling height, dimensions and number of bedrooms inside each STR unit proposed to be rented.
d) A plan showing the location of designated emergency egress and rescue windows to the extent such features are required under current law, code, or regulation.
e) A signed certification by the property owner(s) attesting to the fact that:
   (i) To the best of their knowledge, the property is fit for human habitation and complies with the Village Code, NYS Uniform Fire Prevention and Building Code, and NYS Department of Health Appendix 75-A, to include working fire extinguishers and NYS-compliant smoke and carbon monoxide alarms.
   (ii) The owner will comply with all of the operational standards and permit requirements of the Short-Term Rental Permit.
   (iii) The owner has read and understands the enforcement actions detailed in this section, should the Zoning Enforcement Officer determine non-compliance.
   (iv) The owner understands that false claims on this self-signed certification will result in immediate permit revocation and a fine of $200 per false claim, in addition to penalties under **Sections 1150 and 1160.**
f) Compliance with all applicable State and Local Property Maintenance Codes and Building and Safety Codes.
g) A copy of the interior floor plan, with dimensions in feet (L' x W' x H'), of the entire dwelling unit specifying the location of each proposed bedroom on each floor.
h) A list of all property owners of the STR property, including names, addresses, telephone numbers, and email addresses.
   (i) If owned by a Limited Liability Company (LLC), a partnership, a corporation, or other entity, a list of the names, addresses, telephone numbers, and email addresses of the members, partners, shareholders, officers, and principals of such entities.
i) The name, address, telephone number, and email address of an owner or a contact person authorized to act on the owner's behalf (designated emergency contact) to promptly remedy any complaint or violation. This designated emergency contact must be located within one hundred and twenty (120) minutes' distance by car and must be available 24 hours per day, 7 days a week.
j) Proof of liability insurance (min. $300,000) covering property damage or bodily injury from STR operations. Coverage via booking platforms is acceptable.
k) The applicant is responsible for mailing written notification via first-class mail to all property owners within 200 feet. Proof of mailing, including a USPS Certificate of Mailing or equivalent, must be submitted for the application to be deemed complete.

5. Operational Standards

A. The maximum occupancy limit must be clearly posted inside the STR.
   a. Children under five are not counted toward maximum occupancy.
   b. Maximum overnight occupancy shall not exceed two (2) people per approved bedroom.
      i. To qualify as an "approved bedroom," the room must meet all of the following New York Property Maintenance Code requirements:
      ii. Minimum 100 sq ft of floor area.
      iii. Minimum 7 ft ceiling height and minimum width/ length of 7 ft.

iv. An egress window that is compliant under the code that was in place when the building was constructed.
v. Direct access (no passage through another bedroom); and
vi. Approved bedrooms meet all other NYS or Local Property Maintenance Code requirements for a habitable room or other terms referring to bedroom.

c. Total people (overnight and daytime visitors) must not exceed 1.5 times the overnight occupancy between 8 AM and 10 PM.

B. Garbage must be removed weekly from the property, containers secured with tight-fitting covers, and stored out of sight except during pickup times.
C. House numbers must always be clearly visible from both the road and driveway.
D. Clear operating instructions for heating sources must be posted visibly for guests.
E. STRs may not host parties or events exceeding the occupancy limits. Violations may incur fines, permit suspension/revocation, and other penalties under **Sections 1150 and 1160.**
F. There shall be no recreational vehicles or campers located on the STR property, nor shall there be any overnight camping in tents or otherwise used in conjunction with STRs to provide additional sleeping areas.
G. No portion of a cellar or attic within the rental area shall be used for habitable space of any kind.
H. Short-term rentals are prohibited on any parcel that contains an Accessory Dwelling Unit (ADU), whether the ADU is existing, approved, or unpermitted. STR Permits shall only be issued for principal dwellings located on parcels that do not contain an ADU, consistent with **Section 645.**
I. A minimum of one designated off-road parking space per bedroom must be provided, unless the Village Board approves a reduced requirement due to shared parking, transit access, or site-specific factors.
    a. Front yard lawn shall not constitute an appropriate parking space.
    b. Parking spaces shall conform to **Section 520 (Parking/Loading Standards).**
    c. Street parking shall not constitute an appropriate parking location.

6. **Short-Term Rental Permit Requirements**

Prior to operation, the property owner must obtain a Short-Term Rental Permit from the Village Office and submit the following to the Village Clerk (and forward to the Zoning Enforcement Officer):

A. Completed application and applicable fees.
B. Documentation of compliance with all applicable State and Local Building and Safety Codes.
    a. If attesting to be pre-existing, see Section 1060 (Nonconforming Short-Term Rentals) to determine whether a legal nonconforming/pre-existing use exists.
C. The Real Property Beacon Report Print provided for the proposed property.
D. Interior floor plan of the entire dwelling unit, specifying the location of each proposed bedroom and the floor (e.g., 1st floor, 2nd floor, etc.).
E. Proof of liability insurance (min. $300,000) covering property damage or bodily injury from STR operations — coverage via booking platforms is acceptable.
F. Written proof of notification to all property owners within 200 feet of the premises of the intent to use the property as a Short-Term Rental.
G. Health & Safety:
    a. Working fire extinguishers and NYS-compliant smoke and carbon monoxide alarms.
    b. No portion of a cellar or attic within the rental area shall be used for habitable space of any kind.

c. A fire safety notice posted on each bedroom's interior door, including means of egress, alarm locations, and evacuation instructions.

H. After Village Board permit approval, the STR must be registered with Lewis County immediately, or the permit will be revoked.

1. Cap on STR Permits: The total number of active Short-Term Rental Permits shall not exceed 6 permits or approximately 5% of the residential lots within the Village. It has been found that between 2-5% conversion of residential properties to STR result in negative impacts to the community.

a) If the cap is reached, new applicants shall be placed on a waitlist in order of application date.
b) The cap shall be reviewed every five (5) years and adjusted if the number of tax parcels changes significantly.

2. Mixed-Use/Commercial STR Priority.
STR units located within legally existing mixed-use or commercial buildings, where no long-term dwelling units are converted or removed, shall receive priority placement for permit issuance. These units will not count toward the Village's cap on STR permits for residential parcels.

STRs are prohibited on the first floor of structures within the Main Street corridor, where first-floor dwelling units are generally not permitted in order to maintain appropriate mixed-use patterns, commercial activity, and pedestrian-oriented streetscape character.

I. Permit Renewals.

i. Permits must be renewed biannually—24 months from the date of the County's Short Term Rental Registration Date. Short-term rental permits may be renewed by the Village Board pursuant to the terms of this section for each successive 24-month period during which rentals take place.

ii. The Village Clerk shall maintain an active STR permit registry and send renewal notices to permit holders at least 60 days prior to permit expiration.

a. It is the permit holder's responsibility to submit a complete renewal application before the expiration date.

Failure to renew the STR permit by the deadline will result in expiration and removal from the active permit list.

b. Applicants seeking permit renewals should do so at least 60 days prior to the permit's expiration date to avoid lapsing without receiving the renewal.
c. Expired STR Permits that were not renewed in a timely manner shall be put at the end of the waitlist.

iii. STR Permits are issued to the property owner and are not assignable or transferable. Any change in ownership results in immediate expiration of the permit. The new owner must submit a new STR Permit application and shall be subject to all requirements and numerical caps in effect at the time of application.

iv. Applications remaining on the waitlist for more than 24 months must submit an updated application confirming ownership, contact information, and any site changes.

7. Enforcement and Permit Suspension

The Zoning Enforcement Officer may immediately suspend a STR's Short-Term Rental Permit upon any of the following:

A. Falsification of application information.
B. Noncompliance with this local law.
C. Violation of any provision of the Village Zoning Law.
    i. Violation of NYS Property Maintenance Code (PMCNYS) Law related to premises occupancy, including but not limited to:
        a. Improperly stored garbage/litter
        b. Building or ground maintenance violations
        c. Unauthorized parking
        d. Exceeding authorized occupancy limits
        e. Tampering with or removal of safety devices.
D. If violations are not permanently corrected promptly, the Zoning Enforcement Officer in consultation with the Code Enforcement Officer (if separate entities), may revoke the permit within 30 days of the violation notice and shall follow **Sections 1150 and 1160** (Violations and Penalties).
E. The Zoning Enforcement Officer reserves the right to inspect STRs at any time after permit issuance.
F. Violations or false attestations may result in additional fines, suspension, or revocation of the permit under **Sections 1150 and 1160.**
G. STRs found noncompliant after issuance must correct deficiencies within 30 calendar days or face permit revocation.

8. Complaints.

A. Complaint Submission
All complaints regarding STR properties shall be directed to the Zoning Enforcement Officer (ZEO). Upon receipt of a complaint, the ZEO shall make reasonable efforts to contact the designated emergency contact listed on the STR permit as promptly as possible, noting the exact time.
B. Documentation and Reporting
To ensure prompt resolution of complaints and maintain good-neighbor relations, the designated emergency contact must appear on-site within 120 minutes when directed by the ZEO. If the emergency contact fails to appear within this time frame, the ZEO shall prepare a written report documenting the missed response requirement and any corrective actions taken. This report, along with all related complaint documentation, shall be retained for the lifetime of the STR Permit.
C. Recordkeeping by ZEO
The ZEO should maintain a record of all complaints and associated reports, including the date, nature of the complaint, response time, and resolution status. These records shall be retained in accordance with municipal recordkeeping policies and made available for review upon request.
D. Enforcement of Non-Compliance
Failure of the designated emergency contact to respond within the 120-minute timeframe may result in enforcement actions, including fines, suspension, or revocation of the STR Permit, as outlined in the enforcement section of this law.

9. Appeals

Any determination, suspension, revocation, or denial of a STR Permit under this local law may be appealed in accordance with the appeals process set forth in **Sections 416 and 1170** of the Village Zoning Law. All appeals shall be filed within the time limits and follow the procedures established in that section. The Zoning Board of Appeals (ZBA) serves as the authority to hear and decide such appeals, consistent

with the provisions of the Village Zoning Code. Appeals under this section shall be subject to all applicable ZBA fees established by resolution of the Village Board of Trustees.

10. Application Fees

The Village Board shall establish, and may periodically amend by resolution, a schedule of fees associated with the filing and processing of Short-Term Rental applications, including but not limited to Self-Attestation Forms and renewal forms. Such fees shall be set at a level sufficient to cover administrative costs, compliance review, and any inspections required under this section. No application shall be deemed complete until all applicable fees have been paid in full to the Village Clerk.

11. Environmental Review / SEQR Requirements

A. The issuance of an initial Short-Term Rental Permit pursuant to this section shall be classified as an Unlisted Action under the State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617. Prior to approval of an initial STR Permit, the Village Board shall complete the applicable environmental review, including completion of a Short Environmental Assessment Form (Short EAF), and determine significance in accordance with SEQRA.

B. Renewal of a Short-Term Rental Permit where no material changes are proposed to occupancy, site conditions, or operational standards shall be considered a Type II Action pursuant to 6 NYCRR § 617.5(c)(32) and shall not require further environmental review.

12. Standard Conditions Applicable to All Short-Term Rental (STR) Permits

A. Permit Holder Acknowledgment. As a condition of permit issuance, the property owner has acknowledged that they have read, understand, and agree to comply with all STR regulations contained in this section, all applicable provisions of the Village Zoning Law, and any conditions imposed by the Board. The permit holder further acknowledges that non-compliance may result in fines, suspension, or revocation of the STR Permit.

B. Responsibility for Guests. The permit holder understands they are responsible for ensuring that all renters, occupants, and visitors comply with the operational standards, occupancy limits, parking requirements, and noise provisions set forth in this law. Violations committed by guests or occupants shall be treated as violations committed by the permit holder.

C. Duty to Maintain Compliance. STR properties must comply at all times with the NYS Uniform Fire Prevention and Building Code, NYS Property Maintenance Code, NYS Department of Health wastewater requirements (Appendix 75 A), and all applicable Village codes. Failure to maintain compliance shall constitute grounds for enforcement action.

D. Implied Inspections. By accepting an STR Permit, the property owner authorizes reasonable inspections by the Zoning Enforcement Officer (ZEO) or Code Enforcement Officer (CEO) to verify compliance with this section and all permit conditions.

E. Accuracy of Information. The permit holder shall ensure that all documentation and information submitted to the Village remains accurate. Any material change—including ownership, emergency contact information, insurance coverage, floor plans, or bedroom configuration—must be reported to the ZEO within 14 calendar days. Submission of false or misleading information is grounds for immediate permit revocation.

F. Non-Transferability. All STR Permits are issued to the property owner for the specific parcel identified on the permit. Permits may not be sold, assigned, or transferred. A change in ownership automatically terminates the STR Permit, and any new owner must apply as a new applicant, subject to the numerical cap and waitlist procedures.

G. Acceptance of Penalties. By accepting a STR Permit, the property owner understands, acknowledges, and agrees to the penalty schedule and enforcement procedures detailed in **Article 11**, including the Village's right to impose fines, suspend operations, revoke the permit, or pursue remedies available under law.

H. Permit Display. A copy of the valid STR Permit and the emergency contact information must be posted prominently within the STR in a location visible to guests.
I. Severability of Conditions. Failure to comply with any single permit condition shall constitute a violation independent of all other provisions and may result in enforcement action.
J. Nonconforming STRs. All nonconforming Short-Term Rentals shall comply with the requirements and operational standards of **Section 650** and are subject to the same enforcement, inspection, and permit conditions as conforming STRs upon permit renewal.

Section 660. Recreational Camping Vehicles

1. General

Except as hereafter provided, a recreational camping vehicle may not be occupied, situated, or remain within the Village of Constableville more than 14 calendar days with the following exceptions:

a. This section shall not apply to an unoccupied recreational camping vehicle that constitutes display inventory upon the premises of a recreational camping vehicle sales business.

b. This section shall not apply to a recreational camping vehicle located, relocated, maintained or occupied at an authorized site within a recreational camping vehicle park. For purposes of this subsection, "authorized site" shall mean and be limited to:

I. A recreational camping vehicle site, conforming to the standards set out in this law, which was duly disclosed and identified upon the approved proposed recreation camping vehicle park plan submitted in conjunction with the subject recreational camping vehicle park's permit application; or
II. A recreational camping vehicle site, established prior to the effective date of this law.

c. This section shall not apply to a recreational camping vehicle while located, relocated, maintained, or unoccupied for storage upon the premises of its owner.

Section 665. Recreational Camping Vehicle Park Standards

1. The following standards shall apply with respect to each recreational camping vehicle park created, constructed, altered, or enlarged, within the Village of Constableville unless specifically exempted by other provisions of this law:

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

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

2. Recreational Camping Vehicle Site

a. Recreational camping vehicle sites shall be located on generally level terrain, that is well drained and free of flood hazard.

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

3. Recreational Camping Vehicle Site Size: Each recreational camping vehicle site shall be at least 2,500 square feet in size.
4. Setbacks and Spacing: All buildings and recreational camping vehicle sites shall have a setback of 125 feet from the road line of all public roads, and the setback area shall be substantially wooded and adequately landscaped to provide opaque screening from all public roads. Utility hook-ups for each site shall assure 25' separation distance between recreational camping vehicles.
5. Sewer, Water, and Public Utilities: Sewer and water facilities shall be provided in accordance with the requirements of the New York State Sanitary Code, as regulated by the Department of Health as well as the laws and ordinances of the Village of Constableville.

Section 670. Application Procedures for Recreational Camping Vehicle Parks

1. Objectives

In considering applications for recreational camping vehicle park permits/ special use permits, the Village Board of Trustees shall take into consideration the 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. Conditions and safeguards may be imposed in order that, to the maximum extent possible, the following objectives are realized:

a. Vehicular Access. Proposed access points, not excessive in number, shall be adequate in width, grade, alignment, and visibility and separate from intersections or places of public assembly.

b. Circulation and Parking. There shall be adequate off-street parking and loading spaces to accommodate all vehicles utilized by persons connected with or visiting the development. The interior circulation system shall provide safe accessibility to all parking lots, and adequate separation of pedestrian and vehicular traffic.

c. Landscaping and Screening. All parking, recreational camping vehicles, storage, loading, and service areas shall be screened at all seasons of the year from the view of adjacent residential areas, and the general landscaping of the site shall be harmonious with the surrounding areas.

d. Natural Features. The proposed development, including its sanitary and water service facilities, shall be compatible with geologic, hydrologic and soil conditions of the site and adjacent areas to the extent possible, and existing natural or scenic features and conditions will be preserved.

2. Application for a Recreational Camping Vehicle Park Plan Approval

Each application for a Recreational Camping Vehicle Park plan approval shall be filed with the Village Clerk, together with the appropriate fee. The application shall include two copies of a proposed park plan, drawn to scale, accurately depicting, identifying, and labeling the following:

a. Name and address of applicant and owner, if different, and of the person responsible for preparation of such drawings.
b. Date, Northpoint, written and graphic scale;
c. Boundaries of the lot, including distances, bearings and acreage;

d. Location and ownership of all adjacent lands as shown on the latest tax records;
e. Location, name and width of adjacent roads;
f. Location, width and purpose of all existing and proposed roads upon the lot and of existing and proposed easements, setbacks, reservations, and areas of common use affecting the property;
g. Location, scope and purpose of existing and proposed deed restrictions or covenants affecting the property;
h. Existing hydrologic features, together with grading and drainage plan showing existing and proposed contours at five-foot intervals;
i. Location, use, and height and dimensions of all existing and proposed buildings;
j. Location, design and composition of all existing and proposed parking and truck loading areas with access and egress drives thereto;
k. Location of existing and proposed pedestrian access, including public and private sidewalks;
l. Location of outdoor storage, if any;
m. Location, design and component materials for all existing and proposed site improvements, including drains, culverts, retaining walls. fences and screening;
n. Description of the proposed method of sewage disposal, anticipated need and the location, design and component materials for such facilities;
o. Description of the proposed method of securing potable water and location, design and component materials for such facilities;
p. Location of proposed fire lanes, other emergency zones and fire hydrants;
q. Location, design and component materials for all existing and proposed facilities, including electrical, gas and solar energy;
r. Location, size, design and component materials for all proposed signs;
s. Location and proposed development of all buffer areas, including indication of existing and proposed vegetative cover;
t. Location and design of existing and proposed outdoor lighting facilities;
u. Number and distribution of all existing and proposed recreational camping vehicle sites;
v. General landscaping/screening plan and planting schedule;
w. A draft environmental impact statement (EIS), where required;
x. The proposed method of maintaining, signing and traffic control for all proposed roads;
y. Detailed sizing and final material specifications for all required improvements;
z. Estimated project construction schedule;
aa. Record of application for and approval status of all necessary permits from federal, state, and county officials; and
bb. Other elements integral to the proposed development as considered necessary by the Village Board of trustees.

3. Village Board of Trustees Review of the Recreational Camping Vehicle Park Plan

The Village Board of Trustees shall follow **Article 4** regarding the Special Use Review procedure.

4. Endorsement of Site Development Plan

Where the Village Board of Trustees renders a decision approving a recreational camping vehicle park plan application, the Board shall endorse its approval upon a copy of the site development plan and shall file same with the Village Clerk. Where the decision approves the application subject to modifications, that qualification shall be noted in the board's endorsement

5. Data to be Submitted by Applicant After Approval

The following shall be prepared by the applicant unless waived by the Village Board of Trustees and filed with the Village Clerk. After approval is given by the Village Board of Trustees and before proposed development begins:

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

b. Topographic Map. This map, drawn at a scale of 100 feet to the inch or larger, shall show existing topography at a contour interval of not more than five feet. This map shall also show the location of significant natural features that may influence the design of the proposed use, such as water courses, swamps, wetlands, rock outcrops, wooded areas, and areas subject to flooding.

c. Final Site Development Plan. This map, drawn at a scale of 100 feet to the inch or larger, shall show the proposed development as finally approved and shall include all features and improvements described in **Section 665** and **Section 670**.

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

e. Engineering Plans. Approved engineering plans, including road improvements, drainage system, and public or private utility systems, and other such supporting data as may be necessary.

f. Assurances. The applicant shall provide any assurances of performance required by the Village Board of Trustees' decision of approval.

g. Inspection Fees. The applicant shall submit the required fees for Enforcement Officer inspection during construction.

6. Recreational Camping Vehicle Park Permits

a. The Enforcement Officer shall issue a recreational camping park General Permit to the applicant within 30 days of the filing of an approved site development plan. Where the Village Board of Trustees approves the site development plan subject to modifications, the Enforcement Officer shall issue a permit subject to such modifications.

b. Recreational camping vehicle park General Permits shall expire one year from the date of issuance. Recreational camping vehicle park permits may be renewed upon authorization of the Village Board of Trustees. The Board may add conditions to the renewal as they see fit based on the prior year's experiences. Permit holders should request renewals 45-60 days before permit expiration to avoid a lapse of the permit, restarting the entire process, and additional fees.

ARTICLE 7. TELECOMMUNICATION TOWERS

Section 700. Purpose and Applicability

A. **Purpose**

The purpose of this Article is to establish reasonable, objective, and content-neutral regulations governing the siting, design, installation, operation, maintenance, modification, and removal of telecommunications towers and related wireless facilities within the Village. These regulations are intended to:

1. Protect the health, safety, and general welfare of Village residents;
2. Minimize visual, aesthetic, and environmental impacts associated with tower structures;
3. Encourage the shared use of existing towers and structures to reduce the need for new facilities;

4. Ensure that any new telecommunications facilities are sited in a manner that is compatible with surrounding land uses and community character;
5. Provide clear and predictable standards for applicants, property owners, and the enforcement officer; and
6. Comply fully with the federal Telecommunications Act of 1996, FCC regulations, and applicable New York State laws, including limitations on local regulation of radiofrequency emissions.

B. **Applicability**

1. The provisions of this Article apply to all telecommunications towers, monopoles, antenna arrays, accessory structures, and any associated wireless telecommunications facilities proposed, constructed, modified, or operated within the Village.
2. This Article applies to both new facilities and modifications of existing facilities, except where federal law requires streamlined review for eligible facilities requests.
3. No telecommunications tower or related facility may be installed, constructed, modified, or operated within the Village except in accordance with the standards and procedures set forth in this Article.
4. Where a conflict exists between this Article and any other provision of the Village Zoning Law, the more restrictive provision shall apply, unless preempted by federal or state law.
5. Nothing in this Article shall be interpreted to prohibit or effectively prohibit the provision of personal wireless services, nor shall it regulate environmental or health effects of radiofrequency emissions beyond the extent permitted under federal law.

C. **Exemptions**

The following installations are exempt from the provisions of this Article, except where specifically stated otherwise:

1. Amateur (ham) radio facilities licensed by the FCC and used exclusively for non-commercial purposes;
2. Routine maintenance or repair that does not modify height, structure, or appearance;
3. Temporary emergency communications equipment deployed by public safety agencies.

D. **Administration**

The Enforcement Officer and Village Board shall administer this Article in accordance with all applicable procedural requirements, including those contained in Article 4 of this Zoning Law and any FCC "shot-clock" timelines, to ensure timely and legally compliant review of applications.

701. Telecommunications Facility Application Requirements and Implementation Standards

A. **Applicability of Review Standards**

All applications for the installation, construction, modification, or operation of a telecommunications tower or related facility within the Village shall comply with the procedural, technical, and submission requirements of this section, in addition to all other provisions of this Article.

B. **Application Submission Requirements**

An application shall not be deemed complete until the following materials have been submitted to the Enforcement Officer or Village Clerk:

1. **FCC Compliance Documentation**
   Written certification from a qualified radiofrequency engineer confirming that the proposed facility will comply with all applicable FCC standards for radiofrequency emissions in effect at the time of application.

2. **Demonstration of Need**
   Objective evidence showing that the facility is necessary to address a gap in coverage or capacity and that the proposal represents the least intrusive means of remedying that gap within the Village.
3. **Alternative Site and Collocation Analysis**
   A written analysis identifying all existing towers, structures, or properties within a reasonable search area that may feasibly support collocation, together with documentation of outreach efforts and responses received.
4. **Site Plan Materials**
   A complete site plan prepared in accordance with Article 4, including:
   a. Tower height, design, and structural details;
   b. Location and dimensions of accessory structures;
   c. Grading, access, utilities, and screening;
   d. Fall zone map and safety clearances;
   e. Visual simulations from at least three public viewpoints.

5. **Engineering Certification**
   A statement from a New York State–licensed professional engineer confirming that the structure and all appurtenant equipment are designed to meet all applicable structural, wind, and safety codes.

6. **Operational Information**
   A description of anticipated equipment noise, hours of routine maintenance, emergency access provisions, and any backup power systems.

C. **Review Standards**
The Village Board shall review applications using the following objective criteria:
1. Whether the proposed facility minimizes visual, aesthetic, and environmental impacts to the maximum extent practicable.
2. Whether reasonable collocation or alternative siting opportunities exist.
3. Whether the proposal is consistent with community character and land-use patterns.
4. Whether the application provides adequate certification of structural integrity and FCC compliance.
5. Whether the facility is designed to accommodate future collocation where technically feasible.
6. Whether the proposal satisfies all applicable requirements of this Article, including setbacks, screening, fencing, decommissioning, and access.

D. **Independent Technical Review**
The Village may retain an independent consultant, at the applicant's expense, to review any technical aspects of the application, including structural analysis, RF compliance, necessity analysis, and alternative siting. Such review shall be limited to matters permitted under federal law.

E. **Shot-Clock Compliance**
The Village shall process all telecommunications applications in accordance with applicable FCC "shot-clock" timelines. If additional information is required, the applicant shall be notified in writing within the applicable timeframe.

F. **Post-Construction Verification**
Within 60 days following construction, the owner or operator shall submit:
1. A certification from a New York State–licensed professional engineer confirming that the facility was built in substantial accordance with the approved plans; and

2. Documentation confirming compliance with all applicable FCC requirements.

G. **Modifications**
Modifications considered an "eligible facilities request" under 47 U.S.C. § 1455(a) shall be reviewed in accordance with applicable federal requirements. All other modifications shall be reviewed pursuant to the standards of this Article.

Section 702. Federal Telecommunications Act Compliance and Limitations on Local Authority

A. **Compliance with Federal Law**
All actions taken under this Article shall comply with the Telecommunications Act of 1996, 47 U.S.C. § 332(c)(7), 47 U.S.C. § 1455(a), and all implementing regulations adopted by the Federal Communications Commission (FCC).

B. **Limitations on Local Regulation**
Nothing in this Article shall be interpreted or applied in a manner that:

1. Prohibits or effectively prohibits the provision of personal wireless services;
2. Unreasonably discriminates among providers of functionally equivalent services;
3. Regulates the environmental or health effects of radiofrequency emissions to the extent such facilities comply with FCC regulations;
4. Conflicts with federal rules governing Eligible Facilities Requests or FCC "shot-clock" timelines;
5. Requires RF emissions to be evaluated under standards other than those established by the FCC.

Section 703. Eligible Facilities Requests (47 U.S.C. § 1455(a))

A. **Applicability**
This section applies to any request to modify an existing wireless tower or base station where the modification does not substantially change the physical dimensions of such tower or base station, as defined in 47 C.F.R. § 1.6100.

B. **Administrative Review Only**
Eligible Facilities Requests (EFRs) are subject only to administrative review for compliance with federal definitions. No public hearing is required.

C. **Mandatory Approval**
The Village shall approve any Eligible Facilities Request that does not substantially change the physical dimensions of the existing facility. Denial is permitted only where the Village determines the request is **not** an Eligible Facilities Request under federal law.

D. **Timeframe for Review**
The Village shall act on an Eligible Facilities Request within 60 days of submission, subject to applicable tolling rules under 47 C.F.R. § 1.6100(c)(3).

E. **Tolling of the Shot-Clock**
The shot-clock may be tolled only when:

1. The Village notifies the applicant within 30 days that the application is incomplete; and

2. The notice specifically identifies missing information.
   Upon resubmission, tolling resumes for 10 days for completeness review.

Section 704. Wireless Facility Shot-Clock Timelines

A. **Mandatory Review Timelines**
Applications under this Article shall be processed within the following timeframes, consistent with 47 C.F.R. § 1.6003:

1. 60 days – Collocation of a facility on an existing structure.
2. 90 days – Construction of a new facility that qualifies as "small wireless infrastructure."
3. 150 days – Construction of a new telecommunications tower or major wireless facility.

B. **Completeness Review**
The Village shall notify the applicant in writing within 10 days of submission if the application is incomplete. Failure to provide notice results in the application being deemed complete for shot-clock purposes.

C. **Effect of Shot-Clock Expiration**
Failure to act within the applicable shot-clock period shall not constitute automatic approval. However, the applicant may pursue remedies available under federal law, including judicial review.

Section 705. Special Use Permit and General Permit Required

Telecommunications towers shall be sited only upon approval of a special use permit and approval of a General Permit. Special use permit application shall be reviewed by the Village Board pursuant to the authority of the State of New York Village Law 7-725-b, and pursuant to the procedures of **Article 4** of this law. The General Permit may be issued upon proof by the owner or operator that the facility is in use and function as intended as a transmission facility, and that it is necessary for the tower at the particular location. General Permits shall be renewed annually and will expire on December 31st of the given year. Where such telecommunication tower permit is not renewed or the facility is no longer in use, the tower shall be removed from the premises within 60 days of notification or a Code Enforcement Officer deeming the site unmaintained and or unsafe.

Section 710. Shared Use

Shared use of existing 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 permission 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.

Section 715. Setbacks

Towers and antennae shall be setback from all lot lines a distance equal to the height of the tower plus twenty-five (25) feet. Additional setbacks may be required to contain icefall or debris from tower failure on-site, and/or to preserve privacy of adjoining residential and public property. The normal setbacks for the district shall apply to all ancillary tower parts, including guy wire anchors and accessory facilities.

Section 720. 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 including emulating the appearance of trees.

Section 725. Lighting

Towers shall not be artificially lit except for 1) a single red aviation warning light on the top, or 2) 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.

Section 730. 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.

Section 735. 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.

Section 740. 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.

Section 745. Screening

Deciduous or evergreen 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.

Section 750. Fencing

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

Section 755. Access and Parking

A road, driveway 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.

Section 760. Utility and System Connections

All utility connections shall be installed beneath the ground surface. Where technologically feasible, connections between telecommunications towers and the system of which they are a part shall be made by use of land line cable rather than parabolic or dish antennas. When such antenna links are technologically necessary, they shall be located, painted and otherwise situated so as to minimize visual impacts. In no case shall the diameter of such an antenna exceed six feet.

Section 765. Financial Security for Demolition

The owner/operator shall provide a demolition bond in the amount of 200% of the estimated cost to remove and restore the site to predevelopment conditions (provided by an NYS-licensed engineer) or other security acceptable to the Village for the purpose of removing the facility in case the applicant fails to do so upon the revocation, expiration or the nonrenewal of the telecommunication tower permit. This shall take into effect after 60 days of nonrenewal of the telecommunication tower permit, the Enforcement Officer's determination of non-operational, or the risk of unsafe conditions.

Section 770. 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.

Section 775. 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 zoning permit, special use permit and/or use variance granted for the facility.

Section 780. 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 with immediate notice to the Enforcement Officer.

Section 785. Decommissioning Plan

Applicants will be required to provide a decommissioning plan for any telecommunication tower to ensure the proper removal of such. Compliance with this plan shall be made a condition of the issuance of the special use permit approval under this section. The Decommissioning Plan must specify that after the facility can no longer be used, it shall be removed and disposed of by the applicant or any subsequent owner/operators in a lawful and environmentally proper manner. The Decommissioning Plan shall demonstrate how the removal of all infrastructure, access roads, fencing, signage and the remediation of soil and vegetation shall be conducted to return the parcel to the original state prior to development. The plan shall also provide a detailed expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared and provided by a Professional Engineer licensed to practice in New York State prior to approval.

Section 790. Abandonment or discontinuation of use

A. Any telecommunication tower that is not operated for a continuous period of six (6) months shall be considered abandoned, and the owner of the facility shall physically remove the entire facility within 90 days of receipt of the notice. "Physically remove" shall include, but not be limited to:

a) Removal of antennas, mount, equipment shelters, security barriers, and any post-development physical property from the subject property.
b) Proper disposal of waste materials from the site in accordance with applicable Local, State, and Federal solid waste disposal regulations.
c) Restoring the location of the facility to its pre-development condition.

B. Towers and antennas shall be removed if the owner's or user's facilities are no longer being used by a valid FCC licensee.

C. Towers and antennas shall be removed if there is not at least one operator with a valid annual permit using the tower. Potential or planned future use of any facility for commercial communication service is not sufficient to avoid the requirement for removal unless the Board deems the plan/ potential sufficient to temporarily allow the facility to remain in writing, citing sound reasons.

i) A decision to require removal shall be the responsibility of the Board after consulting with the Zoning Officer and/or the Village Attorney. Removal shall occur within 90 days of the Board's decision to require removal unless the Board has agreed to a one-time extension of time. If not removed within the designated period, the Village shall have the right to compel removal, with all costs to be borne by the permit holder who operates/ owns, and/or previously used the tower.

If the telecommunication tower is not decommissioned after being considered abandoned, the Village may remove the system, restore the parcel to its original state, and impose a lien on the property to cover costs to the municipality to the extent not covered by any surety/bond required

When towers are removed, site reclamation shall be completed to the satisfaction of the Board within six (6) months. Reclamation shall include landscaping, removal of structures, utility lines, and accessory structures, and shall encompass the building site and buffer area controlled by the facility owner to pre-development conditions.

ARTICLE 8. RENEWABLE ENERGY SYSTEMS

a. The Village recognizes that solar energy is a clean, readily available, and renewable energy source. It further recognizes that energy generated from solar energy systems could be used to offset energy demand on the grid where excess solar power is generated. The Village also recognizes pitfalls to solar energy, including but not limited to challenges with grid management, intermittency of solar energy production (weather-dependent), property value impacts, potential health and safety concerns, and degradation to Village aesthetics and character.

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

c. This article is intended to promote the effective and efficient use of solar energy resources, set provisions for the placement, design, construction and operation of such systems to be consistent with the Village'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 Village.

Section 810. Solar Energy System Design Standards

1. Any proposed solar energy system, including those subject to review by the Office of Renewable Energy Siting (ORES) pursuant to Article 94-c of Executive Law, shall be subject to all substantive provisions of this Article and any other applicable local law.

2. The following standards shall apply to all solar energy systems:
    a. All solar energy systems should be designed, erected, and installed by a licensed architect or licensed engineer registered in New York State in accordance with all applicable codes, regulations, and industry standards as referenced in NYS Uniform Fire Prevention and Building Code ("Building Codes"), International Building Code, International Fire Prevention Code and National Fire Protection Association (NFPA) 70 Standards, and the NYS Energy Conservation Code ("Energy Code").
    b. All on-site electrical wires associated with solar energy systems shall be installed underground, except for "tie-ins" to a public utility company and public utility company utility poles, towers, and lines. This standard may be modified by the Village if the project terrain is determined to be unsuitable due to reasons of excessive grade, biological impacts, or similar factors.
    c. 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.
    d. All solar collectors shall have anti-reflective coatings.

e. All solar collectors and related equipment shall be surfaced, designed, and sited to minimize glare on adjacent properties and roadways.
f. 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.
g. All solar energy systems, solar collectors, and solar parcels shall be maintained in good condition and in accordance with all requirements of this law and all applicable State Laws.
h. All solar energy systems shall be located in a manner to reasonably minimize view blockage for surrounding properties, while still providing adequate solar access for collectors.
i. Solar energy systems shall not be sited in areas identified on the Village of Constableville Development Constraints map (Schedule C).
j. Solar energy systems and equipment shall be permitted only if they are determined by the Village of Constableville 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 sight lines, health risks due to radiation and loss of wildlife habitat.

Section 820. Small Solar Energy Systems

1. Procedural Requirements. A zoning permit issued by the Enforcement Officer shall be required for the installation of all small solar energy systems, with the exception of:
    a. Building-integrated 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 collectors of less than one square yard used individually for charging of batteries and powering small equipment or devices (such as lighting); and
    c. Photovoltaic systems that meet the requirements of the New York State Unified Solar Permit (systems with a rated direct current (DC) capacity of 25 kW or less that meet other requirements).
    d. If approved, an annual General Permit and fee will be required to be submitted to the Village Clerk by December 31st of each year.

2. Building-Mounted Small Solar Energy Systems.
    a. Building-mounted solar energy systems that use the electricity onsite are permitted as an accessory use when attached to any lawfully permitted, code compliant building or structure. Any solar energy systems attached to a structure shall be required to submit a structural report to address all load impacts.
    b. Building-mounted solar energy systems shall incorporate the following design requirements, along with those listed in **Section 810** above:
        i. Solar collectors on pitched roofs shall be mounted at an appropriate distance between the roof surface and the highest edge of the system and approved by a New York State (NYS) Licensed Professional Engineer or NYS Registered Architect.
        ii. Solar collectors on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
        iii. Solar collectors on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
        iv. Solar collectors 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.

v. Solar collectors shall not restrict chimney function in any way.
vi. Solar collectors shall not create unsafe structural loads on roofs or walls.
vii. Solar collectors shall not be located near any flammable materials.
viii. Signage displaying disconnections and other emergency shutoff information shall be clearly displayed on a light reflective surface. The sign location and label shall be specified on the provided site map.

3. Ground-Mounted Small Solar Energy Systems.
   a. Ground-mounted solar energy systems that use the electricity primarily onsite are permitted as an accessory use.
   b. Ground-mounted solar energy systems shall not exceed eight feet in height when oriented at maximum tilt. All solar collectors must be located in compliance with NYS Department of Environmental Conservation (DEC) and Federal Flood Plain regulations and specifications as they pertain to waterways, waterbodies, and designated wetlands.
   c. Systems are limited to maximum lot coverage of 50%.
   d. All such systems shall be installed in side or rear yards and shall be screened from view of the road and neighbors.

Section 830. Large Solar Energy Systems

Large solar energy systems shall be limited to parcels identified in the map provided in Schedule B entitled Village of Constableville Solar Energy System Overlay District Map.
The Village has determined that the bounds of the Village do not contain enough space to house a large solar energy system without adverse impact to the residents, health and safety and the overall character of the Village of Constableville. This conclusion is further justified by the absence of parcels identified on the Village of Constableville Solar Energy System Overlay District Map. All parcels identified on the map as appropriate areas for large solar energy systems are outside of the Village boundaries, within the jurisdiction of the Town of West Turin.
The Village embraces the Village of Constableville Solar Energy System Overlay District Map to preserve infill development, promote sustainable utilization of water and sewer amenities, and protect the potable water infrastructure for the Village and outside districts served in the Town.

Section 840. Battery Energy Storage Systems

The siting of any battery energy storage systems is not permitted within the Village of Constableville. The technology involved in these systems is found to be too great of a risk to the health and safety of the residents of the Village to outweigh any possible benefits.

Section 841. Wind Generating Energy Facilities

Commercial wind energy facilities intended for off-site consumption are prohibited within the Village of Constableville. The Village's physical characteristics, including its size, topography, and land use patterns, are not suitable for accommodating large-scale wind structures.

Section 842. Cryptocurrency Mining Facilities

Cryptocurrency mining operations, whether commercial or industrial in nature, are prohibited within the Village of Constableville. These facilities require significant electrical infrastructure and cooling systems, which are incompatible with the Village's scale, utility capacity, and community character.

Section 843. Data Processing Centers

Large-scale data processing centers intended for off-site commercial use are not permitted within the Village of Constableville. The Village's physical size and infrastructure limitations cannot support the high energy demand, noise, and potential environmental impacts associated with these facilities.

Section 844. Other High-Impact Technology Uses

Any land use that involves substantial energy consumption, continuous high-decibel noise, or large-scale equipment incompatible with residential and small-scale commercial patterns is prohibited within the Village of Constableville. This includes, but is not limited to, blockchain verification facilities, server farms, and similar emerging technologies that pose comparable impacts.

Section 850. Inspections and Enforcement

1. In order to verify that the battery energy storage system or solar energy system's owner or operator and any and all lessees and renters place, construct, modify, and maintain the battery energy storage system or solar energy system in accordance with all applicable technical, safety, fire, building, and local codes, laws, ordinances, regulations, and other applicable requirements, the Village may inspect all facets of placement, construction, modification, and maintenance.
2. Any inspections required by the Village that are beyond the Village's technical expertise or ability shall be conducted by third parties at the expense of the applicant.
3. Any complaints or violations of this law will result in enforcement action and/or penalties as detailed in **Sections 1150 and 1160**.
4. Violations shall be subject to penalties under **Sections 1150 and 1160**, and the Village reserves the right to revoke permits or issue stop-work orders for noncompliance.

Section 855. Review and Update

The Village Board shall conduct a formal review of this Article every 3 years (or earlier if technological innovations emerge) to assess whether new technologies or renaming efforts should be incorporated.

Following each review, the Board may amend definitions, permit classifications, performance standards, or siting criteria to maintain relevance and enforceability.

Section 860. Substantial Equivalency

Any device or arrangement that functions substantially like a Renewable Energy System (RES), regardless of its designation, shall be regulated under this Article as if labeled Renewable Energy System.

Renewable Energy Systems and High-Impact Technology Uses shall be regulated as provided in this Article and listed in Schedule A as permitted, accessory, or prohibited uses by district

ARTICLE 9. DEVELOPMENT GUARANTEES

Section 910. General

In order that the Village has the assurance that the construction and installation of such improvements as storm sewer, water supply, sewage disposal, landscaping, noise abatement equipment and facilities, road signs, sidewalks, parking, access facilities, and road surfacing will be constructed, the Village Board may require that the applicant enter into one of the following agreements with the Village:

1. Furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the Village Board.
2. In lieu of the bond, the applicant may deposit cash, certified check, an irrevocable bank letter of credit, a certificate of deposit, or other forms of financial security acceptable to the Village. Acceptable substitutes, if furnished, shall be kept on deposit with the Village for the duration of the bond period.
3. Construct all improvements required in any existing permit and any additional improvements required by the Village Board prior to issuance of the zoning permit.

Section 920. Conditions

Before a zoning permit is approved, the applicant shall have executed a contract with the Village, if required, and a performance bond, certified check, or bank letter of credit shall have been deposited covering the estimated cost of the required improvements that have been designated by the Village Board. The performance bond, certified check, or bank letter shall be to the Village and shall provide that the applicant, his/her heirs, successors, and assigns, their agent or servants, will comply with all applicable terms, conditions, provisions, and requirements of this law; will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with the zoning permit. Any such bond shall require the approval of the Village Board and the Village Attorney as to form, sufficiency, manner of execution and surety. Wherever a certified check is made, the same shall be made payable to the Village.

Section 930. Extension of Time

The construction or installation of any improvements or facilities, for which a guarantee has been made by the applicant shall be completed within two years from the date of approval of the zoning permit/ special use permit. The applicant may request one (1) extension of time, provided he/she can show reasonable cause for inability to perform said improvements within the required time, at the end of which time the Village may use as much of the guarantee to construct the improvements as necessary. The same shall apply whenever the construction of improvements is not performed in accordance with applicable standards and specifications.

Section 940. Schedule of Improvements

When any one of the guarantees is issued pursuant to the preceding sections, the Village and applicant shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the applicant upon completion and approval after inspection of such improvement or installation. However, 10% of the guarantee shall not be repaid to the applicant until one year following the completion and inspection by the Village of all construction and installation covered by the guarantee.

Section 950. Decommissioning

The Village may also require a decommissioning plan for any essential facility, commercial or light industrial use. The Decommissioning Plan may be submitted as part of the application. Compliance with this plan may be made a condition of the issuance of the special use permit approval. The Decommissioning Plan must specify that after the proposed use becomes no longer operational or utilized for the proposed purpose, it shall be removed and disposed of by the applicant or any subsequent owner in a lawful and environmentally proper manner. The plan shall demonstrate how the removal of all infrastructure, structures, access roads., fencing, signage and the remediation of soil and vegetation shall be conducted to return the parcel to its original state before construction. The plan shall also include the expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan considering inflation costs shall be prepared by an NYS Licensed Professional Engineer and corresponding security bond as part of the Decommissioning Plan.

If the applicant does not complete the construction of the project within eighteen (18) months after beginning construction or the site is not operational or utilized for six (6) consecutive months, the site may be deemed abandoned and may require the implementation of the decommissioning plan to the extent applicable. The Village may notify the operator and/or owner to complete construction and installation of the facility within 180 days from the notification date. If the owner/operator fails to perform, the Village may notify the owner and or operator to implement the Decommissioning Plan. The Decommissioning Plan must be completed within 180 days of notification by the Village.

If the owner and/or operator fails to fully implement the Decommissioning Plan within 180 days, the Village may, at its discretion, provide for the restoration of the site in accordance with the Decommissioning Plan and may recover all expenses incurred for such activities from the defaulted owner and/or operator. The cost incurred by the Village shall be assessed against the property, shall become a lien and tax upon the property, and shall be enforced and collected with interest by the same officer and in the same manner as other taxes.

All Decommissioning Plans must include plans for the removal of all facility components, whether above ground or underground.

ARTICLE 10. NONCONFORMITIES

Section 1010. 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 1020. Nonconforming Lots

Any lot held under separate ownership from adjoining parcels prior to the enactment or amendment of this law, and having a width, depth, or area less than the minimum requirements set forth in this law, may be developed provided that such lot has sufficient width, depth, and area to undertake development which will:

1. Maintain the required minimum front yard; and
2. Maintain the required minimum side and rear yards.

Section 1030. Nonconforming Structures

No structure which by the enactment or amendment of this law is made nonconforming or placed in a nonconforming situation with regard to yard sizes, lot coverage, height or any requirement of this law, shall be changed so as to increase its nonconformity.

Section 1040. Nonconforming Structures Damaged or Destroyed

Any structure that is nonconforming as to yard sizes, height or any other requirement 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.

Section 1050. Nonconforming Uses of Land or Structures

Any use of land or structures which by the enactment or amendment of this section is made nonconforming may be continued on the premises and to the extent preexisting, provided that:

A. Any change in use of land or a structure which by enactment or amendment of this section is made non-conforming is prohibited.
B. Any alteration or enlargement of use which by enactment or amendment of this section is made non-conforming is prohibited, with the exception of one- and two-family dwellings.
C. The only use constitutionally protected is the specific use that existed at the time it became nonconforming. For example, if the nonconforming use was a photography studio that specific use is the only protected use. This is to include the same volume at the time of use became nonconforming.

Section 1060. Nonconforming short-term rentals.

Lewis County Local Law No. 6 of 2019, regulating short-term rentals, was filed with the New York State Department of State on November 6, 2019. Accordingly, any short-term rental established after that date without compliance with said law shall be deemed a violation and shall not constitute a lawful nonconforming pre-existing use under this Zoning Law.

Any previously nonconforming STR's that have lapsed from the County Registration shall no longer be considered nonconforming.

All short-term rentals operating as lawful nonconforming uses must comply with the requirements of this Local Law no later than their next permit renewal date. Failure to meet all applicable standards by that time shall result in the loss of nonconforming status and subject the property to enforcement under current regulations.

ARTICLE 11. ADMINISTRATION/ENFORCEMENT

Section 1110. Enforcement Officer

The Village Board shall appoint an Enforcement Officer to carry out specific administrative functions as designated in this law, and to enforce this law. The duties of the Enforcement Officer shall include the following:

1. Issue and deny zoning permits and certificates of compliance in accordance with this law;
2. Inspect and certify that the regulations of this law have been adhered to;
3. Refer appropriate matters to the Zoning Board of Appeals or Village Board;
4. Revoke permits where there is false, misleading or insufficient information;
5. Revoke permits and certificates of compliance where the applicant has not complied with the provisions of the approved application;
6. Investigate violations and complaints of violations of this law, issue stop use/work orders and refer violations to the Village Justice, or the Village Board; or Law Enforcement Officials,
7. Assist in the prosecution of violators of this law.

Section 1120. Application Procedure for Zoning Permits

1. Applications for zoning permits shall be submitted to the Enforcement Officer and shall include three copies of a layout or plot plan showing the actual dimensions of the lot to be used; the size and location on the lot of existing and proposed structures and accessory structures; the setbacks of structures from all lot lines, road lines, mean high water lines of lakes, streams, ponds and wetlands, and any other features of the lot; the locations of all on-site sewage disposal systems and wells; and such other information as may be necessary to provide for the enforcement of this law. This information, and other relevant application data, shall be provided on forms issued by the Village Clerk or Enforcement Officer.
2. When establishing measurements to meet the required setbacks and yard sizes, the measurements shall be taken from the lot line, road centerline, or nearest mean high-water line to the furthest protruding part of the use or structure. This shall include such projecting facilities as porches, carports, attached garages, etc.
3. The Enforcement Officer shall take action to approve or disapprove the application within ten days of the receipt of a completed application by the Enforcement Officer and the payment of all fees.
4. A zoning permit shall expire one year from the date of issue if construction is not substantially started, or the use has not commenced. Such a permit may be renewed upon payment of all fees prior to expiration.

Section 1130. Permit Fees

A fee as determined by Village Board resolution shall be paid for each application for a special use permit and any other specified permits required by the use. No permit shall be issued until full payment has been received by the Village Clerk.

Section 1140. Certificate of Compliance

1. No use requiring zoning permit/ special use permit approval shall be used, or occupied, until a certificate of compliance has been issued by the Enforcement Officer stating that the building, structure, or proposed use complies with the provisions of this law.
2. All certificates of compliance shall be applied for concurrently with the application for a zoning permit. The certificate shall be issued within ten days after the erection and alteration has been completed in accordance with the conditions of the approved permit, and state that the use complies with the provisions of this law.
3. The Village Clerk shall maintain a record of all certificates of compliance and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building and/or property affected.

Section 1150. Violations

1. **Complaint Initiation**
   Any person may initiate a complaint regarding a suspected violation of this law. All complaints shall be submitted in writing to the Enforcement Officer. If the Village utilizes the County Code Enforcement Office to perform enforcement functions, the Village Board shall designate that office as the Enforcement Officer at its annual reorganizational meeting. The Enforcement Officer shall maintain a record of all complaints received.

2. **Investigation and Notice of Violation**
   Upon receipt of a complaint or upon independent observation, the Enforcement Officer shall investigate the matter. If a violation is found, the Enforcement Officer shall issue a Notice of Violation to the property owner or responsible party. The notice shall:

   a) Be delivered via certified mail or personal service;

   b) Specify the nature of the violation;

   c) Reference the applicable section(s) of this law;

   d) Provide a reasonable deadline for corrective action, not to exceed 30 calendar days, unless the Enforcement Officer consents in writing to an extension for good cause shown.

3. **Stop-Work or Stop-Use Orders**
   If the violation poses an immediate threat to public health, safety, or welfare, or if corrective action is not taken within the specified timeframe, the Enforcement Officer may issue a Stop-Work Order or Stop-Use Order. Such orders shall require the immediate cessation of all related activities until the violation is resolved. Stop-Work and Stop-Use Orders are administrative measures and may be enforced through judicial action in the Village Justice Court or as otherwise permitted under the New York State Uniform Fire Prevention and Building Code.

4. **Referral for Legal Action**
   If the violation persists after issuance of a stop order, the Enforcement Officer may:

   a. File an "Information and Complaint" with the Village Justice;

   b. Refer the matter to the Village Board or legal counsel for further enforcement;

   c. Issue an appearance ticket pursuant to Criminal Procedure Law §150.20(3).

5. **Remediation and Municipal Action**
   Nothing in this Zoning Law shall be construed to authorize demolition, abatement, or remedial action by the Village without following the procedures required under New York State law. All matters relating to unsafe structures, dangerous buildings, sanitation, or property maintenance conditions shall be enforced pursuant to the New York State Uniform Fire Prevention and Building Code, including, but not limited to, the Property Maintenance Code of New York State and the standards governing Unsafe Structures. These matters shall be administered by the County Code Enforcement Office or other designated Enforcement Officer in accordance with State law, including all required notices, hearings, determinations, and appeal procedures.

6. **Documentation and Reporting**
   All enforcement actions shall be documented by the Enforcement Officer and shall be reported to the Village Board upon request.

Section 1160. Penalties

A violation of this law shall be punishable by a fine not less than $100 nor 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 $700, nor more than $1,000, 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. The Village Board may maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law.

Section 1170. Cooperative Zoning Board of Appeals

1. **Creation, Appointment, and Organization.** The Zoning Board of Appeals shall consist of three members as set forth in Section 7-712 of the State of New York Village Law, or in the alternative the Village Board may enter into an agreement pursuant to Article 5-G of the State of New York General Municipal Law and Section 284 of the State of New York Village Law to establish a cooperative Zoning Board of Appeals. In the event of a cooperative Zoning Board of Appeals, membership shall be as per the contractual agreement and may otherwise vary from provisions of Section 7-712 of the State of New York Village Law as may be set forth in that agreement.

2. **Powers and Duties.** The board of appeals shall have all the power and duties prescribed by the State of New York Village Law 7-712 and any subsequent similar provisions of law.

3. **Procedure.** The Board of Appeals shall act in strict accordance with the procedure specified by law. All appeals and applications made to the Board shall be in writing and on a form prescribed by the Village. Every appeal or application shall refer to the specific provisions of the law being appealed and shall exactly set forth the interpretation that is claimed, the use for which the permit is sought, or the details of the appeal that is applied for and the grounds on which it is claimed that the appeal should be granted, as the case may be. A hearing shall be held for all variance actions in conformance with the requirements of the State of New York Village Law. Every decision of the Board of Appeals shall contain a full description of reasons for granting or denying the permit. The reasons for the action shall be set forth in the minutes of the Board of Appeals meeting at which the action was taken. A tally of each member's vote shall be recorded. All meetings and hearings of the board shall be public and records thereof shall be filed with the Village Clerk.

ARTICLE 12. MISCELLANEOUS PROVISIONS

Section 1210. Amendments

The Village Board may amend the provisions of this law pursuant to the State of New York Village Law 7-708 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 the State of New York General Municipal Law Section 239-m.

Section 1220. Interpretation

Interpretation and application of the provisions of this law shall be held to be minimal requirements, adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this law differ from the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

Section 1230. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgement of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 1240. Effective Date

The provisions of this law shall take effect upon filing with the Secretary of State.

ARTICLE 13. DEFINITIONS

Section 1300. Glossary of Terms

Except where specifically defined herein, all words used in this law carry their customary meanings. Words in the present tense include the future, words in the singular include the plural and the plural the singular, and the word "shall" is intended to be mandatory.

ABC Fire Extinguisher: a portable device that can put out Class A, B, and C fires. It uses a dry chemical to extinguish fires.

Access: An entranceway for vehicles to leave or enter a property or lot from a public road or private road.

Accessory Dwelling Unit (ADU): A subordinate dwelling unit, 650 square feet or less, located either within a principal residential dwelling, (inclusive of garage if attached thereto), or within an approved detached accessory structure, having its own ingress and egress and providing independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation. All ADUs shall meet the requirements of habitable space as defined by the New York State Uniform Fire Prevention and Building Code and shall incorporate Universal Design Standards into their design. ADU's must also comply with the provisions in Article 3.

Accessory Structure: A subordinate structure located on the same lot as the primary structure, occupied by or devoted to an accessory use. Where an accessory structure is attached to the primary structure in a substantial manner, as by a wall or roof, such structure shall be considered part of the primary structure, including but not be limited to garages, storage sheds, or similar structures.

Accessory Use: Use of land or a structure that is found on the same parcel as the principal use but is subordinate and incidental.

Adult Bookstore: An establishment which has more than 51% or more portion of its stock in trade, books, pamphlets, magazines and other periodicals, sculptures, photographs, pictures, slides, videotapes, films or sound recordings and which establishment excludes any minor by reason of age.

Adult Entertainment Cabaret: A public or private place of business including but not limited to nightclub, bar, juice bar, restaurant or similar establishment which presents topless or bottomless dancers, go-go dancers, strippers, male or female impersonators, exotic dancers, or other similar entertainment, and which establishment excludes any minor by reason of age.

Adult Entertainment: Any establishment that excludes any minor by reason of age.

Adult Model Studio: Any establishment where, for any form of consideration or gratuity, figure models are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons other than the proprietor, paying such consideration or gratuity and which excludes any minor by reason of age. This provision shall not apply to any school of art which is operated by an individual, firm, association, partnership, corporation or institution, which meets the requirements established in the New

York State Education Law for the issuance of conferring of and is in fact authorized to issue and confer a diploma.

Adult Motel: A motel that excludes minors by reason of age, or which makes available to its patrons in their rooms films, slide shows, or videotapes, which if presented in a public movie theater would exclude any minor by reason of age.

Adult Theater: A theater that customarily presents motion pictures, films, videotapes, or slide shows and that excludes any minor because of age.

Adult Video Store: An establishment having fifty-one percent (51 %) of its stock in trade, visual content or films for sale or viewing on or off premises by use of motion picture devices, video equipment or other coin operated means, and which establishment excludes any minor by reason of age.

Advanced Compressed Air Energy Storage Facility: An electromechanical energy storage facility that stores energy by compressing air and containing it within a purpose-built underground hard rock cavern. When energy is needed, the compressed air is pushed to the surface where it is recombined with stored heat and expanded through a turbine to generate electricity on demand. CAESS typically include components such as air compressors, storage reservoirs, turbines, generators, heat exchangers, and associated control and safety equipment.

Agricultural Use: A primary use of the property, that is directly related to the commercial raising of livestock, or the growing of crops for the sale of agricultural produce, including farm structures, storage of agricultural equipment, horticultural and fruit operations, riding and boarding stables, and the like, or other commonly accepted agricultural operations, however, it can also be as an accessory use for the commercial sale of agricultural or forest products raised on the property.

Agricultural Structure: Barns, silos, storage buildings, equipment sheds, and other structures customarily and primarily/ directly used for agricultural purposes. Used interchangeably with the term farm structures.

Airport: A landing strip is a flat, long area of land where aircraft can take off and land. It is also known as an airstrip. Interchangeably referred to as airport, airstrip or landing strip- all have the same meaning.

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 ranges from 10 hertz to 300,000 megahertz.

Apartment Building: A structure containing one or more dwelling units that is not owner-occupied. It is presumed that occupants pay rent in exchange for occupancy, in most cases.

Battery(ies): A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

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:

g. Small battery energy storage systems have an aggregate energy capacity less than or equal to 600 kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
h. Large battery energy storage systems have an aggregate energy capacity greater than 600 kWh or are comprised of more than one storage battery technology in a room or enclosed area.

Boat: Any vessel, floating craft, seaplane, or personal watercraft including, but not limited to, canoes, rowboats, rowing shells, kayaks, windsurfers, jet skis, and other small vessel or personal watercraft.

Body Painting Studio: Any establishment or business which provides the service of applying paint or other substances whether transparent or non-transparent to or on the human body and which excludes any minor by reason of age.

Buffer Area - An undeveloped part of a lot or an entire lot specifically intended to separate and thus minimize the effects of a land use activity (e.g., noise, dust, visibility, glare, etc.) on adjacent properties.

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

Building Height: The vertical distance of a building measured from curb level at the front of the building to the highest point of the roof for flat and mansard roofs, or the ridgeline for other types of roofs.

Building, Principal: The structure on a lot that houses the primary use on a single lot.

Community Building: A building or accessory structure used for recreational, social, educational, religious, and cultural activities, owned and operated by a public or nonprofit group or agency.

Campgrounds: A lot in which three or more cabins, tents, campsites, shelters, or other lodgings suitable for seasonal or temporary housing accommodations, are located. Mobile/manufactured homes are not allowed in a campground.

Commercial Use: This shall include but not be limited to the following; all wholesale and retail sales and services, including sales and service for new and used automobiles, trucks, manufactured homes, boats, recreational vehicles, farm machinery, and other large items; businesses, providers of overnight accommodations; institutional residences, care or confinement facilities; community building, tree nurseries, storage and parking facilities, laundromats, restaurants, wholesale and retail gasoline outlets, animal hospitals, essential facilities, motor vehicle repair/paint shops, personal and professional services, professional offices, warehouses, etc.

Dangerous Animals: Any animal, exotic or wild, which because of its nature, size or vicious propensities or other characteristics would constitute a danger to human life or property if not kept, maintained in a safe manner or in secure quarters. This definition shall not include cats and dogs.

Dedicated Use Building: A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the International Building Code, and complies with the following:
a. The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.
b. No other occupancy types are permitted in the building.

c. Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
d. Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following: (1) The area do not occupy more than 10 percent of the building area of the story in which they are located; (2) A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to travers through areas containing battery energy storage systems or other energy system equipment.

Driveway: The established or traveled way leading to a particular building from the margin of a public or private road.

Dwelling: A building or part thereof used as family living quarters. The terms "dwelling", "one-family dwelling", "two-family dwelling", or "multiple-family dwelling" shall not include a motel, hotel, boarding house, or tourist home.

Dwelling Unit: A completely self-contained residential unit, with living, sleeping, cooking and sanitary facilities within the unit, for use by one family.

Dwelling, Multiple: A building containing three or more dwelling units.

Dynamic Electronic Message Board: Electronic sign with flashing or blinking content, of which is prohibited within the Village unless given written approval by the Village Board.

Dynamic Sign: An electronic sign with scrolling text and or images complying with Federal Highway Administration (FHWA) standards for brightness and content speed.

Energy Generation Facility: A generator that uses a variety of sources and/or products for the production of power for sale as a primary use. Types of generating facilities may include, but are not limited to, petroleum, methane, ethanol, thermal, wind, solar, hydro-electric, and other energy generation systems.

Enforcement Officer: An individual designated by resolution of the Village Board to assume, undertake, and exercise the duties and responsibilities as provided for this office in this law.

Erosion Control: The use of reseeding, revegetation, placement of mulch, or artificial matting or rip rap, or other methods to prevent soil erosion.

Essential Facilities: The operation or maintenance by municipal agencies or public/private utilities of telephone dial equipment centers; electrical or gas substations; water treatment, transmission lines/facilities; pumping stations; and telecommunication towers operated or maintained by municipal agencies or public/private utilities.

Firewood: Trunks and branches of trees and bushes but does not include leaves, needles, vines or brush smaller than three inches (3") in diameter.

Grading: The leveling of land for site development purposes including construction of roads, building construction, drainage areas, and parking.

Gross Floor Area: The total interior floor area of a entire building, multiplied by the number of floors.

Home-Based Business: A nonresidential activity conducted for financial gain within an owner-occupied dwelling unit or in a building or structure accessory to a dwelling unit that is secondary to the use of the dwelling unit for

Industrial Use: The utilization of a building, or of land to manufacture, process, store, or generate products or goods for commercial use or sale, or to store, treat, or dispose of a by-product of such an activity, including utility facilities, incinerators, and contaminated soils recycling facilities. Industrial use shall include but is not limited to the following: nonmunicipal waste management facility, hazardous waste treatment/storage/ disposal facility, solid waste storage area/ transfer station, rail haul facility, raw waste landfill, sanitary landfill, ash landfill, construction and demolition debris landfill/disposal facility, solid waste incinerator, refuse-derived fuel processing facility, livestock processing facility, pyrolysis facility, land application facility, mining, surface impoundment, used oil storage/ reprocessing facility, refining facility, recyclables handling and recovery facility, waste tire storage facility, dump, radiological waste facility, pathological/ medical waste facility or similar.

Junk Vehicle(s): Any motor vehicle whether automobile, bus, boat, recreational camping vehicle, truck box camper trailer, trailer, truck, tractor-trailer, motor home, motorcycle, motorized bicycle, mini-bicycle, jet-ski, snowmobile, vessel or any other device originally intended for travel on the public highways, trails, or on water OR any motor vehicle not required to be licensed or a motor vehicle not usually used on public highways (such as ATV, farm and heavy construction equipment, timber harvesting equipment, golf carts, etc.) which meets any of the following conditions:

1. Is unlicensed and/or unregistered;

2. Is either abandoned, wrecked, stored, discarded, dismantled, or partly dismantled; or

3. Is not in any condition for legal use upon the public highway.

4. With respect to any motor vehicle not required to be licensed, or any motor vehicle not usually used on public highways, the fact that such motor vehicle has remained unused for more than six (6) months or is not in a condition to be removed under its own power shall be presumptive evidence that such motor vehicle is a junk vehicle.

Large Farm Animals: Animals that include, but not limited to, horses, ponies, donkeys, mules, cows, llamas, alpacas, pigs, goats, and sheep. This definition does not include cats and dogs.

License, Business: Written permission to operate a business for a specified period of time which is renewable upon certification that such business has been operated in compliance with this law.

Light Industrial Use: A use involving the assembly, manufacturing and/or processing of a product, but not producing noisy or otherwise objectionable disturbances such as vibration, dust, odors, or heavy truck traffic, and not involving the use of heavy machinery.

Litter: Waste products that have not been discarded properly. Litter endangers our environment, our wildlife, and our economy. It pollutes our neighborhoods, decreases property values, and destroys our Village's natural beauty.

Livestock Processing Facility: also known as a slaughterhouse and terms can be used interchangeably, is a facility where animals are raised, slaughtered, and processed into meat for commercial purposes.

Lot: A designated parcel, or tract of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.

Lot Area: Total area within the property lines excluding any part thereof lying within the boundaries of a public highway or proposed public highway.

Lot Coverage: That portion of the lot that is covered by buildings and structures.

Lot Frontage: The length of a lot's boundary line that touches a public right-of-way or public space.

Lot Line: A line bounding a lot that divides one lot from another lot.

Lot Line, Front: The lot line separating a lot from a public road or private road. On a flag lot, the interior lot line most parallel to and nearest the road from which access is obtained. Where a road right-of-way is not established or is irregularly shaped, the front lot line shall be considered to be a line parallel to and 25 feet from the centerline or the road pavement of County, Town and private roads or 35 feet from the centerline of the road pavement of state roads.

Lot Line, Rear: The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

Manufactured Home: A factory-manufactured dwelling unit built on or after June 15, 1976, and conforming to the requirements of the Department of Housing and Urban Development (HUD), Manufactured Home Construction and Safety Standards, 24 CFR Part 3208, 4/1/93, transportable in one or more sections, which in the traveling mode, is 8 feet (2438 mm) or more in width or 40 feet (12192 mm) or more in length, or, when erected on site, is 320 square feet (29.7 m^2) minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "manufactured home" shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Federal Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction Safety Act of 1974, as amended. The term "manufactured home" shall not include any self-propelled recreational vehicle.

Manufactured Home Park: A lot in which two or more manufactured homes are located or maintained for use.

Manufactured Home Site: A designated parcel of land in a manufactured home park designated for accommodating one manufactured home, its accessory buildings or structures, and accessory equipment for the use of the occupants.

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

exercises such as tennis courts, racquet ball courts or exercise rooms, and which did not receive their primary source of revenue through the administration of massages.

Mining: The process of extracting desirable minerals from the surface of the Earth.

Mobile Home- a dwelling structure built on a steel chassis and fitted with wheels that is intended to be hauled to a usually permanent site, built before June 15, 1976, where the terminology changes to Manufactured Homes- not to include motor home.

Motor Vehicle: As used in this law, the term "motor vehicle" includes all vehicles as defined by NYS Vehicle and Traffic Law Section 125. The term "motor vehicle" as used in this law shall also include "all-terrain vehicles" as defined by NYS Vehicle and Traffic Law Section 2281 and snowmobiles as defined by NYS Vehicle and Traffic Law Section 2221.

Native Perennial Vegetation: Native flowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

Outdoor Furnace: Any equipment, device, apparatus, accessory structure, or any part thereof whether attached or detached to a principal structure, which is installed, affixed, or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for interior space.

Owner/Operator: The owner of equipment and appurtenances comprising the solar energy system or battery energy storage system; said entity may also be the energy system or storage system operator.

Owner of Real Property: Any person, firm, partnership or corporation whether business of membership or religious, charitable or otherwise, or any purchaser, tenant, lessee, occupant, under tenant, receiver of assignee of private premises or private property or any other unit or entity owning real property in the Village of Constableville.

Parking Lot: An area where cars, trucks or other motor vehicles may be left temporarily. Interchangeably referred to as parking area.

Parking Space: An area reserved for the parking of a motor vehicle.

Peep Show: A theater which presents material in the form of live shows, films, videotapes or DVDs viewed from an enclosure for which a fee is charged, and which excludes any minor by reason of age.

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

Photovoltaic Systems: A solar energy system that produces electricity using semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.

Pollinator: Bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

Poultry: Animals raised domestically as livestock which includes geese, ducks, chickens, roosters, turkeys, pigeons, pheasants any flocks of such. Any migratory species do not apply.

Prime Farmland: Land, designated as "Prime Farmland" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

Primary 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.

Road, Centerline: a line that runs down the middle of a road, dividing it into two sections for traffic going in opposite directions. When no physical lines are present, the centerline is presumed in the middle of the road.

Road, Private: A deeded, established, or proposed route, other than a public road, which affords vehicular access to at least one lot.

Road, Public: An established route for vehicular traffic which, under applicable law, constitutes a Town, Village, State, or Federal Highway.

Road Right-of-Way: The strip of land that is set aside for the potential development of a road, as determined by deed, dedication, or other public record. It can also be used for utility easements, such as for gas, water, sewer, or electric transmission or distribution. In the absence of a definitive public record, a road's right of way shall be deemed to be 25 feet from its centerline.

Rooster: any male poultry species that with the ability to crow, gobble or make unnecessary noise.

Screening: Vegetation, fencing, or earthen materials used to block, in part or whole, visibility toward and/or away from a site. Screening may also be used to lessen noise impacts from a particular site or from adjacent land uses.

Setback, Front: The shortest distance between a specified object/ structure and a road center line.

Setback, Rear: The shortest distance between a specified object/ structure and the rear lot line.

Setback, Side: The shortest distance between a specified object/structure and the parcels immediately adjoining.

Short-Term Rental (STR): The use of a lot for the rental or lease of any, or part of any, residential use dwelling unit, for a period less than thirty (30) days. The STR may occur within an entire dwelling, in rooms within a dwelling, or a separate attached or detached dwelling unit or units on the parcel. Motels, hotels, resorts, inns, boarding houses, and bed & breakfasts, as defined in this chapter, are excluded from this definition. Examples of STRs include, but are not limited to, vacation rentals, Airbnb rentals, and VRBO rentals.

Sign: A name, identification, description, display, illustration, or any other visual display, that is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, which directs attention to an object, product, place, activity, person, institution, organization, industry, or business.

Sign, Free-Standing: A sign that is attached to, erected on or supported by some structure such as a pole, mast, frame, or other structure that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of the sign.

Site Plan: Maps, drawings, supportive data describing the project proposal or development plan on which are shown the existing or proposed conditions of the lot.

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

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

Solar Energy System: An electrical generating system composed of a combination of both solar panels and solar energy equipment.

Solar Energy System, Building-Integrated Photovoltaic System (BIPV): A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade, which does not alter the functionality of the roof. Some examples of BIPV systems include glass and other façade material, semitransparent skylight systems, roofing materials, and shading over windows.

Solar Energy System, Building-Mounted: A solar energy system that is affixed to the roof or side(s) of a building or other structure, either directly or by means of support structures or other mounting devices. Solar energy systems constructed over a parking lot are considered building-mounted solar energy systems.

Solar Energy System, Ground-Mounted (Free Standing): A solar energy system that is affixed to the ground either directly or by support structures or other mounting devices and that is not attached or affixed to an existing structure. Each contiguous structure is considered an accessory structure within this law. Pole-mounted solar energy systems shall be considered ground-mounted solar energy systems.

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

a. Is intended to supply energy 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 the principal use located on site.
b. Has a total ground surface area no larger than 4,000 square feet.

Solar Energy System Overlay District: Specific parcels identified within the Village of Constableville appropriate for large solar energy systems that are shown on the Solar Energy System Overlay District Map.

Storage Vehicle: Any bus, van, recreational camping vehicle, semi-trailer, truck trailer, or mobile home or trailer of any kind used for nonvehicular storage purposes.

Structure: Anything constructed, prefabricated, built; or building of any kind, which requires location on the ground, or is attached to something having a location on the ground, including but without limitation, swimming pools, covered patios, towers, poles, sheds, signs, tanks, etc. excepting outdoor areas, such as paved areas and walkways.

Surface Impoundment- A facility that holds liquids or liquid wastes, such as ponds, lagoons, or pits.

Telecommunications Tower: A structure on which transmitting and/or receiving antenna(e) are located. This definition includes all ancillary structures that assist in the proper functioning of the telecommunication tower- quite simply the entire telecommunication facility. Telecommunication Towers may also be referred to as towers or facilities.

Tiny Home: A dwelling unit that is built as a structure and not on a trailer or chassis that is intended to be used as a stationary continuously occupied dwelling unit and that is less than or equal to 400 square feet in total floor area, but not less than 200 square feet of total floor area.

Unregistered Motor Vehicle: Any motor vehicle that is temporarily stored on the premises of a licensed motor vehicle dealer for sale or which is temporarily stored on the premises of a licensed motor vehicle repair shop in connection with that dealer's or repair shop's business.

Recreational Camping Vehicle: Any enclosed motor vehicle or trailer used or designed to be used for recreational camping and temporary living and/or sleeping purposes including but not limited to motorhomes, truck campers, camping trailers, campers, pop-up trailers, tent trailers, and overnight trailers.

Recreational Camping Vehicle Park: A lot that includes two or more recreational camping vehicle sites.

Recreational Camping Vehicle Site: A plot of land sufficiently improved and equipped to accommodate the placement thereon, and the occupancy, of a recreational camping vehicle, together with so much of the surrounding real estate as is reserved exclusively to serve that recreational camping vehicle and its occupants.

Refinery- An industrial plant that processes raw materials into finished products by removing impurities. Refineries can process crude oil, sugar, metals, and more. Also referred to as a refining facility.

Renewable Energy System (RES)-any equipment or assembly of equipment that generates, converts, stores, or distributes electricity or thermal energy derived from renewable resources. This includes, but is not limited to, systems using solar, wind, geothermal, biomass, hydropower, battery energy storage, thermal storage, microgrids, or other evolving technologies—even if marketed under alternative names.

Untreated Lumber: Dry wood which has been milled and dried, but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, point or other substance.

Use, Principal: The specific purpose for which land or a building is designed, arranged, or intended, or for which it is principally utilized.

Use, Temporary: An activity conducted for a specified limited period of time. Examples of such uses are buildings incidental to new construction which are removed after the completion of the construction work.

Vape/Smoke Shop: A retail or service establishment that is primarily devoted to the sale and display of electronic smoking devices (vapes/electronic cigarettes), components, liquid nicotine, liquid nicotine containers, CBD E-liquids, THC Cartridges, cannabis products, vape batteries and tank cartridges vapor products, tobacco products, and/or allows vaping/smoking of liquid nicotine and/or tobacco products on site.

Vermin: A general term for animals, insects, or invertebrates that may be considered harmful to humans and their property.

Wetlands: Any lands or water that are defined as wetlands according to the NYS Freshwater Wetlands Act, Article 24 Title 23 of Article 71, and as updated herein.as well as any locally or Federally protected waters.

Yard, Front: The space within and extending the full width of the lot from the front lot line to a line, parallel to the front lot line, that intersects the point of a principal structure nearest the front lot line.

Yard, Rear: The space within and extending the full width of the lot from the rear lot line to a line, parallel to the rear lot line, that intersects the point of a principal structure nearest the rear lot line.

Yard, Side: The space within and extending the full distance from the front yard to the rear yard and from the side lot line to that part of the building or structure which is nearest to such side lot line.

Zoning Permit: A permit issued under this law allowing the alteration, expansion, or construction of a use after approval.

ATTACHMENTS

Schedule A- Permitted Uses

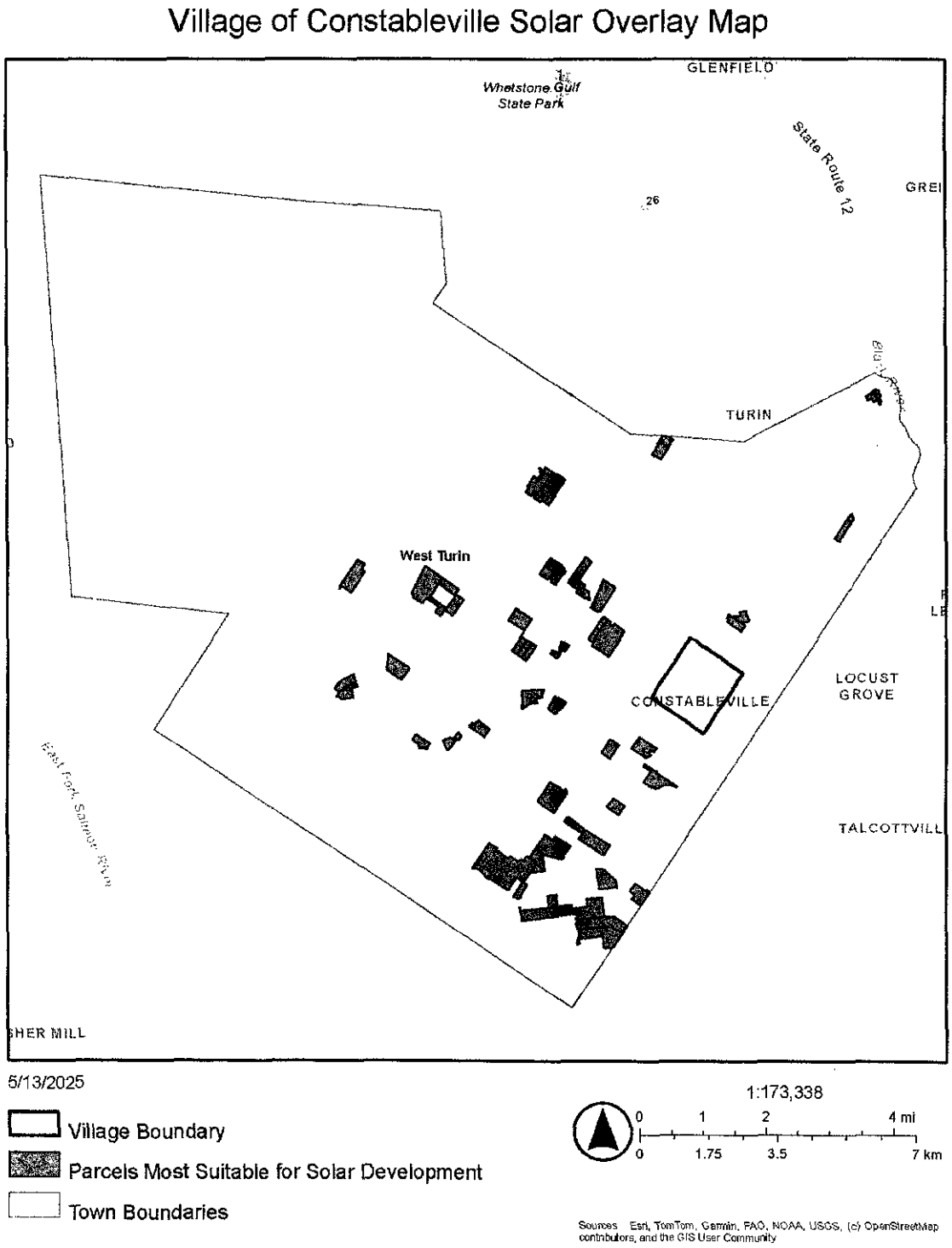
Use	Permit Required	General Permit Renewal Required
ACCESSORY APARTMENT (ADU)	Z	Annually, By December 31st
ACCESSORY COTTAGE (ADU)	SU	Annually, By December 31st
ACCESSORY STRUCTURE OR USE	Z	
ADVANCED COMPRESSED AIR ENERGY STORAGE		
ADULT ENTERTAINMENT USE	SU	Annually, By December 31st
AGRICULTURAL USE/ AGRICULTURAL STRUCTURE	Z	
AIRPORT/ LANDING STRIP		
APARTMENT COMPLEX	SU	Annually By December 31st
BATTERY ENERGY STORAGE SYSTEM		
CAMPGROUND		
CEMETERY	SU	
COMMUNITY BUILDING	SU	
COMMERCIAL USE (THOSE NOT EXPLICITLY PROHIBITED)	SU	Annually By December 31st
DWELLING/ DWELLING UNIT	Z	
DWELLING, MULTIPLE	SU	Annually By December 31st
ESSENTIAL FACILITIES	SU	Annually By December 31st
HOME-BASED BUSINESS	Z	
INDUSTRIAL USE		
JUNKYARD		
LARGE SOLAR ENERGY SYSTEMS		
LIGHT INDUSTRIAL USE	SU	
LIVESTOCK PROCESSING FACILITY		
MANUFACTURED HOME	Z	
NEW OUTDOOR FURNACE		
PARKING LOT	SU	
RECREATIONAL CAMPING PARK	SU	Annually By December 31st
RENEWABLE ENERGY SYSTEM	SEE ARTICLE 8	
SHORT-TERM RENTAL	STR	STR PERMIT Biannually
SMALL SOLAR ENERGY SYSTEM	SU	Annually By December 31st
STORAGE VEHICLE		
TELECOMMUNICATION TOWER	SU	Annually By December 31st
TINY HOME	SU	
VAPE/ SMOKE SHOP		

Permit Required Key

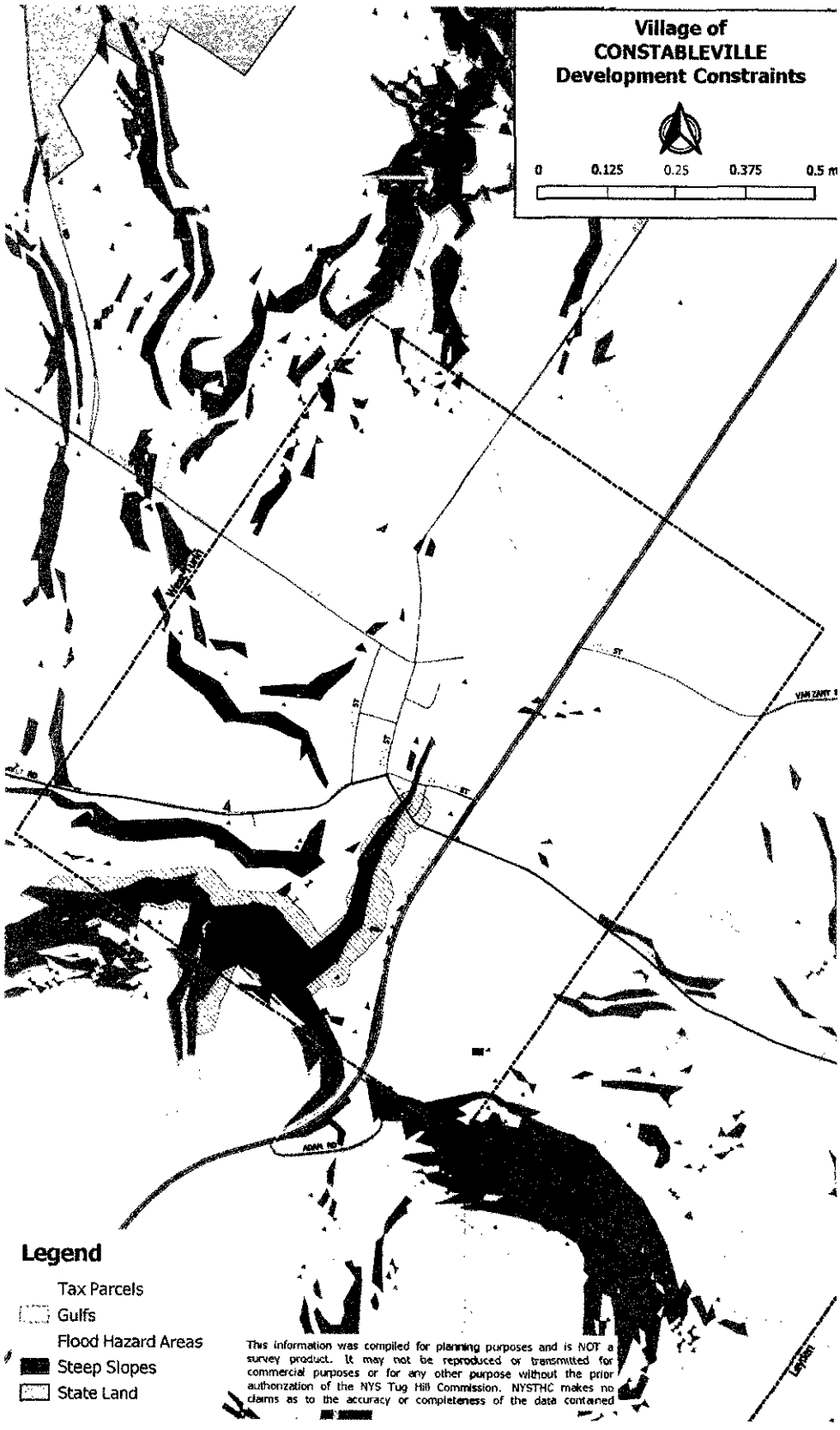
NONE- No zoning permits are required. SU= Special Use Permit Z= Zoning Permit
Blank=Prohibited STR= Short-Term Rental Permit

Any use not listed shall be assumed to be prohibited within the Village of Constableville.

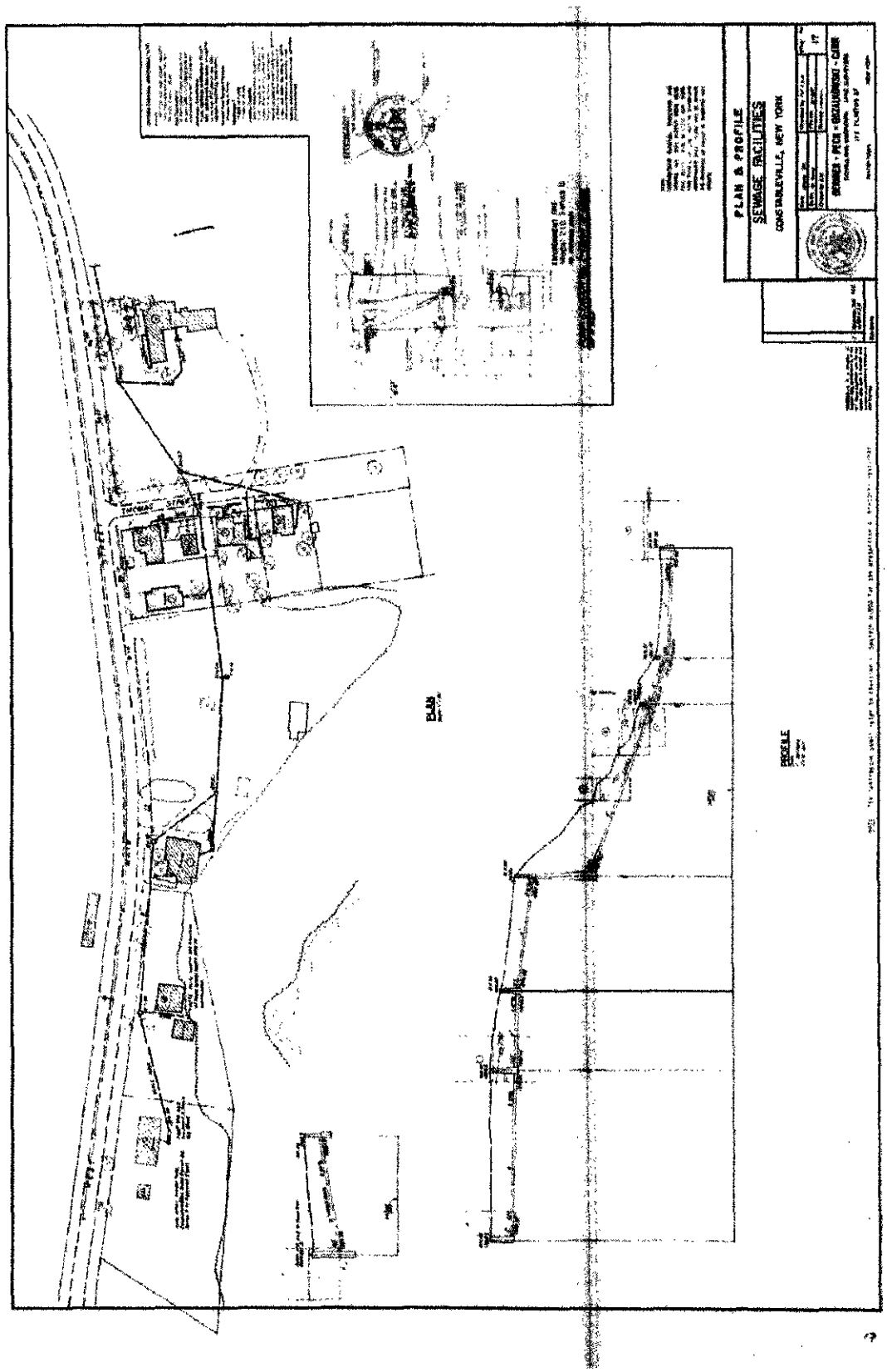
Schedule B-Solar Overlay District Map

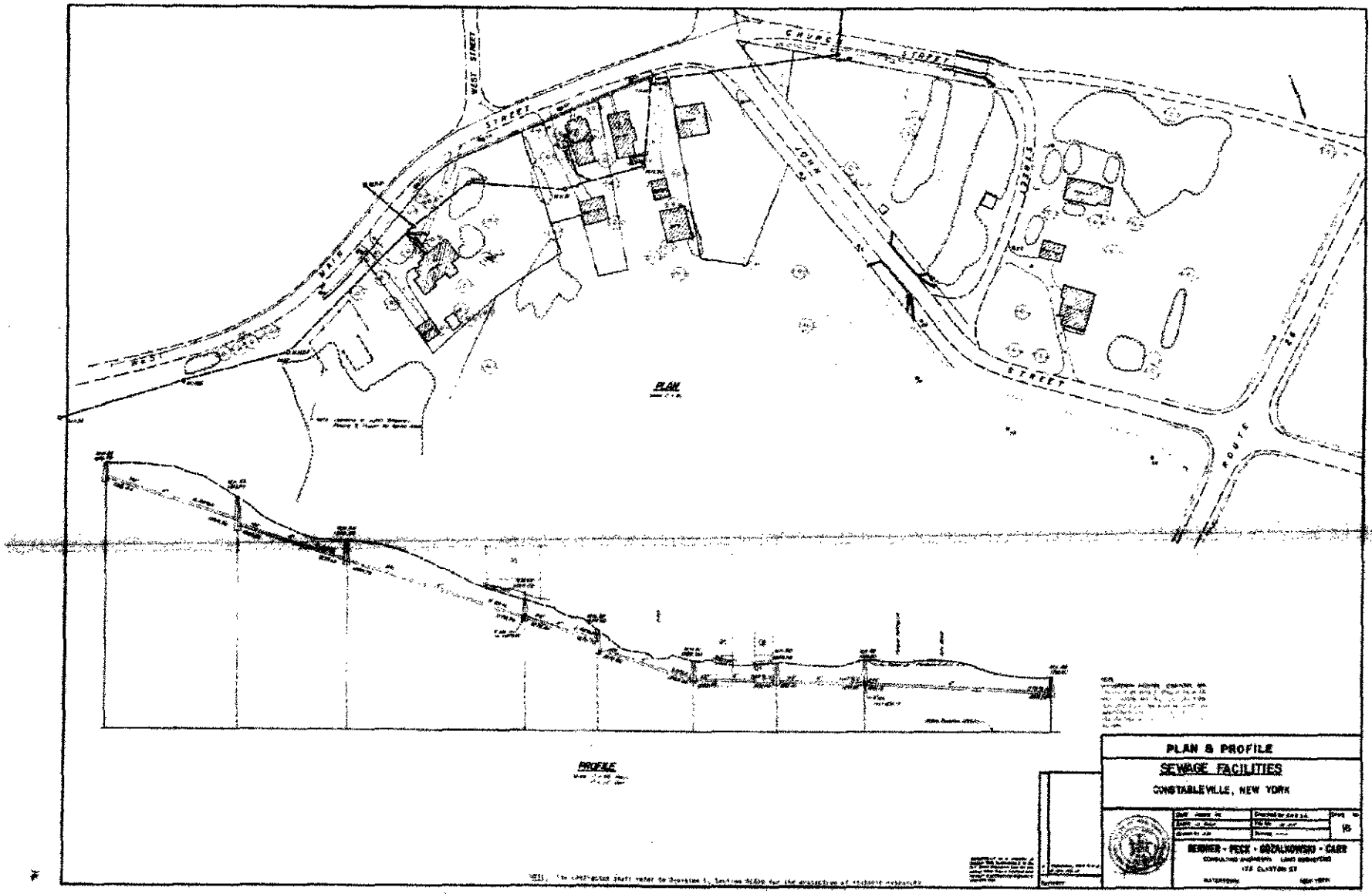


Schedule C-Development Constraints Map



Schedule D- Municipal Sewer System Mapping





PLAN & PROFILE

SEWAGE FACILITIES

CONSTABLEVILLE, NEW YORK

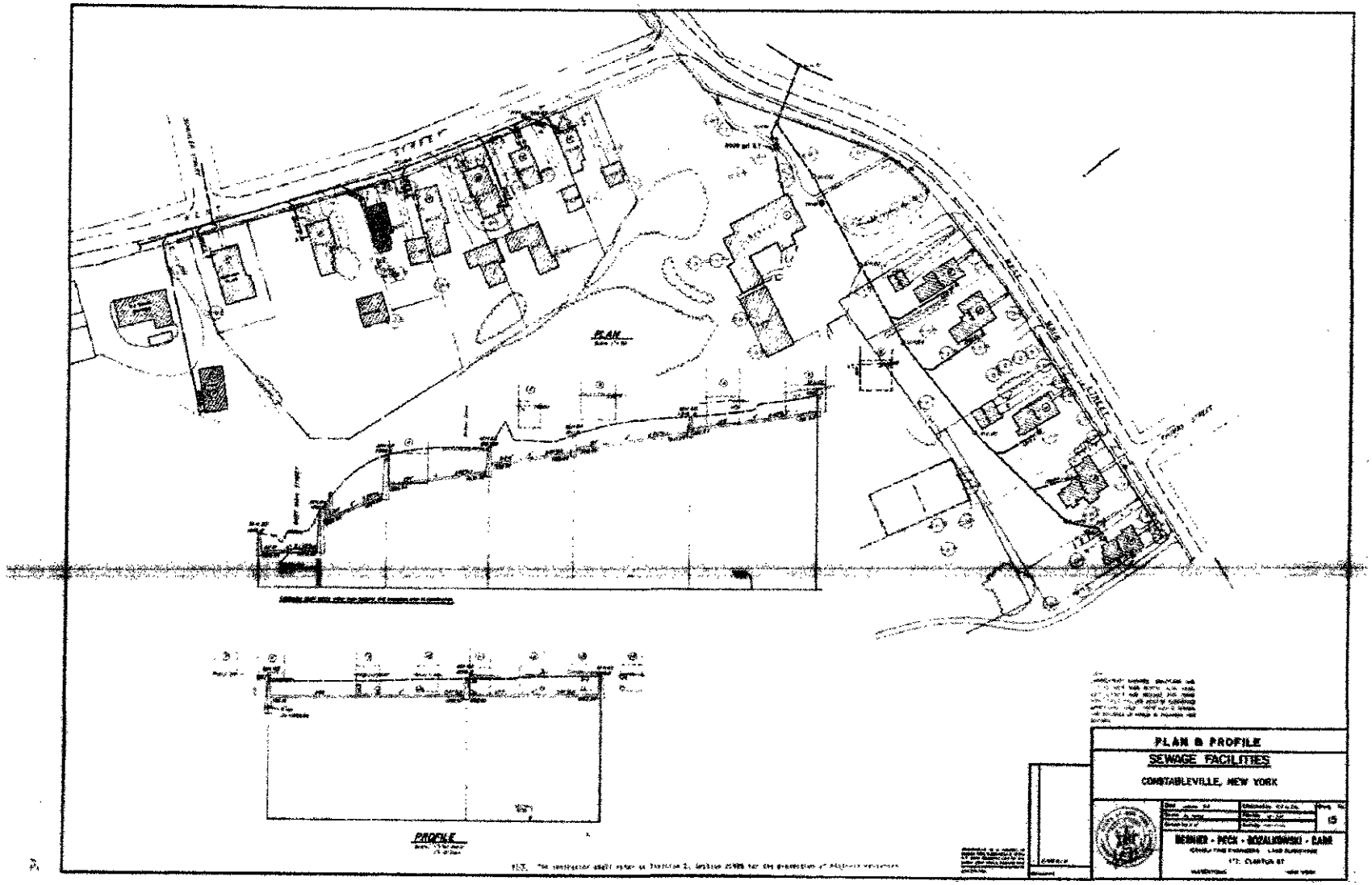
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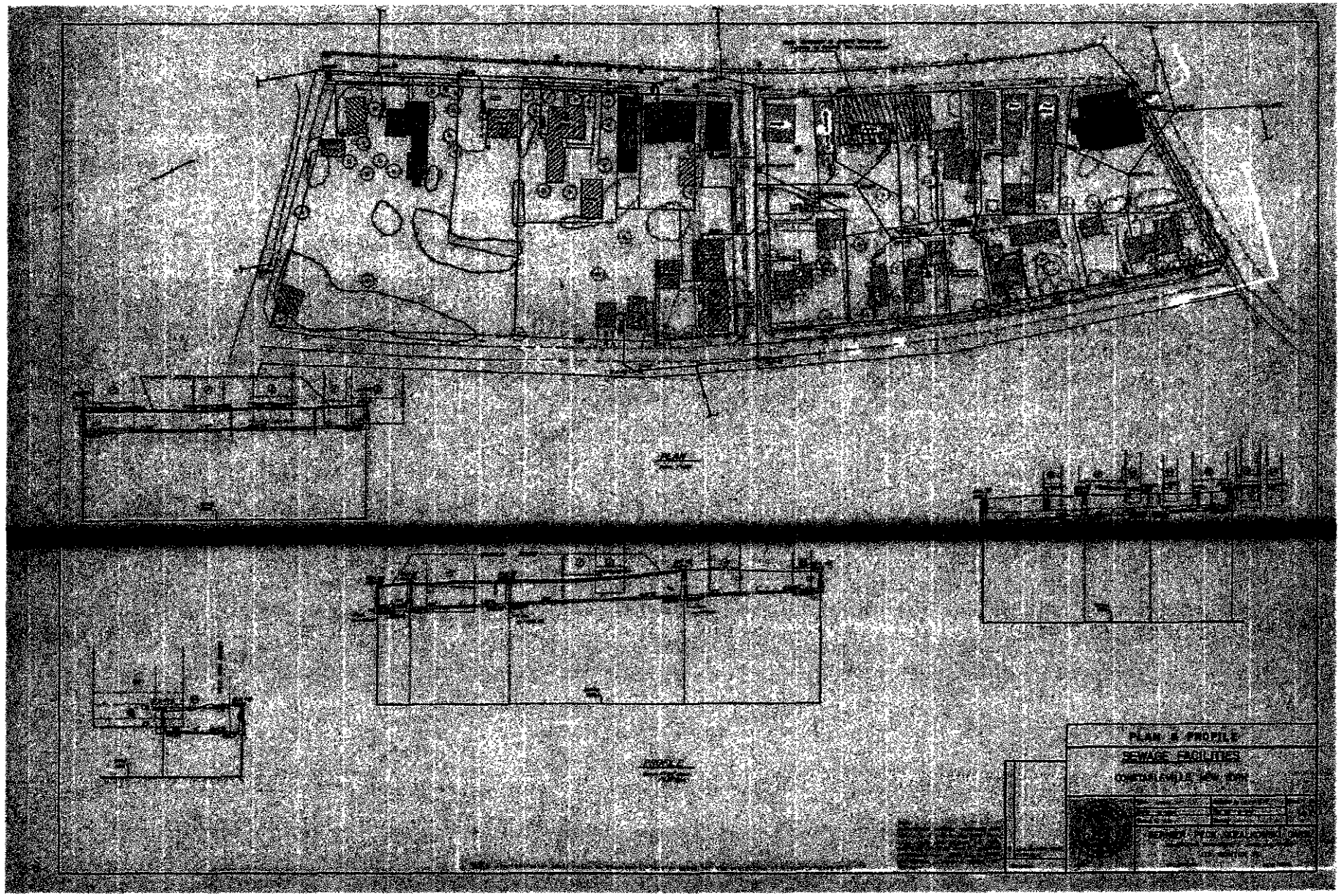
BERGER - PECK - GRZALKOWSKI - CASE

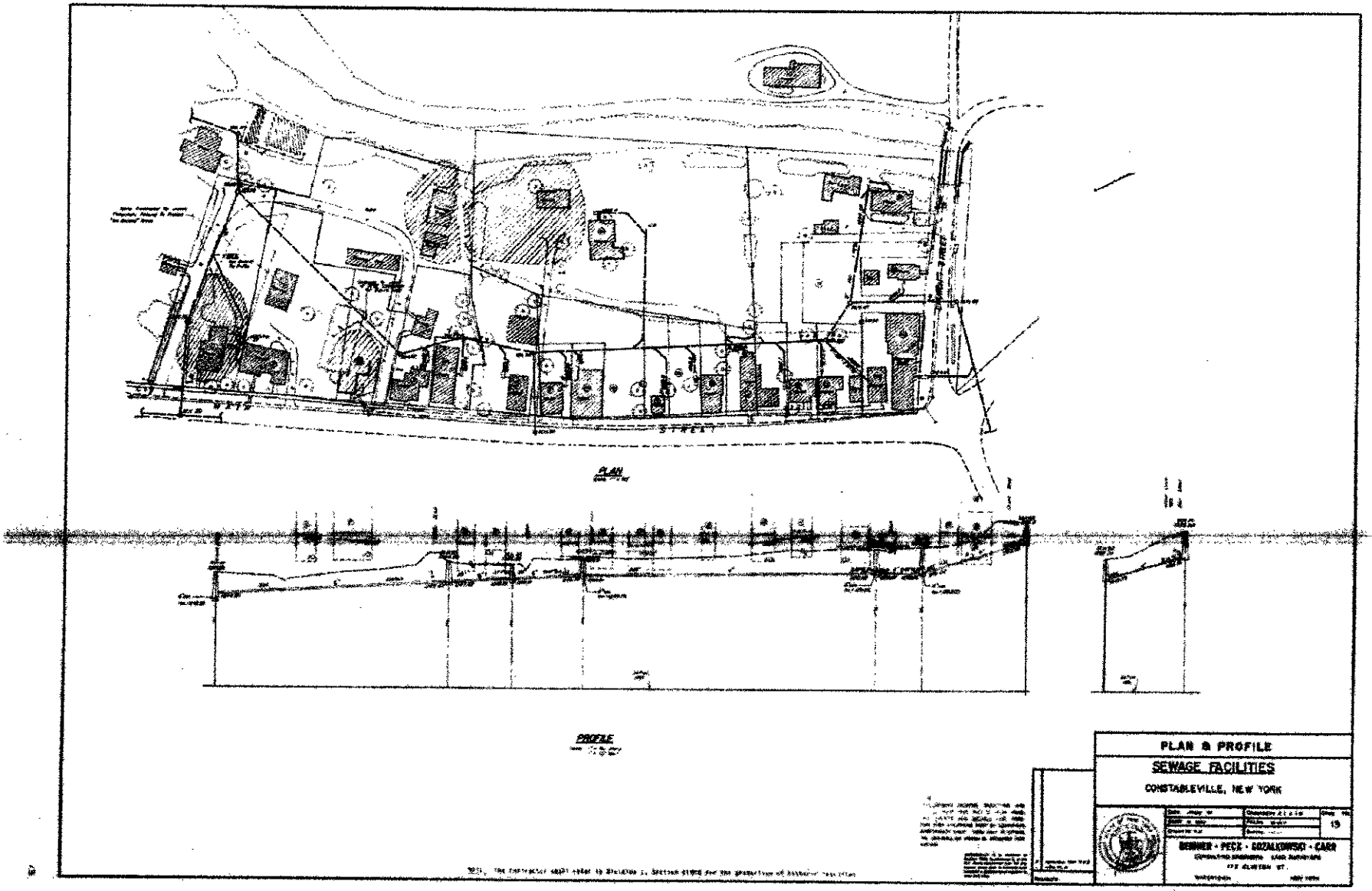
CONSULTING ENGINEERS LAND SURVEYORS

172 CLINTON ST

WATERTOWN NEW YORK


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CONSTABLEVILLE, NEW YORK
15
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SEWAGE FACILITIES



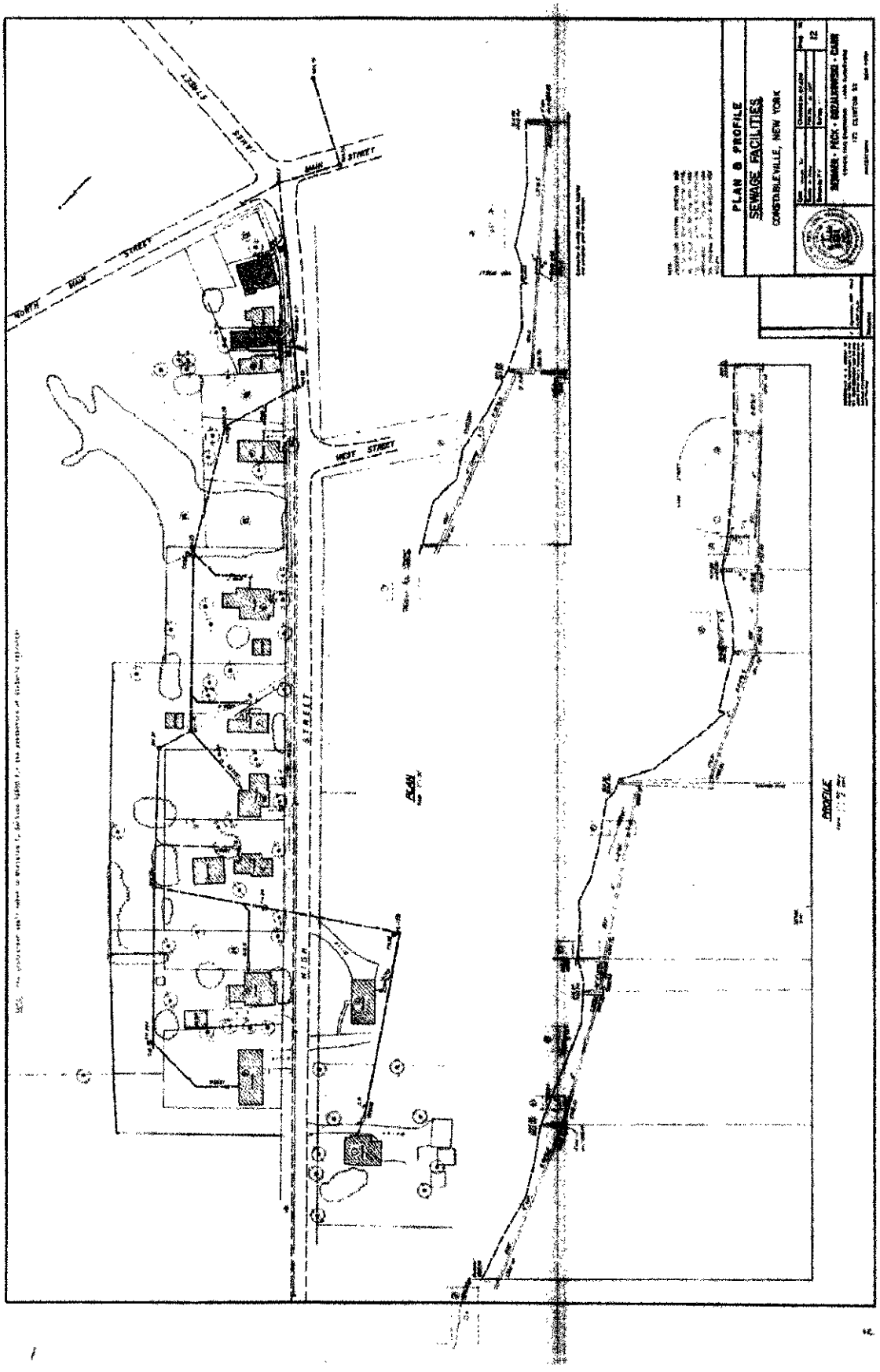
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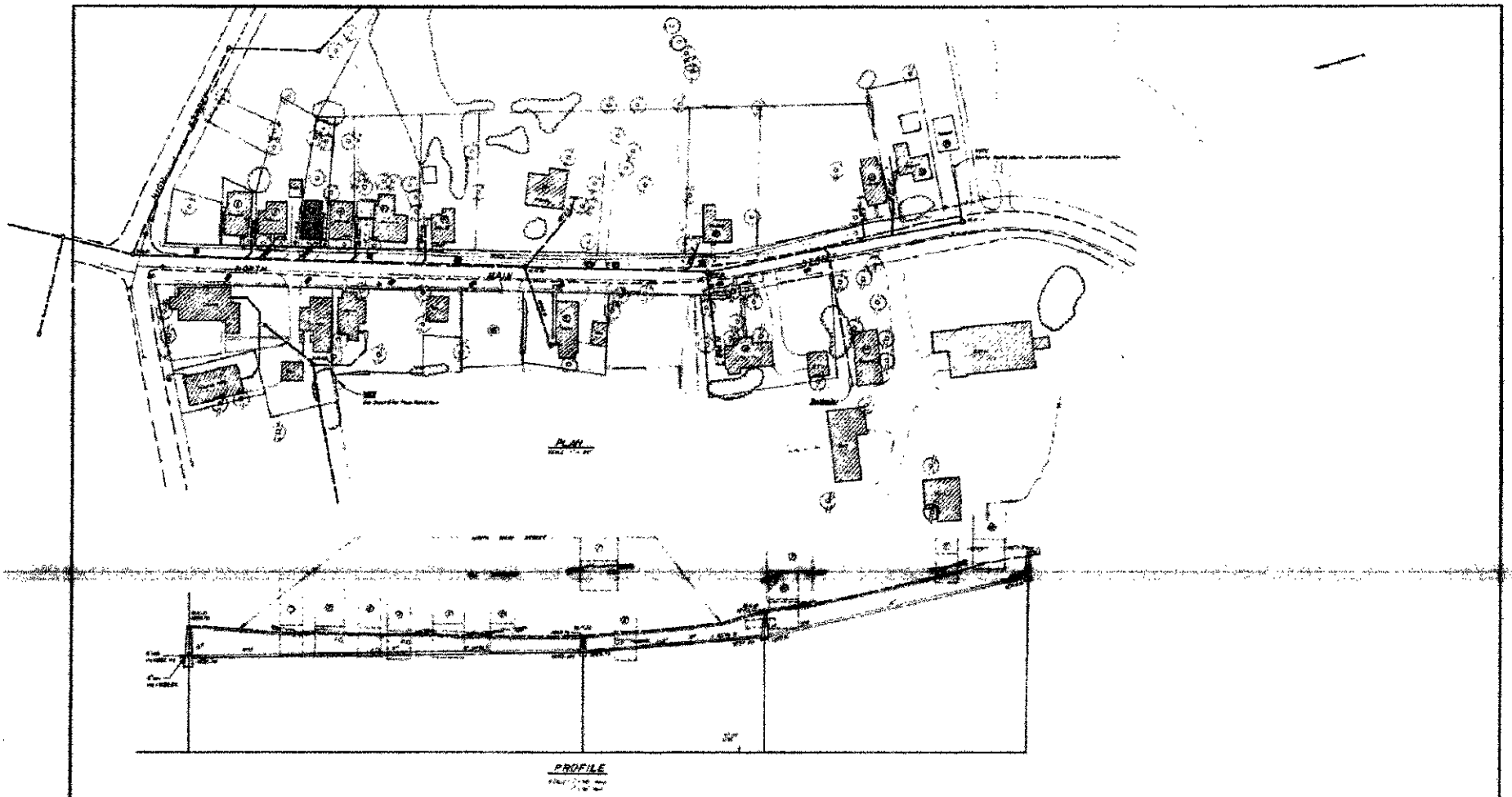
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CONSTABLEVILLE, NEW YORK

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BENNER · PECK · GRZALKOWSKI · CARR


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SEWAGE FACILITIES
CONSTABLEVILLE, NEW YORK
MAIN STREET
WEST STREET



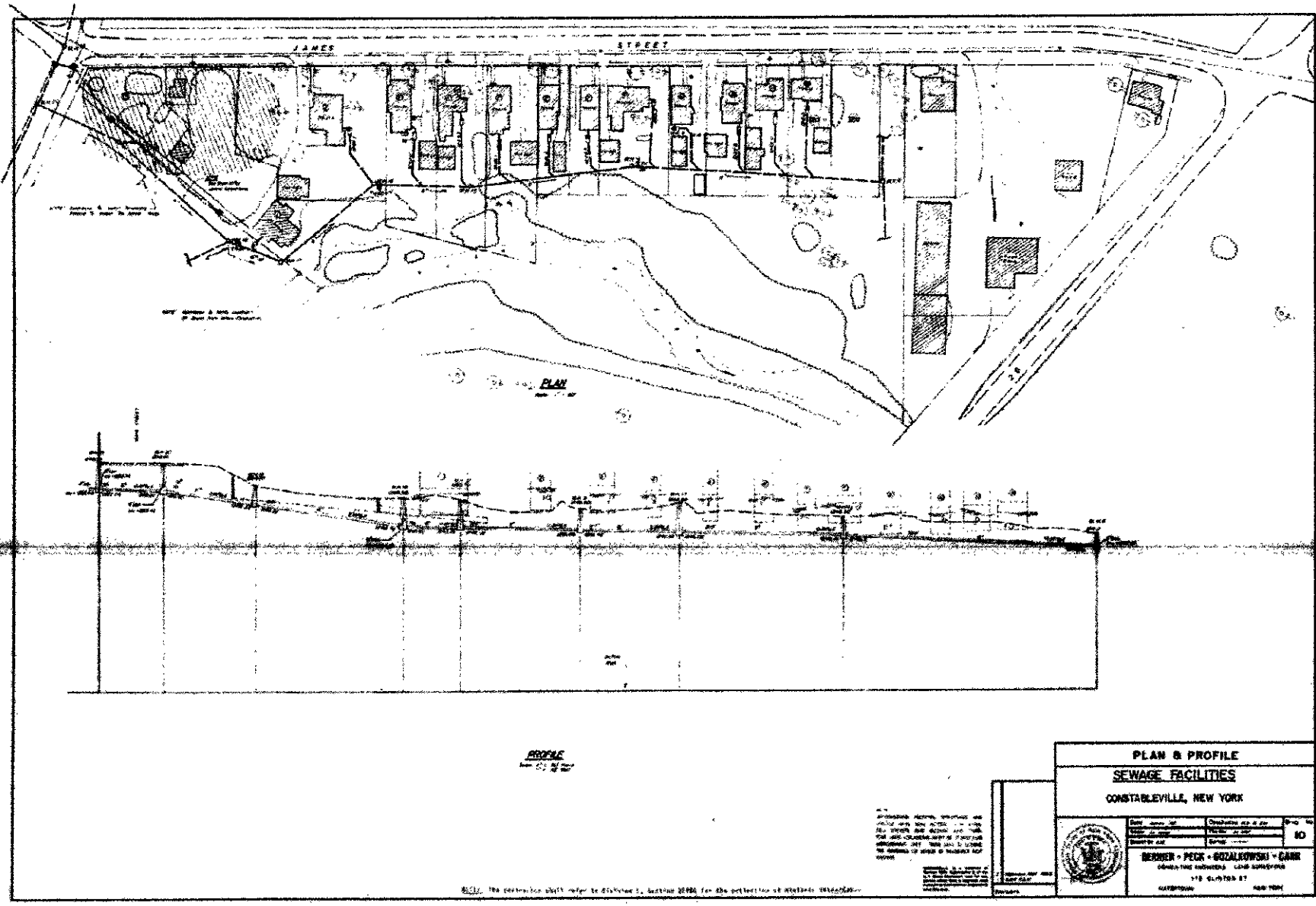
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CONSTABLEVILLE, NEW YORK

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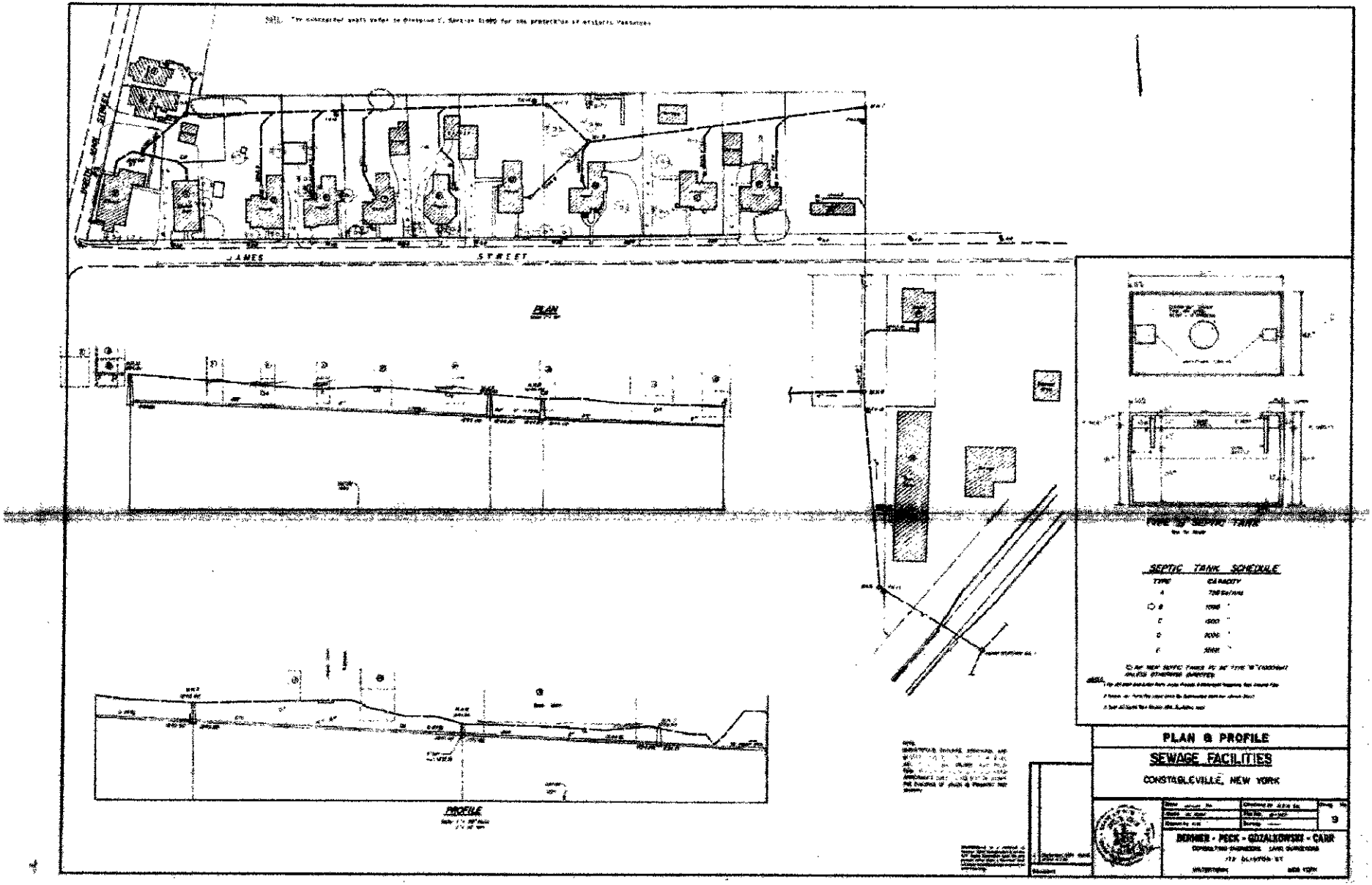
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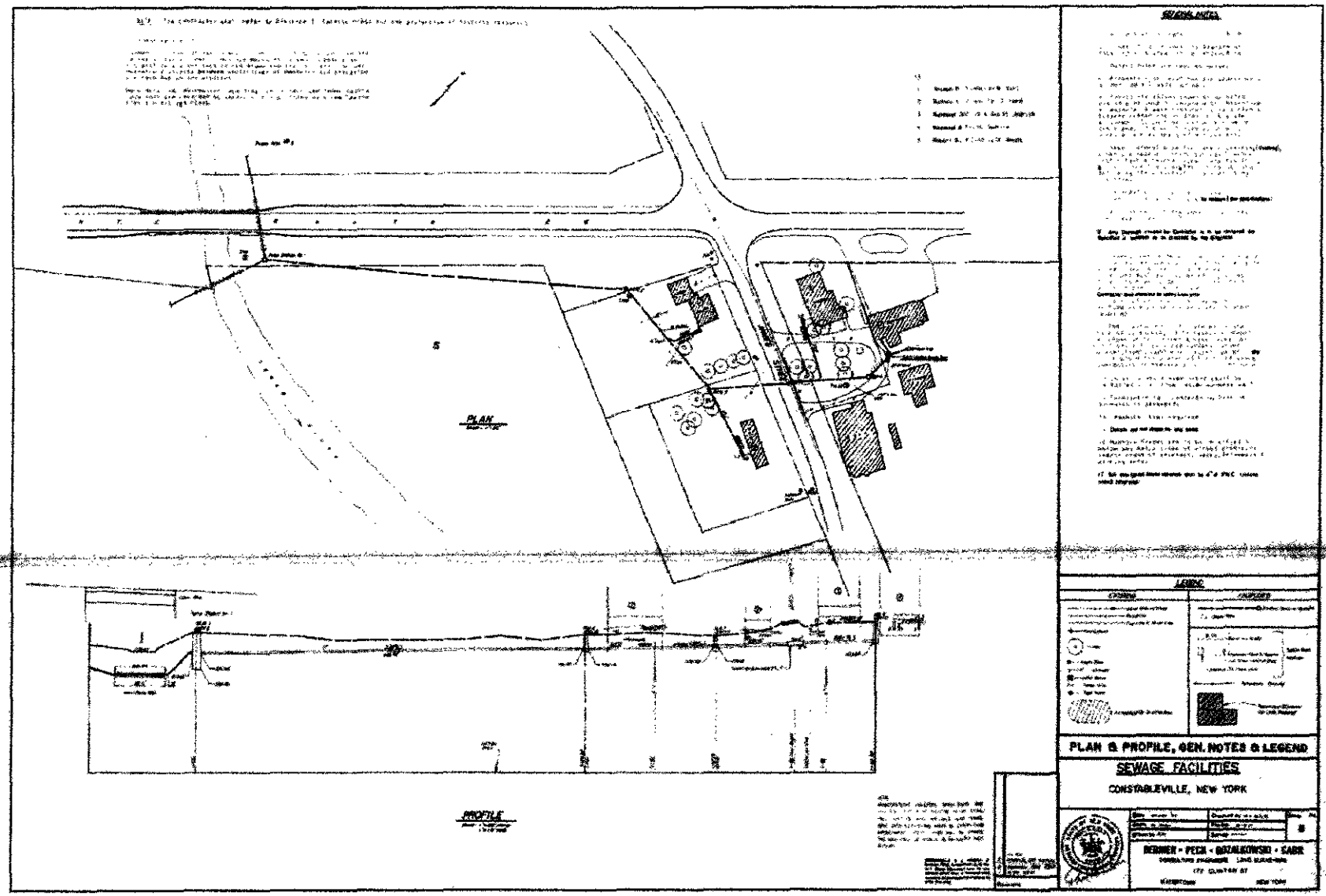
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NO.


JAMES STREET
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SEPTIC TANK SCHEDULE
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DERMER - PECK - GOZALKOWSKI - CARR
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PLAN
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LEGEND
PLAN & PROFILE, GEN. NOTES & LEGEND
SEWAGE FACILITIES
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