NEW YORK STATE OFFICE OF
RENEWABLE ENERGY SITING

Application of ConnectGen Chautauqua County LLC for a Major Renewable Energy Facility Permit Pursuant to §94-C of the New York Executive Law

Case No. 21-00750

TOWN OF RIPLEY
STATEMENT OF NON-COMPLIANCE WITH LOCAL LAW

Exhibit 3

Town of Ripley Zoning Law (2017)

TOWN OF RIPLEY ZONING

February 9, 2017



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ARTICLE I
TITLE, ENACTING CLAUSE AND PURPOSE

Section 101 Title

This Local Law is known and may be cited as "The Town of Ripley Zoning Law".

Section 102 USER GUIDE

B. Intent

This Zoning Law enables the Town to protect the historic and rural character of the Town, while also providing Opportunities for traditional neighborhood development that is appropriate to it's character. It is designed to enable the Town to grow according to its' historic development pattern and to achieve the community's goals as expressed in the Ripley Comprehensive Plan while protecting the property interests of landowners and providing a development approval process that is predictable, efficient and fair.

C. How to use this zoning Law

Landowners and others who use this Zoning Law are encouraged to meet with the Zoning Officer to discuss how this Zoning Law applies to their property. For any large-scale development (large business or a development of several homes or similar) it is also a good idea to consult the Town's Comprehensive plan to understand how to make such development fit within the Town's vision of the future. The usual sequence of events in using this Zoning Law is as follows:

1. Check Article III, Establishment of Establishment of Districts and the Zoning Map to determine what land use district your project and or land is in.
2. Consult Table(s) in A-1 and B-1 land uses , size requirements and the text in Article IV along with relevant definitions in Article II to determine whether your project (land use, building) can proceed. If allowed in that district, determine what approval(s) may be needed. Also check the other sections referenced in those tables and charts to determine their impact on your project.
3. Consult supplemental Regulations and dimensional chart in Article IV for additional impacts.
4. If you have an existing use that is no longer permitted or if your lot size is non conforming with size restriction; check Article VIII to determine what can be done with it.
5. If review of the Tables indicates your proposed use or building may proceed with only a ZONING permit then refer to Article VII, 703(A) & (B). If the use will require SITE PLAN approval, turn to 703 (C); Special USE Permit turn to Article IX, 905 for the process to use.
6. Your project or use MAY NOT be allowed, if so then you may want to petition for a Variance from the Zoning Board of Appeals under Article IX 904 or a zoning Amendment from the Town Board (as provided in Article IX). These options should be discussed with the Zoning Officer before they are pursued. Any zoning amendment must be consistent with the Comprehensive plan.

Section 103 Authority and Purpose

A. **Enacting Clause**

Pursuant to the authority conferred by the Municipal Home Rule LAW of the State of New York Article 2, 10 et seq. and the Consolidated Laws of the State of New York, chapter 62, Article 16. This Local Law is enacted in accordance with the Chautauqua Lake Front Revitalization Plan and the Town of Ripley Comprehensive Plan, (each may be modified from time to time); for each of the purposes specified therein, the Town Board of the Town of Ripley, County of Chautauqua and the State of New York, has ordained and does hereby enact the following Local Law regulating and restricting the location, size and use of buildings and other structures, as well as the use of land in the municipality.
A local law regulating the location, construction and use of buildings, structures and the use of land in the Town of Ripley, County of Chautauqua, State of New York and for said purposes dividing the Town into districts.

The zoning regulations and districts set forth and outlined on the zoning map are made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, convenience, order, prosperity and general welfare of the community.

In addition, as the Town of Ripley is an agricultural township, whose economy is primarily based on agriculture, it is desirous to maintain that which is traditional. These zoning laws are to promote harmony in the different segments of the community with common sense in perspective.

It is the intent of this zoning law to conduct the Town of Ripley's affairs, as it pertains to zoning, with the awareness that the local government is a steward of the air, water, land and living resources and that they have an obligation to protect the environment for the use of this and all future generations of the Town of Ripley.

The provisions within this ordinance are designed to fulfill the objectives set forth in Article I, Section 103. The degree of protection sought by the conditions and the requirements of this ordinance for the present and future residents and landowners in the Town of Ripley is considered reasonable for regulatory purposes in the designated zoning districts. This ordinance does not imply that compliance with the minimum requirements, or that land uses permitted within such district, will be free from inconvenience, conflicts, danger or damages. Therefore, this ordinance shall not create liability on the part of individual members of the Town Board or any officer, appointee or employee of the Town of Ripley, for any damages that may result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

B. AUTHORITY

This Local Law regulates the location, design, construction, alteration, occupancy and use of structures, and the use of land in the Town of Ripley, dividing the Town into land use districts. This Local Law is enacted pursuant to the authority and power granted under Municipal Home Rule Law of the State of New York, Article 2, s10 et. Seq., and the Consolidated Laws of the State of New York, Chapter 62, Article 16. This Local Law is enacted in accordance with the Chautauqua Lake Waterfront Revitalization Program and the Town of Ripley Comprehensive Plan, (as may be modified from time to time), in order to protect and promote public health, general welfare, safety, comfort, convenience, economy, as well as

the Town's natural agricultural, aesthetic, historic and cultural resources, and to implement the community's goals as expressed in the Comprehensive Plan. These regulations are intended to achieve the following purposes:

A. To protect and promote public health, general welfare of the community.
B. To promote the MOST appropriate use of the land.
C. To balance the rights of the public at large, private land owners, and other various interest groups;
D. To encourage the beneficial shaping of the future and long range benefits associated with zoning laws;
E. To allow for the maintenance of an equitable assessment role;
F. Protect property values and individual investments by encouraging development appropriate to each zoning district.
G. To secure safety from fire, flood, and other dangers by controlling building heights and separation of structures through other beneficial regulations and means.
H. To optimally utilize existing roadways and to discourage construction of new roads, except as needed;
I. To encourage a range of business activities in appropriate locations which are compatible with the Town's Comprehensive Plan, rural character and scale, concentrating retail businesses in and near the hamlet, allowing large-scale business and industry in well buffered locations with good transportation access.
J. In recognition of the economic value of Ripley's natural beauty and environmental amenities', to protect the integrity of scenic views, ridgelines, steep slopes, agricultural land, existing and potential recreation areas, surface and ground water supplies, ecological systems, wetlands, wildlife habitat, and natural vegetation, and to maintain property value while preserving the open and rural character of the Town;
K. To encourage agriculture uses and preservation of open spaces, and to avoid regulating agricultural uses in a manner that unreasonably restricts or regulates farm structures or farming practices, while encouraging other economic activities that require large areas of open space, such as forestry, tree farming, and recreation, as well as support services and industries that add value to all of these uses, such as wood products, food processing, resort and tourist facilities.
L. To regulate building density in order to concentrate population in appropriate locations where municipal infrastructure is available, and to ensure access to light, air, facilitate fighting of fires and preserve open spaces, minimize the cost of municipal services and upkeep, also to accomplish the other purposes enumerated in S 263 of Town Law.
M. To integrate harmoniously different types of housing and varied land uses in hamlet centers to encourage pedestrian activity and reduce automobile traffic;
N. To provide a range of housing opportunities for all segments of the local population with due consideration for regional housing needs;
O. To reinforce and promote health standards, particularly with respect to sewage and water-related issues;
P. To preserve the natural beauty of the Town as provided in the Comprehensive Plan, especially the unique ecological and scenic resources along Lake Erie, and to guide development consistent with maintaining the Town's natural, scenic, and ecological resources;
Q. To provide a flexible system of land use regulation that enables the Town's economy and population to grow, while preserving the most important wild habitat, natural, historic, scenic, architectural, and cultural features; and;
R. To base such flexible land use regulations on the unique characteristics of the landscape, the needs of the people, the property rights of land owners to make economically beneficial use of their land and the impact of proposed land uses on the natural and human environment, to avoid patterns of development that adversely affect the scenic, historic and rural nature of the Town.
S. To ensure that flood plains are reasonably controlled with respect to allowed uses, once they are identified.

Section 104 Application of Regulations

The following rules and laws, in addition to those found elsewhere in this Zoning Law, shall be complied with by all property owners, lessees', developers, or others involved with temporary or permanent use of the land or structures. No building shall be erected or altered which will limit the usefulness or depreciate the value of surrounding properties. It is the responsibility of the applicant/owner to insure compliance with these rules/laws.

A. General Rules

1. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, demolished or altered unless in conformity with the regulations herein specified for the district in which it is located.

2. No building shall hereinafter be erected, altered or moved without a permit:

   a. To accommodate or house a greater number of families;
   b. To occupy a greater percentage of lot area, or
   c. To have narrower or smaller rear yards, front yards, inner or outer courts, than is specified herein for the district in which such building is located.

3. No building or buildings shall be erected which will substantially limit the usefulness or depreciate the value of surrounding property.

B. Specific Law

1. Subdivision Laws - State and existing subdivision laws must be complied with the addition to this Zoning Law.

2. Health Department Rules - the regulations of the State and County Health Departments with respect to water supply and sewage disposal facilities will apply for those areas not served by municipal infrastructure. The applicant for a building or zoning permit must obtain a copy of the required health application(s) and approvals before the issuance of a Certificate of Occupancy and local approval by the Zoning Officer.

3. Multiple Residence Law - For all dwellings with three (3) or more dwelling units or any dwelling two (2) or more stories in height with five (5) or more roomers, the "Multiple Residence Law", Chapter 61B of the Consolidated Laws, set forth certain requirements with regard to fire safety, size of rooms and other health and safety specifications.

4. NYS Uniform Code - No building shall be erected or altered unless it complies with Building and Fire Code Requirements. It shall be the responsibility of the applicant to seek review approval from the Fire and Building Code Enforcement officer

5. International Property Maintenance Code- Buildings and surrounding areas will be maintained as governed by provisions in these guidelines

6. Mobile Homes - When the request for a use includes a single family mobile home on an individual lot, a mobile home park or a temporary storage of a mobile home, the Use Matrix (see Section 402/Appendix A) and the Area Matrix (see Section 403/Appendix B) shall apply.

7. National Flood Insurance Program - It shall be the responsibility of the applicant for a zoning/building permit to insure that the National Flood Insurance Regulations in addition to Zoning Regulation shall be complied with for those parcels located within the flood plain as shown on official Flood Insurance Administration maps.

8. State Environmental Quality Review Act - Any development requiring a permit as well as any amendments to this Law shall be subject to an Environmental Assessment in accordance with State Law. (please refer to Article 8 of the Environmental conservation Law).

9. Wetland development taking place within 100 feet of a designated wetlands require a D.E.C. permit.

10. Right Of Way crossing, the appropriate highway superintendent should be contacted prior to constructing a driveway or any activity involving work in the road right of way.

11. Excavation and Utilities- any contractor or person excavating shall notify 811" Call before you dig" in accordance with Part 53, Title 12, Rules and regulations of the State of New York. All contractors shall notify all "operators" two to ten days prior to starting excavation.

Section 105 INTREPRETATIONS OF PROVISIONS

All provisions shall be construed to advance the goals and purposes of the Comprehensive Plan and shall be considered minimum requirements for the promotion of public health, safety, convenience and the general wellbeing of the Towns people.

ARTICLE II INTERPRETATIONS AND DEFINITIONS

Section 201 Language and Interpretations

For the purpose of this Local Law, certain terms or words herein shall be interpreted or defined as follows:

1. Words used in the present tense include the future tense.
2. The singular includes the plural.
3. The word "person" includes a corporation as well as an individual.
4. The word "lot" includes the word "plot" or "parcel".
5. The term "shall" is always mandatory.
6. The word "used" or "occupied" as applied to any land or building shall be construed to include the word "intended, arranged, or designed to be used or occupied".

Section 202 Definitions

All specialized meanings or phrasings shall be interpreted based upon definitions found in Appendix E.

ARTICLE III ESTABLISHMENT OF DISTRICTS

Section 301 Creation and Enumeration of Districts The zoning regulations and districts have been designed to preserve the agricultural nature of the Town; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentrations of population; to facilitate the adequate provisions of transportation, public utilities, schools, parks and other public requirements. They have been made with reasonable considerations, among other things as to the character of each district and the district suitability for particular uses with a view towards conserving the most appropriate use of land throughout the Town.

For the purpose and provisions of this Local Law, the municipality is hereby divided into the following types of districts:

Residential (smaller lot) (R-1)

Residential (larger lot) (R-2)

Rural/Agricultural (Rural)

Recreation/Conservation (Rec/Con)

Commercial (non-rural) (C-1)

Commercial (rural) (C-2)

Manufacturing & Industry (M-I)

Manufacturing & Industry/Adult Business (M/I-A)(Floating District)

Section 302 Zoning Map

The boundaries of the aforesaid zoning districts are hereby established as shown on the map entitled "Zoning District Map of the Town of Ripley" (see Appendix C), which accompanies and is made a part of this local law and shall have the same force and effect as if the zoning map, together with all notations, references and other information shown thereon, were fully set forth and described herein.

Section 303 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the previously mentioned districts as shown on the Zoning Map, the following rules shall apply:

A. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines shall be construed to be such boundaries.

B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

C. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets or the center lines or right-of-way lines of highways and/or railways, such district boundaries shall be construed as being parallel thereto and at such distance as is

given. Such dimension shall be determined by the use of the scale shown on said zoning map.

D. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of jurisdiction of the municipality unless otherwise indicated.

E. Any party aggrieved by an interpretation may appeal to the Zoning Board of Appeals, whose decision will be final. However, all decisions of the Zoning Board of Appeals are subject to court review in accordance with applicable laws of the State of New York. The burden of proof shall be on the applicant.

ARTICLE IV DISTRICT REGULATIONS

Section 401 District Purpose

The district zones can be identified in the Appendix C titled Zoning Map (Detail map for exact boundaries in zoning office.) The determination of the zone can be:

A. R-1 - Residential District (smaller lot)

The R-1 Residential District is established for the primary purpose of preserving the aesthetic harmony of the rural community center, while permitting the primary use of single family residential growth and be contiguous to the established commercial districts.

B. R-2 - Residential District (larger lot)

The R-2 Residential District is established for the primary purpose of preserving the natural beauty of the Lake Erie shoreline, permitting sparsely spaced single family dwellings in this locally unique area consistent with Coastal Zone Regulations or Planned Unit Developments and businesses appropriate to water and lakefront resource utilization subject to SPECIAL USE PERMIT and DETAILED SITE PLAN REVIEW.

C. RURAL - Rural/Agricultural District

The Rural/Agricultural District is established to provide and promote agricultural use, while maintaining the country atmospheres, permitting large lot residential development where single family housing is preferred and provide for manufacturing and industrial as provided herein.

D. REC/CON - Recreation/Conservation District

The Recreation/Conservation District is established to preserve and protect the natural habitat of the canyon regions known as Gage's Gulf and Twenty-Mile Creek. This area is located in the Southern portion of the township. The uses permitted are to be those consistent with the protection of the district using accepted conservation practices and recreational activities.

E. C-1 - Commercial District

The C-1 Commercial District is established for the purpose of setting apart areas that have provided the community with the commercial services and business complexes primarily located near the historically established business center and not disrupt the environment of the other districts.

F. C-2 - Commercial District

The C-2 Commercial District is established for the purpose of setting rural areas apart that can provide room for a growing community without disrupting the environment of the other districts. Note that residential development is permitted in C-2. However, it is the intent to promote and protect commercial development.

G. M/I - Manufacturing and Industrial

To provide for the special needs of industry and Manufacturing for relatively flat land with access to transportation networks and utilities, while protecting the integrity of residential neighborhoods and commercial activity in the Town of Ripley.

H. M/I-A – Manufacturing & Industry/Adult Business - The M/I-A District is a floating zone contiguous with the Manufacturing & Industry zoning districts and provides for the possibility of the development of Adult Businesses pursuant to the regulations of Section 636 herein.

Section 402 District Uses

A. The uses allowed in all districts are set forth in the Use Matrix (Appendix A). The determination of uses can be one of the following for each separate use:

1 N - Use allowed, No permit required. (Abide by rules)

2. R- Permitted by Right (R) - Permit required

3. S- Special Permit (S) - Permit and hearing required.

4. - Any use or activity not set forth in the matrix or regulations is specifically

prohibited.

B. Use Matrix Application by applying the Use Matrix as follows:

1. Locate the district(s) on the Zoning Map to determine the Zone (District) (see Section 401 and Zoning Map Appendix C).

2. Using the correct Zone identified above, locate the column District on the Use Matrix (Appendix A).

3. Locate the use(s) in column A on the Use Matrix (see Appendix A).

4. Identify the District Regulation at the intersection of the column located in step 2 and the line(s) located in step 3 above.

C. Solid Waste
This law prohibits landfill and toxic waste storage. For the general provisions setting forth this prohibition, see Definitions Appendix E, Supplemental Regulations Section 624, Violations Section 1201B, Conflicts Section 1301, and Penalties Section 1202B.

Section 403 District Area Standards

The District Area Standards including setbacks, coverages, etc. are set forth in the District Area Standards Matrix Appendix B.

Use District Area Standards Matrix by applying the following steps:

A. Locate the District(s) on the Zoning Map to determine the Zone (see Section 401 and Zoning Map Appendix C).

B. Using the Zone identified above, locate the correct column District on the Area Standards Matrix (Appendix B).

C. Locate the appropriate use category in column A (i.e.; Single Family Units, Multi-family Units (Standard), Multi-Family Units (Elderly) or Other Uses (Nonresidential).

D. Identify the District Area Standards required at the intersection of the column located in Steps A and C above.

ARTICLE V GENERAL PROVISIONS

The General Provisions shall apply to all Districts in this Zoning Law

Section 501 Access to Public Streets

All new buildings must be built on lots that either: A. Abut

an existing road, or

B. Have a legal easement for permanent public access dated prior to the enactment of this law, or

C. Have access created for such building(s) by a new private road or drive with a 50-foot right of way connecting to a public street

* Upon resident request, the Town may consider taking over a private road that meets Town standards. The Town is not obligated to do so, however, even if the standards are met.

Section 502 Substandard Sized Lots

All lots that have been officially recorded with the County Clerk at the time of this law's enactment are considered pre-existing. New construction on a pre-existing lot must follow County regulations for water and sewer. If a substandard sized lot is being used for a certain use now, that use can continue in the future.

The lot use can continue even if the property is sold, transferred, demolished or destroyed and rebuilt without re-applying for an area variance. If the County Health Department has granted an approval for water and sewer, this Town Law would not require re-application for those.
Discontinued uses or abandoned properties and uses are subject to action under Derelict Structures law(s) and section XII of this law._____

Section 503 Corner Lots

Any side of a lot abutting a street will be treated as a front yard with regard to building and area requirements.

Section 504 Height

Height limitations of this law only apply to portions of a building that are occupied by people. Spires, belfries, silos, chimneys, windmills, water tanks and similar items shall only be built as high as is needed to accomplish their purpose. These types of structures' base length and width must be less than 20% of
the length of the associated building and width. Parapet walls or ornamental, windowless cornices cannot be more than 5 feet higher than any limit.

Section 505 Visibility at Intersections

In order to help promote traffic safety, it is necessary to limit development that could make it hard to see at intersections. Therefore, plants, hedges, new fences, new walls or other new roadside structures cannot be more than 3 feet tall within 50 feet of the corner.

Section 506 Interpretation of Permitted Uses

If a use has not been listed in the Use Matrix for a given district, it shall be assumed prohibited unless the Zoning Board of Appeals rules that it is allowed.

Section 507 Topsoil Excavation

During construction of any building, general excavation or other extensive excavation, the property owner is responsible for assuring that run-off onto neighboring property is avoided or does not cause erosion, and that steep slopes aren't created. Topsoil must be available to replenish the site within 6 months of when construction is completed.

Section 508 Preserving Yards, Courts and Open Spaces

A. Preservation of Yards, Courts and Open Space - Undeveloped yards, courts and open space shall not be developed if doing so would cause the property to violate setback and coverage requirements of this law except as specified in B below.

B. The following shall not be excluded from setback and coverage requirements: open terraces, chimneys, trellises, flag poles, open fire escapes, decks, balconies, and similar uses that do not violate the setback and coverage requirements by more than 40%. Bay windows, steps, chimneys, overhanging eaves and gutters and other similar uses not to extend more than 3 feet from the principal structure nor come within 2 feet of any property line.

C. Location - All yards, courts and open spaces shall be located on the same lot as the structure for which the setback and area requirements are required.

Section 509 Established Front Yards.

In an existing neighborhood where structures are not set back from the edge of the road the distance specified by this Law, it shall be determined by the Zoning Officer what appropriate setback will be permitted for new construction, or by alterations to existing structures, in order to aesthetically blend with existing adjacent structures. The varied setback will be based on the average of the setbacks of the (2) adjacent structures (minimum up to five (5) feet). Any variation requested which is in greater variation than that permitted by this rule will require an Area Variance.

Section 510 Storage Structures

A storage structure shall generally be permitted in all districts without the issuance of a Zoning Permit or a variance. However, the following regulations shall apply to these structures:

A. Size - This regulation applies only to structures which are less than 120 square feet in floor space and less than 12 feet in overall height and less. Larger storage structures shall require a Zoning Permit.

B. Yard Requirements - If a storage structure is to be accessory to a primary dwelling unit, the yard requirements for the appropriate district will be met whenever it is reasonably possible. If the deviation from the yard requirements is greater than 50%, the Zoning Officer shall assist the applicant in determining an appropriate location that considers, among other things, the potential effects on neighboring properties.

C. Trailers subject to licensing regulations or failing to meet regulation of NYS DOT or other law for those otherwise open or enclosed licensed or unlicensed trailers with wheels are NOT STORAGE structures

Section 511 Number of Buildings on Lot (Lot Division)

A. Number of Buildings on a Lot - The number and placement of dwellings upon a lot must comply with Appendix B. Upon sale of the additional dwelling units, the lots created must conform to Part B of this section (Division of Zoning Lots).

B. Division of Zoning Lots - No zoning lot improved with a building or buildings shall hereafter be divided into two (2) or more zoning lots and no portion of any zoning lot which is improved with a building or buildings shall be sold, unless all zoning lots resulting from each such division or sale and improved with a building or buildings, shall not be less conforming to all the bulk regulations of the zoning district in which the property

is located.

B. Encroachment or abrogation of set-backs and fall zones must remain intact when future transfer of any property or adjoining property is possible .

ARTICLE VI SUPPLEMENTAL REGULATIONS

Section 600 Home Occupation

A. Purpose - To preserve the residential character of neighborhoods, Home Occupation shall be controlled to various degrees dependent upon the density of development of a neighborhood and the planned use of the area as designated by the Zoning District.

B. Conditions –

Condition	Category of Home Occupations	
	Limited	Standard
Floor area – Maximum (% of Living Space or total sq.ft., whichever is less)	25%	50%
Use of accessory bldg.: Existing bldg. Only new Bldg. Or altered bldg.	 No No	 Yes No
Use of land outside of structure (% lot)	No	No
Use of non-household equipment	No	Yes
On premise sale of goods produced on premise	Secondary goods associated with services rendered	Yes
On premise service to clients	Yes (limited)	Yes
Max. number of clients per week	7	No limit
Max. number of employees (Non-family)	0	1
Outside display of goods and use of show windows	No	No
Sign allowed (see Supplemental Sign Section)	No	Yes
Hours of operation may be specified (maximum period of operation 8 A.M. to 8 P.M.)	Yes	Yes
Parking required sufficient for peak demand (See Supplemental Parking Section) Minimum spaces required	Yes	Yes
Effects on character of neighborhood (Noise, odor, and other nuisances)	None	None
Open space maintenance required (Min. % of lot area in natural landscaping)	75%	60%
Natural or artificial buffers may be required as necessary.	Yes	Yes
Permit required	Zoning	Spec. Use

C. Pre-existing Home Occupations - Home Occupations legally existing at the time of enactment of this Law shall not generally be required to comply with the above conditions. However, where there is clear evidence that a nuisance is present due to an increased level of activity or a substantial change in the

nature of the home occupation, then the use shall be subject to Special Use Permit proceedings and any of the above conditions may be imposed on the use where reasonably possible. Compliance shall take place within the period specified by the Permitting Board but shall be no less than six (6) months.

Section 601 Fuel Tanks

A. Purpose - The purpose of this section is to promote the safety of residents in residential districts from fire and explosion resulting from gasoline/volatile liquid tanks. As a secondary purpose, the maintenance of aesthetic values in residential neighborhoods is also promoted.

B. Conditions:

1. In districts where fuel tanks (Gasoline and volatile liquids) are allowed "By Right" (permit required) the following conditions shall be allowed.

   a. Lot Size - a minimum lot of one (1) acre shall be required.

   b. Uniform Code - All requirements of the Uniform Code shall be met. c.

   Setbacks - District setback requirements shall be met.

2. In Districts where fuel tanks are allowed with no permits, the following conditions shall be followed:

   a. Uniform Code - All requirements of the Uniform Code shall be met. b.

   Setbacks - District setback requirements shall be met.

Section 602 Travel Trailer Campground (Commercial)

Travel Trailer Campgrounds shall be allowed by Special Use Permit in accordance with the following conditions:

A. Area & Setback Requirements:

1. All lots (pads) shall be a minimum of 75 feet from any public highway.

2. A 20-foot wide buffer zone of appropriate vegetation shall be provided around the circumference of the park, where adjacent property use is of such a nature that there could be conflicts.

3. Minimum lot sizes shall meet Chautauqua County and NYS Law. B. Streets

& Walkways

1. Access to the park must be designed to assure safe and convenient movement of traffic into and out of the park with a minimum disruption of traffic on adjacent streets. This shall include a minimum clear view of 150 feet while pulling out onto the adjacent street.

2. Walkways shall be provided to public service buildings.

C. Parking - Off street parking, loading and maneuvering space shall be provided.

D. Occupancy - Travel trailers shall be used for seasonal occupancy only. Travel trailers shall not be utilized as permanent residence.

E. Accessory Uses - Accessory uses such as snack bars, recreational facilities, showers, laundromats, etc., customarily associated with travel trailer campgrounds shall be permitted. However, the land utilized in this manner should not account for more than 20% of the total area of the park and the services shall be primarily directed towards the occupants of the park.

F. Location - Parks shall not be located so as to cause heavy traffic to be directed through residential areas not accustomed to or capable of supporting heavy traffic.

G. Pre-existing Camps - Travel trailer camps in existence before the enactment of the Law shall not be required to comply with any of the above conditions. However, any expansion or enlargement of any pre-existing travel trailer camp shall be subject to all the regulations in this law, within reason, as determined by the permitting board. Any expansion or enlargement shall also be subject to the New York Department of Health and Chautauqua County Department of Health as may be applicable.

Section 603 Cesspools and Septic Tanks

A. No cesspools shall be permitted.

B. All septic tank installations shall conform to the requirements of the Chautauqua County Health Department.

Section 604 Residential Conversions

In districts where new multi-family residential units are not allowed by "Right" or "Special Use Permit" the conversion of single-family shall be allowed by Special Use Permit in accordance with the following:

A. Size of Structure - minimum of 2500 square feet floor area.

B. Area Requirements - Minimum 800 square feet per dwelling unit.

C. Parking - Sufficient off-street parking is available in accordance with Section of Off-street Parking. D.

Neighborhood - Character of neighborhood will not be substantially changed.

E. Health Rules - All Health Department rules are met.

F. Renovation- Regulations governing Uniformed Fire Prevention, Building and International Property Maintenance Code et. Seq. shall be adhered to.

Section 605 Pond Setbacks

For minimizing traffic safety problems associated with ponds placed too close to roadways, the following regulations shall apply:

A. Setback - All ponds constructed shall be set back a minimum of fifty (50) feet from the right-of- way of any roadway. Deviations from this setback shall require an Area Variance.

B. Location - New ponds shall be located in such a manner so as to minimize the likelihood of accidental vehicular access (e.g., avoid locating at the end of a dead end or tee roadway).

C. Fire Safety - Where feasible, it is recommended that ready access to ponds be available for fire equipment and that local fire departments be notified of the location and availability of said ponds for firefighting use.

Section 606 Commercial/Private Club Shooting Ranges

A. Purpose - In order to promote safety and the general welfare of the public and to maintain the quality of neighborhoods, the following regulations are to enforced for all ranges.

B. Safety Conditions - All ranges shall be so located and directed so as to present the safest situation possible with respect to the existing neighborhood. As a minimum, the property should be posted to discourage persons from entering the range.

C. Pre-existing Ranges - All antecedent ranges shall be subject to all of the above regulations one (1) year after the effective date of this law.

D. Shooting ranges shall comply with basic N. R. A. guidelines applicable thereto.

Section 607 Toxic Waste

For the purpose of protecting present and future generations from the potentially harmful health and safety effects of toxic materials, the following regulations shall apply to industries and businesses:

A. Local Regulations - It shall be unlawful to maintain, store, bury or in any other way keep solid or liquid wastes that are considered toxic or hazardous. However, toxic wastes which are the results of a locally operated manufacturing process shall be permitted to be temporarily stored for a reasonable period of time pending proper disposal, as determined by the Permitting Board.

B. State Regulation - State and Federal regulations shall be complied with.

C. Pre-existing Uses - This section shall apply to all pre-existing Industries/Businesses.

Section 608 Kennels

A. Purpose - In order to promote the general welfare of the township, new kennels shall be allowed only by Special Use Permit. The application shall include a diagram drawn to scale that displays the kennel building(s) and all other inhabited dwellings in the vicinity, information on buffers, number and type of animals, and any other information deemed appropriate.

B. Definitions - Any premises on which five (5) or more dogs or five (5) or more cats over six (6) months old are groomed, boarded, trained, bred or sold for commercial gain.

C. Conditions to be considered when hearing a request for a kennel Special Use Permit.

1. Closeness of adjacent properties;
2. Maximum number of animals to be maintained;
3. Effect on character of neighborhood; and
4. Existing or proposed natural or fabricated buffers.

D. Pre-existing Kennels - Kennels in existence prior to the passage of this Law shall not be subject to regulations under this section generally. However, if an existing Kennel becomes a nuisance, any of the above conditions can be imposed after public hearing.

Section 609 Farm Animals Within Residential District

A. Farm animals may be maintained without permit within C-1, Rec/Con and M/I or Residential districts under the following conditions.

1. Commercial Operations Prohibited - Animals shall not be raised for profit or as a commercial venture. Animals shall only be allowed when kept for recreational use or for home consumption of its products. Only one animal is allowed with a minimum two-acre lot and each additional animal requires one additional acre.

2. Fences - Farm type animals shall be fenced so as not to be able to come within 150 feet of adjacent residential structures nor within ten (10) feet of any boundary line.

3. Pre-existing Animals - Any keeping of animals existing at the time of enactment of this law shall come into compliance within one year. The Zoning Officer shall notify the owner of the animals in violation of this law approximately six (6) months and again three (3) months prior to the end of the year compliance period. If the compliance time expires, a Public Hearing should be granted based on hardship (See Variance Section 904 Use and Area Variances). Part B of this Section does not apply to agriculture uses adjacent to commercial and residential districts.

B. Nuisances - Farm animals which create a nuisance due to odor, noise, etc., or which create a safety or health problem shall be prohibited within Residential Districts.

Section 610 Signs

A. Administration –

1. Permits Required - except as listed in the following paragraphs (A2 and A3), a Zoning Permit shall be required before an outdoor sign is created, altered or enlarged. A permit shall not be issued until all applicable sign regulations are met. All requests for permits must be accompanied by a plan drawn to scale showing the exact size, shape, location and type of sign.

2. Exempt Signs - The following signs shall be exempt from all regulations of this Section: public signs such as directional, street and traffic.

3. Signs Requiring No Permit - The following signs shall be subject to all regulations of this Section but shall be exempt from obtaining a permit as required above.

   a. Temporary Signs to include contractor signs, realtor signs, political signs, household sale signs and roadside stand signs.

   b. Indoor signs.

B. Specific Regulations by Sign Type

1. Signs Attached to Buildings

   a. No sign shall project higher than the roofline by more than 5% of the length of the storefront.

   b. Primary signs shall not be painted on buildings.

2. Free-Standing Signs -Free-standing signs shall be allowed in accordance with the following:

   a. Height - A maximum height of 30 feet from the ground to the top of the sign shall be allowed.

   b. Setback - A setback minimum of 15 feet from the road edge shall be required.

3. Temporary Sign Regulations - The following specific regulations shall apply to temporary signs.

   a. Contractor signs shall be allowed during periods from when the job commences until it is completed. The sign must be removed if substantial progress on the job is not taking place. The maximum size shall be 10 square feet.

   b. Political signs up to 32 square feet in size shall be allowed 6 weeks before and 1 week after the election and it shall be the responsibility of the candidate to comply with this regulation. Permission from the property owner must be received prior to sign placement. Political signs shall not be limited in number.

   c. Household sale signs shall be permitted in accordance with the following regulations:

      1.) Maximum size - no more than 3 feet high by 3 feet wide

      2.) Maximum Number - no more than three (3) signs shall be used and permission must be received from property owners where off-premise signs are located.

      3.) Location - Signs shall not be placed on trees, utility poles, street signs or traffic sings.

      4.) Illumination - signs shall not be illuminated.

   d. Limited Stand Signs shall be allowed in accordance with the following conditions:

      1.) Maximum size - 10 square feet

      2.) Maximum number - No more than one (1) sign shall be used per property.

      3.) Location - Signs shall not be placed on trees or utility poles.

      4.) Illumination - Signs shall not be illuminated.

      5.) Time - Roadside Stand signs shall only be permitted during the season in which the agricultural product being sold is available.

C. Districts Allowed in and Size

District Where Signs are Allowed (By Right or Special Use Permit)					Sizes of Signs (Max. Sq.Ft.)				
Permanent Business Signs			Temporary Business Signs		Business Signs[1]		Temporary Signs		Minimum Setback
District	On Prem.	Off Prem.	On Prem.	Off Prem.	On Prem.	Off Prem.	On Prem.	Off Prem.	Free Standing Business Sign
R-1	S	NA	NA	NA	4		4	NA	15
R-2	S	NA	S	NA	100		100	NA	15
RURAL	S	S	S	NA	100		100	NA	15
C-1	S	S	S	S	100		100	100	15
C-2	R	S	R	R	100[2]	9	15	15	15
M-I	R	R	R	R	200[3]	100	15	15	15

LEGEND: R - By Right Permit
S - Special Use Permit Required
NA - Not Allowed
NP - No Permit Required

FOOTNOTES:
1. The sign size provided represents the maximum square feet allowed per business for all signs cumulatively.
2. Or 20% of the store front, whichever is greater
3. Or 15% of the building front, whichever is greater.

D. Maximum Number Primary Signs

District	Maximum Number Signs
R-1, R-2, RURAL	1
C-1, C-2, M/I	2

E. General Regulations

1. Condition

a. Every permitted sign must be constructed of durable materials and kept in good condition and repair.

b. Any sign, which is allowed to become dilapidated, may be removed by the municipality at the expense of the owner or lessee of the property on which it is located after appropriate notice and hearing.

2. Location

a. Traffic

(1.) No sign shall be so located that the sign might interfere with traffic, be confused with or obstruct the view or effectiveness of any official traffic sign, signal or marking.

(2.) No sign shall be stapled, pasted or otherwise attached to utility poles or trees within a road or street right-of-way.

b. Ingress, Egress

(1.) No sign shall be located which shall prevent free ingress or egress from any window, door or fire escape.

(2.) No sign shall be so placed that it will obscure light and/or air movement from a building.

c. Located near Residential District - All signs within 100 feet of a Residential District shall be by Special Use Permit.

3. Illumination

a. Illuminating arrangements for signs shall be such that the light is concentrated on the sign with a minimal spillover cast on the street, sidewalk or adjacent properties.

b. Signs that contain, include, or are illuminated by any intermittent flashing or moving lights are subject to Special Use Permit.

F. Cessation

1. If a use ceases for a period of 1 year, all detached signs must be removed.

2. Such signs may be removed by the municipality after appropriate notice and hearing at the expense of the owner of lessee or the property on which the sign is located if the sign has not been removed after 30 days' notice.

G. NYS Regulations

1. New York State Highway regulations related to outdoor advertising shall also apply where applicable.

Section 611 Vehicle Dismantling and Scrap Yards (Commercial)

A. Definitions

1. Vehicle Dismantling Yards - Any place of storage or deposit where four (4) or more unregistered, old, or secondhand vehicles, no longer intended or in condition for legal use on public highways, are held whether for resale of parts or materials, or used parts and waste materials which, when taken together, in bulk equal four (4) or more vehicles shall constitute a dismantling yard. This excludes farm vehicles and facilities for processing iron, steel and/or nonferrous materials for scrap.

2. Scrap Yards - Any place of storage or deposit of more than one hundred (100) square feet, of a commercial nature, where metals, glass, etc. are held, whether for the purpose of disposal, reclamation, recycling or resale of such. This includes establishments having facilities for processing iron, steel, or nonferrous scrap for re-melting purposes.

B. Permits - Vehicle dismantling or scrap yards shall be allowed only by Special Use Permit.

C. Conditions - Prior to the granting of a Special Use Permit, assurances will be received that the following conditions, where appropriate, will be met:

1. Fences (Natural or Man-made):

a. Dismantling or scrap yards shall be completely surrounded with a fence of at least 8 feet in height, for

screening and security purposes.

b. There shall be located a gate in the fence which shall be kept locked at all times except when the dismantling or scrap yard is in operation.

c. The fence shall be located a minimum of 50 feet from adjacent public highways.

d. All vehicles, parts, scrap and work on such vehicles, parts, and scrap shall take place within the fenced area.

2. Location Considerations:

a. Dismantling and scrap yards shall be allowed where there will be a minimum negative effect on the character of existing neighborhoods.

b. No dismantling or scrap yard shall be permitted within 500 feet of a church, school, public building or other place of public assembly.

c. Dismantling and scrap yards shall not be permitted to be located upon sloped areas where an 8-foot fence will not reasonably screen said vehicles and scrap.

3. Parking - Off-street parking shall be provided for customers.

4. Fire Safety:

a. Inside, adjacent to and contiguous with the fence, a strip of land at least 10 feet wide shall be kept clear of all dry grass or other combustible material so as to provide a fire lane around the whole area.

b. The vehicles, parts and scrap shall be dismantled and/or disassembled by means other than burning. Fire lanes shall be maintained so as to permit easy, clear passage through the area.

c. There shall be maintained at least one fire extinguisher of approved design and capacity for each 40,000 square feet of area. Each fire extinguisher shall be hung or mounted in a conspicuous place, clearly marked and available.

5. Visual Considerations:

a. There shall be no stacking of vehicles or scrap above 8 feet in height from the ground.

b. Vehicles and scrap, which have been crushed, may be loaded onto the bed of a truck when they will be removed from the premises within a reasonable time period.

c. An appropriate area buffer will be established between adjacent properties.

6. future use

7. Minimum Lot Size: Adequate acreage shall be available to handle present and future needs of proposed dismantling and scrap yards.

8. Other Considerations:

a. Suitable sanitary facilities shall be provided in accordance with State Health Laws and DEC Regulations.

b. Inspection of dismantling and scrap yards shall be allowed at any reasonable time to insure compliance with this and other laws.

c. Reasonable hours of operation may be specified.

d. All other local, county, state or other governmental approvals or permits shall be applied for and secured.

D. Pre-existing Vehicle Dismantling and Scrap Yards.

Vehicle dismantling and scrap yards in existence before the enactment of this Law shall be subject to the following parts of this Section: Subsection B1 (a), (d); B4 (c); B5 (a), (b); B7 (c). Compliance shall take place within two (2) years following law enactment. In addition, any expansion or enlargement of any pre-existing vehicle dismantling or scrap yard shall be subject to all of the regulations in this law within reason as determined by the Planning Board.

Section 612 Private Camps

Prior to the granting of a Permit for the utilization of land for a private camp, consideration of the following will be made.

A. Size of Lot - Seasonal camps shall be allowed on 2 to 10 acre parcels.

B. Location of structures on lot - A minimum setback of 200 feet is required.

C. Construction - Type, size, and method of construction for any proposed structures shall be reviewed. Note that, if a mobile home is proposed to be used, it must meet the minimum floor space requirements of the appropriate District.

D. Buffer Zones - Existing or proposed.

E. Pre-existing Lots - This section shall only apply to parcels of land, which are purchased after the effective date of this Law.

Section 613 Household Sales

In order to preserve the character of neighborhoods, household and other similar types of noncommercial sales (lawn sales, garage sales, flea market, etc.) shall be subject to the following conditions:

A. Frequency - Sales shall be limited to three, 3-day sales each year per property owner. B. Permits

- Household sales shall not be subject to permit requirements or fees.

C. Exempt Sales - All public or semi-public nonprofit organizations shall be exempt from the requirements of this section.

Section 614 Roadside Stand

A. General - Roadside stands as defined in Appendix E, Definitions and below shall be allowed in all districts when listed as permitted by right if the following conditions, where appropriate, can be met.

B. Conditions:

Stand Size	Permanent?	Year Around?	Some Produce Off Premises?	Employees Other Than Owner?	Max. Sign Size	Type Permit
Limited	Yes	No	Yes	Yes	10 sq.ft.	Land Use

General	Yes	Yes	Yes	Yes	100 sq.ft.	Matrix

Additionally the following conditions must be met prior to being granted a permit.

1. Safe entry and exit from the stand shall be possible.
2. Sufficient off-street parking is available to handle peak traffic.

* Temporary off-premises signs shall be allowed without permit. See Section 610.

Section 615 Auto Body Repair Shops

Auto body repair shops shall be allowed in any Districts when specifically listed as an allowed use under the following conditions.

A. Vehicle Storage - Any vehicle stored outside shall be enclosed within an appropriate fence which shall make it impossible to view the vehicle.

B. Location - The shop shall be located at least 50 feet from existing residential structures.

C. Pre-existing Uses - Any expansion or enlargement of an auto body repair shop shall be subject to all regulations in this Law which are deemed reasonable by the Permitting Board at the public hearing.

Section 616 Vehicle Service Stations and Gasoline Sales

A. Entrance/Exit - No public garage or motor vehicle service station or private garage for more than 5 vehicles shall have a vehicular entrance closer than 200 feet to an entrance to a church, school, theater, hospital, public park, playground or fire station. Such measurement shall be taken as the shortest distance between such entrances across the street and along the street frontage, if both entrances are on the same side of the street, or within the same square block.

B. Location of Pumps - All motor vehicle service stations shall be so arranged and all gasoline pumps shall be so placed as to require all servicing on the premises and outside the public way; and no gasoline pump shall be placed closer to any side property line than 50 feet.

C. Waste Materials - All waste material, motor, and motor parts, will be stored within the structure or enclosed within fencing so as not to be visible from off the property.

D. Pre-existing Uses - All service stations existing at the effective date of this Law shall comply with Section C within 6 months. All expansions or enlargements shall be subject to all regulations in this Section that are determined to be reasonable by the Planning Board.

E. Any retail sale of gasoline, or oil products incorporated with or without general business retail sales shall comply with this section.

Section 617 Private Swimming Pools

A private swimming pool installed as an accessory to a residential use shall meet the following requirements.

A. Fence - Any such pool shall be completely enclosed by a security fence no less than four (4) feet in height, for all pools there shall be gates or doors equipped with self-closing and self-latching devices designed to keep the pools inaccessible to children. The enclosure may surround the pool or the area property. PURSUANT TO NYS law

B. Filtration System-Noise - Pools which are equipped with an integral filtration system and filter pumps or other mechanical devices shall be so located and constructed as not to interfere with the peace, comfort, and repose of the occupant of any adjoining property.

C. Draining - Prior to the draining of any swimming pool, it shall be insured that provisions for the drainage of such pools are adequate and will not interfere with the public water supply system, existing sanitary facilities, or adjacent properties.

D. Area Requirements - Pools shall be installed in accordance with the requirements of the appropriate district.

Section 618 Off-Street Parking

A. Purpose - Off-street parking space(s) with a proper and safe access shall be provided within a structure or in the open to serve adequately the uses on each lot within the district. Any application for a Building Permit for a new or enlarged building structure or change in use shall include with it a plot plan drawn to scale and fully dimensioned, showing any parking in compliance with the regulations of this Law.

B. Size Requirements - A required off-street parking space shall be an area of not less than 162 square feet, not less than 8 feet wide by 19 feet long (exclusive of access drives, aisles, ramps, columns, or office and work areas), accessible from streets, alleys and from private driveways, for storage or parking of passenger automobiles or commercial vehicles under 1 ton capacity. Aisles between vehicular parking spaces shall not be less than 12 feet in width when serving automobiles parked at a 45 degree angle in one direction and not less than 20 feet in width when service automobiles parked perpendicular to the aisles and accommodating two-way traffic.

C. Street Access - Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as will least interfere with the movement of traffic.

D. Location - Where it is reasonably possible, no parking space nor portion thereof established on a lot without a building shall be located closer to any street line than the front yard setback requirements of this Law in the same manner as a building or structure. The aforementioned required setbacks shall not be applicable to Business District, nor to residential driveways which may be used for parking.

E. Material Composition - All open off-street parking space, except those single-family dwellings and duplexes shall be surfaced with dust retardant material (see definition).

F. Number of Spaces - The following parking spaces shall be provided and satisfactorily maintained by the owner of the property, for each use which, after the date when this Law becomes effective, is erected, altered for use for any of the following reasons.

USES	PARKING SPACES (One Space Per)
Residential, Hotels, Motels	1/2 Dwelling Unit
Churches	5 Fixed Seats
Home for Aged	3 Residents
Elementary School	20 Students
High School or College	12 Students
Library, Office and Banks	100 Square Feet
Places of Assembly	200 Square Feet
Club	4 Members
Mortuaries and Funeral Parlors	1/8 Viewing Room
USES	PARKING SPACES (One Space Per)
Bowling Alleys	Alley
Food Market	200 Square Feet
Eating and Drinking Establishments	100 Square Feet
Other Commercial	300 Square Feet
Industrial and Manufacturing	Employee
Other Uses Not Elsewhere Classified	500 Square Feet
Roadside Stands	See Section 614

Section 619 Loading and Unloading

A. Need - Off-street loading and/or unloading spaces for non-farm commercial vehicles while loading and/or unloading shall be provided for new uses where it is deemed that such facilities are necessary to serve the use or uses on the lot. At least one off-street loading and/or unloading space shall be provided for all commercial non-agricultural establishments in excess of 7,700 square feet of floor area.

B. Each loading and/or unloading space shall be at least 14 feet wide, 60 feet long, shall have at least a 15-foot vertical clearance and shall have a 60-foot maneuvering area. Refer to Variance Section where this requirement cannot be met.

C. Use of Parking Space shall not be used for loading and/or unloading purposes except during hours when business operations are suspended.

D. Design - Loading and/or unloading facilities shall be designed so that trucks need not back in or out, or park in any public right-of-way. No truck shall be allowed to stand in a traveled cart way or pedestrian walkway or in any way block the effective flow of persons or vehicles. The loading and/or unloading area shall have an all weather surface to provide safe and convenient access during all seasons.

E. Pre-existing Uses - Any use existing, as of the effective date of this Law, shall not be subject to this section.

Section 620 Solar and Wind Systems

In order to promote and protect the use of solar and wind systems (active and passive) the following regulations shall apply.

A. Solar or Wind Permit and Placement - Consideration will be given to locating the solar or wind structure the furthest distance from adjoining properties, on the southern or windward exposure, which is reasonably possible. This distance shall be a minimum of 100 feet and may be required to be more if the slope so dictates and as dictated by NYSERDA regulations. NYS Consolidated permitting procedure and application will be followed.

B. Notification - The owners of all properties within 200 feet of the property on which the collector is to be placed will be notified in writing of the intent to place a solar or wind system in the neighborhood and the possible effects that this could have on future development.

C. Wind Turbines may not be considered “residential structures.” They do however present peculiar safety hazards and challenges ((agricultural use exempted from SEQRA) or otherwise)). They are subject to site plan and other specific review, NYS constitution article XIV and NYS SEQR refer. Minimum requisites for submission and County referral are:
1. Draft sketch of installation including boundary lines.
2. Noise level studies.
3. Certification of limitation to allowable 110% farm use.
4. Manufacturer specifications for installation and maintenance.
5. Anticipated decommissioning costs.

C. The requirements of this law shall apply to all Solar Energy Systems installed or modified after its effective date, excluding general maintenance and repair and Building-Integrated Photovoltaic Systems.

D. Solar Panels may be considered accessory “structures” and they do present peculiar safety hazards and challenges (agricultural or otherwise) for First Responders and Fire Departments. They are subject to site plan and other specific review, NYS constitution article XIV and NYS SEQR refer. Minimum requisites for submission and County referral are:
1. Draft sketch of installation including boundary lines.
2. Reflectivity and noise level studies.
3. Certification of limitation to allowable 110% farm use.

This Zoning for Solar Energy Law is adopted pursuant to [sections 261-263 of the Town Law, of the State of New York, which authorizes the Town of Ripley, to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and "to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefore."

5. Solar as an Accessory Use or Structure

A. Roof-Mounted Solar Energy Systems.

1) Roof-Mounted Solar Energy Systems that use the electricity onsite or offsite are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.

2) Height. Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.

3) Aesthetics. Roof-Mounted Solar Energy System installations shall incorporate, when feasible, the following design requirements:

a. Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof and highest edge of the system.
b. Panels will be of the same size and color as existing and surrounding roofs as much as possible.
c. Glare remediation to protect adjacent properties must be included in the SUP application and design process.
d. Shading of adjacent properties and wind blockage for adjacent properties must have remediation included or proven that it is not a factor

4) Roof-Mounted Solar Energy Systems that use the energy onsite or offsite shall be exempt from site plan review under the local zoning code or other land use regulations where permitted by the matrix in appendix A.

B. Ground-Mounted Solar Energy Systems.

1) Ground-Mounted Solar Energy Systems that use the electricity primarily onsite are permitted as accessory structures in R-2, C-1, C-2, MI, and RURA District(s).

2) Height and Setback. Ground-Mounted Solar Energy Systems shall adhere to the height and setback requirements of the underlying zoning district.

3) Lot Coverage. Systems are limited to established setbacks providing reasonable ground maintenance is still achievable (see 6 B 4 below) . The surface area covered by Ground-Mounted Solar Panels shall be included in total lot coverage.

4) All such Systems in residential districts shall be installed in the side or rear yards.

5) Ground-Mounted Solar Energy Systems that use the electricity primarily onsite shall be subject to site plan review under the local zoning code or other land use regulations.

6. Approval Standards for Large-Scale Solar Systems as a Special Use:

A. Large-Scale Solar Energy Systems are permitted through the issuance of a special use permit within Rural, C-2, MI/A, R-2, subject to the requirements set forth in this Section, including site plan approval. Applications for the installation of a Large- Scale Solar Energy System shall be reviewed by the Zoning Enforcement Officer and referred, with comments, to the Planning Board (or Town Board for large scale projects) for its review and action, which can include approval, approval on conditions, and denial.

B. Special Use Permit Application Requirements. For a special permit application, the site plan application is to be used as supplemented by the following provisions.

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

2) Blueprints showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect shall be required.

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

4) Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.

5) Decommissioning Plan. To ensure the proper removal of Large-Scale Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a special use permit under this Section. The Decommissioning Plan must specify that after the Large-Scale Solar Energy System can no longer be used, it shall be removed by the applicant or any subsequent owner. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer or Contractor. Cost estimations shall take into account inflation. Removal of Large-Scale Solar Energy Systems must be completed in accordance with the Decommissioning Plan. If the Large- Scale Solar Energy System is not decommissioned after being considered abandoned, the municipality may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality.

C. Special Use Permit Standards.

1) Height and Setback. Large-Scale Solar Energy Systems shall adhere to the height and setback requirements of the underlying zoning district.

2) Lot Size. Large-Scale Energy Systems shall be located on lots with a minimum lot size of 1 acre.

3) Lot Coverage. A Large-Scale Solar Energy System that is ground-mounted shall not exceed 50% of the lot on which it is installed. The surface area covered by Solar Panels shall be included in total lot coverage.

4) All Large-Scale Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing.

The type of fencing shall be determined by the Planning Board. The fencing and the system may be further screened by any landscaping needed to avoid adverse aesthetic impacts. (See definitions section 621)

5) Any application under this Section shall meet any substantive provisions contained in local site plan requirements in the zoning code that, in the judgment of the Planning Board, are applicable to the system being proposed. If none of the site plan requirements are applicable, the Town Board may waive the requirement for site plan review.

6) The Planning Board or Town Board may impose conditions on its approval of any special use permit under this Section in order to enforce the standards referred to in this Section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

7. Abandonment and Decommissioning

Solar Energy Systems are considered abandoned after 364 days without electrical energy generation and must be removed from the property. Applications for extensions are reviewed by the Zoning Board of Appeals for a period of an additional 30 days.

8. Enforcement

Any violation of this Solar Energy Law shall be subject to the same civil and criminal penalties provided for in these zoning regulations.

9. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision or phrase of the aforementioned sections as declared by the valid judgment 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 621 Fences and Walls

To protect properties adjacent to fences and walls from the indiscriminate placement, unsightliness, related health and safety problems, etc., the following rules and standards shall apply.

A. Definition - for the purpose of this Law, fences shall include hedges and walls and is further defined in Appendix E.

B. Permit Requirements - Fences shall be allowed up to and including 4 feet in height "By Right". Fences above 4 feet in height shall require a Special Use Permit and consideration will be given to visibility from adjacent properties, light and air movement, etc.

C. Special Conditions to be Met:

1. Agricultural Fences - Fencing used for agricultural purposes (confining livestock, or excluding wildlife) shall be exempt from all regulations except structural maintenance.
2. Setback from Road - Fences shall be set back a minimum of 10 feet from the edge of the road, Street, or Avenue and shall not be located within legal highway right-of-ways.
3. Location - Fences including walls, hedges, etc., must be installed to be on the property of the owner.
4. Corner Setbacks - Fences, walls and/or hedges shall be located so as not to cut off or reduce visibility at intersections. See Section 505 on Visibility in Article V.
5. Fire Hazard - Any fence that shall be considered a fire hazard shall be prohibited.
6. Finished Sides - The finished sides of all fences must face adjacent properties. This rule can be waived if agreed to in writing by adjacent property owners.
7. Maintenance - All fences shall be maintained structurally and visually a minimum of 3 feet from property line should be maintained to allow room for this requirement.

D. Pre-existing Fences - Fences in existence at the time of enactment of this Law shall only be subject to the maintenance provision of this section.

Section 623 TV Dishes

The installation of TV dishes, antennas and other antennas are allowed in R-1, R-2, RURAL, C-1, C-2, and M/I providing the unit does not significantly affect the neighbors' view.

Section 624 Solid Waste

A. Introductory Matters

1. This section is intended to protect the residents of the town from the effects of solid waste disposal including:
   a. Unaesthetic results, including odors, blowing litter, increased traffic, dust and noise.
   b. Deterioration in property values associated with adjacent or proximate disposal operations that may interfere with the orderly development of properties.

c. Threats to public health or the environment by contamination of air, land, surface waters or ground waters.

2. To prohibit the operation of solid waste management facilities within the Town of Ripley in order to preserve and promote a clean, wholesome and attractive environment for the community.

3. To exercise the Town's police powers under the Municipal Home Rule and Section 130 and 136 of the Town Law for the physical and mental well-being and safety of its citizens, and to prohibit solid waste disposal operations within the Town that might otherwise be permitted under the Environmental Conservation Law (ECL), Section 27-711 of the ECL specifically recognizes and authorizes the right and authority of a Town to legislate stricter controls on solid waste disposal operations than State Law requires.

4. The Town Board finds that environmental science is presently inadequate to satisfactorily evaluate and control pollution from solid waste disposal facilities such as landfills, ash fills, brine wells, injection wells resource recovery, or incinerator facilities. Among other factors, the board finds as follows:

a. The Town's regional needs for solid waste disposal are met by the existing Chautauqua County Landfill Facility, and the Chautauqua County Landfill Transfer Station.

b. Future correction of pollution from sanitary landfills may be very expensive or impossible to achieve. Ground-water pollution threatens the health and livelihood of Town residents who rely exclusively on ground water for human consumption and agriculture.

c. The inability of geological science to precisely ascertain subterranean geology makes it impossible to determine the extent to which solid waste disposal may, or may not be contaminating water supplies.

d. All drinking water supplies in the Town of Ripley are fed from underground springs, surface and groundwater to wells for residents outside the water district of the Town. The water district of the Town is supplied from Belson Creek, through the Slow Sand Filtration located on Route 76 South.

The Town currently has what is known as "Watershed Rules and Regulations", filed with the office of the Secretary of State on March 11, 1983. They are now Section 105:21 to Part 105, Sub-chapter A, Chapter III of Title 10 (Health) of the Official Compilation of Codes, Rules, and Regulations of the State of New York and are now legally enforceable under New York State Law.

e. The Town of Ripley is currently reviewing the Watershed Rules and Regulations to protect all future water supplies that may or may not come from sources known as Gage's Gulf, 20-Mile Creek and Lake Erie and has deemed it necessary to study the possibility of protecting a larger area surrounding the Belson Creek, for the safety and welfare of its supply source.

f. The location and operation of any further solid waste management facilities within the Town will adversely and unalterably affect the existing community character of the Town.

g. The accumulated extent of hazardous waste disposal facilities cannot be measured or accurately determined because of state and federal regulations permitting disposal of residential or small user quantities of hazardous wastes.

h. Substantial scientific opinion questions the environmental and health effects of both "resource recovery" facilities that incinerate or burn solid waste and of the handling and disposal of ash residue from such facilities. Recent New York State Department of

Environmental Conservation and Federal Environmental Protection Agency studies indicate that such ash often demonstrates the characteristics of hazardous waste by the leaching of heavy metals in toxic amounts.

i. Solid waste regulations under the New York State Environmental Conservation Law (ECL) are inadequate to relieve the foregoing concerns.

B. Prohibited Activity:

1. No solid waste management facility (including but not limited to landfill, ash fill, solid waste incinerator, medical waste incinerator, brine wells, injection wells, radioactive processing centers, nuclear waste processing centers, and radioactive nuclear waste sites) shall hereafter be permitted to commence operation or to continue operation within the Town of Ripley.

2. No commercial hazardous waste treatment, storage or disposal facility (including but not limited to landfill, ash fill, solid waste incinerator, medical waste incinerator, brine wells, injection wells, radioactive processing centers, nuclear waste processing centers, and radioactive nuclear waste sites) shall hereafter be permitted to commence operation or to expand operation within the Town of Ripley.

C. Exemptions: The following are not subject to this section:

1. Any disposal of manure in normal farming operations.
2. Any procedure relating to agriculture within the RURAL, R-2, C-2 Districts or within an Agricultural District formed pursuant to the Agriculture and Markets Law.
3. The Town's Water Pollution Control Facility which went into full operation during September 1986 and Land application of Town's sewage sludge from the WPCF at approved sites, according to Part 360 permits as issued by the New York State DEC.
4. The Town of Ripley operated transfer station and recyclables processing center. None of the above exemptions shall be construed to permit any activity contrary to existing building codes or other laws, or as exempting persons engaging in any such activities from obtaining any other permits required by state or local law.
5. The activities of the Town's Highway Department.

Section 625 Gravel & Sand Operations

No mine or quarry operations greater than 1,000 yards per year are authorized, until a Special Use Permit is received. The following regulations shall be adhered to:

A. Equipment Location - No excavation, power-activated sorting machinery, equipment, blasting or stockpiling shall be allowed within 300 feet of any residential structures located on adjacent parcels. No power-activated sorting machinery or equipment shall be located within 200 feet of any public road or other property line.

B. Fencing - Fencing of all pits, excavations, etc., during and following cessation of operations until such time as reclamation is completed per state approved reclamation plan, may be required if an unsafe condition warrants such a fence as determined by the Planning Board. The owner of the operation may appeal the decision of the Zoning Board of Appeals. When considering the appropriateness of fencing, the following shall be taken into consideration: Neighborhood character, the type of operation, size of lot, population in surrounding area, topography, traffic volume, etc.

C. State Requirements - In addition, all New York State Department of Environmental Conservation regulations on Mined Land Reclamation shall apply, covering the following areas:

1. State Permit
2. Mining plan - affected land, procedures, disposition of materials, haulageways, pollution prevention (dust, noise control, drainage, and water control), screening
3. Reclamation plan - specific land-use objective for reclaimed land, disposition of materials, treatment of haulage-ways, drainage, water impoundments, grading and slope, screening, revegetation, schedule of implementation;
4. Reclamation bond - posted as determined by NYSDEC.

D. Pre-existing Uses - Gravel and sand operations in existence before the enactment of this Law shall be subject to A, B, and C above. In addition, any expansion or enlargement of such gravel and sand operation shall be subject to all regulations in this Law within reason as determined by the Planning Board.

Section 626 Unsafe Buildings and grounds

A. Purpose - The Town Board of Ripley has seen an incidence on the increase of derelict structures resulting for fires or other physical casualty which have resulted in situations which pose immediate threats to public health and safety due to the existence of the derelict and unsafe structures requiring an amendment to the Town's Zoning Law in order to more effectively deal with the presence and need for removal of said unsafe and/or derelict structures.

B. Initial Identification - When a potentially unsafe structure or property issue is brought to the attention of the Zoning Officer and fire inspector, they shall, within a 5-day period, externally inspect the structure using UFPC, NEC, Building codes and property issues the current standards included in the International Property Maintenance Code and report back to the Municipal Board as to whether it warrants further examination.

C. Examination - After consultation with the Municipal Board, the Zoning Officer and Fire Inspector shall, if warranted, be authorized to thoroughly inspect the structure or property in question. The Municipal Board may also authorize a building inspector with appropriate credentials to be retained to assist in the inspection. A written report of the findings shall be submitted to the Municipal Board and if applicable, the County Health Department shall also receive a report. The Municipal Board shall evaluate the report and decide what action is necessary to alleviate the problem.

D. Notification of Owners –

1. The Municipal Board shall thereafter consider such report and by resolution determine if in its opinion the report so warrants, that such building is unsafe and dangerous and order its repair if the same can be safely repaired or its demolition and removal, and further order that a notice be served upon the person(s) and in the manner provided herein.

2. The Notice shall contain the following:

   a. A description of the premises

   b. A statement of the particulars in which the building is unsafe or dangerous

   c. An order outlining the manner in which the building is to be made safe and secure or demolished and removed.

   d. A statement that the securing or removal of such building shall commence within 30 days of the service of the notice and shall be completed within 60 days thereafter, unless for good cause shown such time shall be extended

   e. A date, time, and place for a hearing shall be scheduled not less than ___ business days from the date of service of the notice.

   f. A statement that in the event of neglect or refusal to comply with the order to secure or demolish and remove the building, the Municipal Board is authorized to provide for its demolition and removal, to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of demolition, including legal expenses.

3. The said notice shall be served on the owner or someone of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in same, either personally or by registered mail, addressed, if any, of the same, either personally or by registered mail, addressed to the last known address, if any, of the owner or someone of the

owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in same, as shown by the records of the tax collector and/or in the office of the County Clerk; and as such service may be made by registered mail by securely affixing a copy of such notice upon the unsafe building.

E. Prohibition of Occupancy - If at any time the Municipal Board, upon reviewing all reports, determines that there is actual and immediate danger of failure of collapse, health or other serious safety problems which endanger life, they may order the property vacated forthwith and not reoccupied until the specified repairs and improvements are complete, inspected and approved by the Zoning Officer. The Zoning Officer shall post a notice at each entrance stating, "THIS BUILDING UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE ZONING OFFICER". Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation, or their agents, or other servants to remove such notice without written permission of the Zoning Officer, or for any person to enter the building except for the purpose of making the required repairs or of demolition of the same.

F. Noncompliance – In the event of the refusal or neglect of the person so notified to comply with said order and after the hearing, the Municipal Board shall provide for the demolition and removal of such building or structure either by Municipal employees or by contract. Except in emergency as provided in Section II hereof, any contract for demolition and removal of a building in excess of $5,000 shall be awarded through competitive bidding. All expenses incurred by the Municipality in connection with the proceedings to repair and secure or demolish and remove the unsafe building, including the cost of actually removing such building, shall be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided for the levy and collection of Municipal taxes.

G. EMERGENCY CASES – Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property, unless an unsafe building is immediately repaired and secured or demolished, the Municipal Board may by resolution immediately cause the repair or demolition of such unsafe building. The expenses of such repair or demolition shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided above under Noncompliance.

Section 627 Junk Vehicles on Private Property

A. Purpose - It is the intent of this section to minimize safety, health and aesthetic relate problems by limiting, according to district and lot size, the storage outdoors of junk vehicles utilized for noncommercial purposes. (See definition Junk Car in Appendix E).

B. Number of Vehicles - The number of junk vehicles that are allowed to be maintained outdoors shall be:Unless provided for by other regulation NO inoperative or unlicensed motor vehicle shall be parked, kept or stored on any residential premises, and no vehicle shall at any time be in a state of major disassembly, disrepair or be in the process of dismantling, stripping or scrapping unless the work is undertaken in a structure and area permitted and approved for the same. Body work and painting in excess of 1% (TOUCH UP) may only be performed in a location and structure permitted and approved for that work.

D. Restoration of Vehicle INdoors -Sustained progress in restoring an antique junk automobile to operational condition shall be allowed under the following conditions and said vehicle shall not constitute a junk vehicle:

1. A maximum of two vehicles for restoration.

2. The entire restoration shall take a reasonable time to accomplish.

3. Such vehicles shall be located so as to create the least nuisance possible and all hazardous materials will be handled, stored and removed to prevent contamination of surrounding area(s) or endangering the public.

4. Noise associated with the restoration shall be limited to reasonable hours.

5. Restoration shall be for personal use and not for profit

E. Pre-existing Junk Vehicles on Private Property - Junk vehicles on private property in existence before the enactment of this Law, shall come into compliance within 1 year after notification. The Zoning Officer shall notify the owner of such junk vehicles in violation of this Law approximately six (6) months and again at 3 months prior to the end of the 1-year compliance period. If the compliance time expires, a public hearing may be called to determine if a use variance should be granted based on hardship (see Variance Section). An example of hardship includes antique cars in the process of being restored.

Section 628 Trash Storage in Private Yards

A. Definition - Glass, scrap, metal, salvage machines, appliances, or other similar material, but not to include woodpiles, lumber, building materials, compost and/or all other uses associated with and necessary for agricultural and approved businesses.

B. Maximum area (square feet) which may be maintained in trash shall be dependent on the district and lot size as shown in the following table:

	Lot Size in Acres Versus Allowed Trash By District		
District	0-.99	1-5	5+
R-1	0 Sq. Ft.	0 Sq. Ft.	0 Sq. Ft.
R-2	0 Sq. Ft.	0 Sq. Ft.	0 Sq. Ft.
RURAL	50 Sq. Ft.	200 Sq. Ft.	300 Sq. Ft.
REC/CON	0 Sq. Ft.	0 Sq. Ft.	0 Sq. Ft.
C-1	0 Sq. Ft.	0 Sq. Ft.	0 Sq. Ft.
C-2	100 Sq. Ft.	300 Sq. Ft.	500 Sq. Ft.
M/I	300 Sq. Ft.	500 Sq. Ft.	500 Sq. Ft.

However, where it is unreasonable to dispose of commercial trash in a timely manner due to unique circumstances, a maximum of 60 days storage extension shall be allowed for the excessive trash accumulated.

C. Whenever possible, the storage of trash shall be screened from adjacent properties and roadways.

D. Pre-existing Trash on Private Property - Any trash pre-existing in private yards shall come into compliance with B above within 60 days of notification by the Zoning Officer.

Section 630 Heavy Vehicle Parking

A. Definition - Heavy vehicles shall mean wreckers, commercial trailers, semi-trailers, or any vehicle or truck with dual wheels (four (4) wheels mounted on the rear axle of a non-recreational vehicle).

B. The parking of heavy vehicles in districts shall be allowed unless it can be shown that there will be a substantial nuisance associated with the vehicle.

C. Pre-existing Uses - Heavy vehicles previously parked within the township shall be subject to this section upon notification by the Municipal Board. A reasonable time for compliance shall be specified.

D. The Winter Parking Law No. 1 of 1985 as amended now, or in the future, shall be complied with.

Section 631 Agriculture

Protection of Agriculture - in order to promote, preserve and protect Agricultural Businesses, any portion of this Law that would reduce operational capability of an Agricultural Business shall be declared void in that one instance. However, where a documented health or safety problem exists or would be created if sections of this Law were not adhered to, then, and only then, will these sections be enforced, but even then only to the minimum necessary.
Note that where reasonable care is taken and normal agricultural practices are followed, a health problem shall not be considered to exist.

Section 632 Travel Trailers Accessory Use/Temporary Dwellings

A. Occupancy - Travel trailers may be inhabited without permit for a maximum period of 3 months in a 12-month period when a principal structure is located on the same lot. A Special Use Permit shall be required for longer occupancy. See section on private camps when no principal dwelling exists on the lot.

B. Storage (Unoccupied) - Travel trailers may be stored uninhabited without permit on any lot.

Section 633 Demolition of Old Buildings

Any demolition for the purpose of restoration or removal shall require a building permit and the demolition shall be done in accordance with the N.Y.S. Uniform Building Code.

Section 634 Mobile Home Parks

A. Definition
Means a parcel of land that has been planned and improved for the placement of more than two (2) Mobile Homes, for non-transient use.

B. Conditions
Mobile Home Parks shall be allowed by Special Use Permit within the C-2 District and the Rural District, if the Applicant can meet the standards and requirements listed in this section. No Mobile

Home Park shall be located or maintained in any district of the Town of Ripley, except in the specified district as defined.

C. Permits
It shall be unlawful for any person to construct, alter, or extend any Mobile Home Park unless the person holds a valid permit issued by the Zoning Officer in the name of the person for which the specified construction, alteration or extension is proposed.

D. License
It shall be unlawful for any person to operate any Mobile Home Park within the Town of Ripley unless the person holds a valid license issued annually by the Zoning Officer in the name of such person for the specified Mobile Home Park.

E. Health Department

The Chautauqua County Department of Health is presently involved in a continuing program of plan review and park inspection to ascertain compliance with Part 17 of the New York State Sanitary Code. The requirements of Part 17 shall apply to all Mobile Home Parks maintained for the placement of five (5) or more mobile and/or manufactured homes. *Rules and regulations pertaining to Mobile Home Parks are set forth in Part 17 of the New York State Sanitary Code. (Copies are available from the Chautauqua County Health Department).*

NOTE: ALL REQUIREMENTS, PERMITS, LICENSE AND FEES MADE BY THE CHAUTAUQUA COUNTY HEALTH DEPARTMENT, WILL BE IN ADDITION TO THE REQUIREMENTS, PERMITS, LICENSE AND FEES OF THIS LAW.

F. Procedure for Application for Permit for Mobile Home Park or the Extension of an Existing Park

The procedure for application for a permit may be accomplished in two (2) phases.

Mobile Home Park process entails substantial planning, commitment and financial undertaking on the part of the Applicant and involves important matters of public policy, safeguarding the Town's best interest and responsibility for health, safety, comfort, convenience and general welfare of its inhabitants.

THE INTENT OF PHASE I APPLICATION FOR PERMIT is to allow the Planning Board and the applicant to review the concept of the preliminary plan prior to the Applicant retaining the services of a professional engineer.

NOTE: IN THE EVENT A CERTIFIED ENGINEER COMPLETES PHASE 2 OF PROCEDURE FOR APPLICATION FOR PERMIT, THE APPLICANT MAY ELECT TO BYPASS PHASE 1 OF PROCEDURE FOR APPLICATION FOR PERMIT.

1. PROCEDURE FOR PHASE I: All applications for permits shall be obtained from and filed with the Zoning Officer and shall include the following requirements:

    a. The application for PHASE I shall contain all the requirements of PHASE II EXCEPT the services of a professional engineer; and
    b. The preliminary site plan shall be approximately to scale, though it need not be so precise as to constitute finished engineer drawings; and

c. A filing FEE of fifty ($50.00) non-refundable shall be paid to the Zoning Officer at the time the PHASE I preliminary application is filed with the Zoning Officer.

2. PROCEDURE FOR PHASE II: All applications for permits shall be obtained from and filed with the Zoning Officer and shall include the following requirements:

a. A filing FEE based upon the following schedule and non-refundable shall be paid to the Zoning Officer at the time the PHASE II application is filed with the Zoning Officer.

MINIMUM FEE: Minimum of one hundred fifty ($150.00) or ten ($10.00) per lot whichever is greater will be charged.

b. All Applicants shall retain the services of a professional engineer licensed in New York State.

c. Prepare and submit professional engineer's site plans, detailed engineering report and specifications regarding the entire project.

G. ALL APPLICATIONS FOR PERMITS AND SITE PLANS SHALL CONTAIN:

1. The name and address of the Applicant.

2. The name and address of the licensed New York State Engineer.

3. Interest of the Applicant in the Mobile Home Park. If not the Land Owner the Landowner shall be required to sign the application.

4. Location and legal description of the proposed park or the extension of the existing park, including a map showing the section, block, and lot numbers; the area and dimensions of the tract of land; the physical characteristics of the property, including topography vegetation and wetlands.

5. Present use of the property.

6. List of abutting property owners.

7. Boundaries of the property plotted to scale.

8. Site plan of proposed park or extension, shall include north arrow, scale, and date.

9. A description of the site location, with regard to highways, streets, and landmarks, shall accompany the application.

10. Site plan shall include the location and width of all roadways (proposed access and ingress routes, internal streets and walkways and any cul de sac in lieu of closed end streets).

11. Site plan shall include the number of individual lots, lot size, and lot location, including present park if existing, and recreation areas.

12. Location of fire and other emergency zones, including the location of fire hydrants and/or man-made ponds if available. SUITABLE FIRE APPARATUS and/or communications with the local fire department shall be provided.

13. Plans and specifications of the water supply, refuse disposal, and sewer disposal facilities shall be provided. Where public water and sewer is available, connection shall be used exclusively. If public systems are not available, the development shall be approved by the Health Authority or the Authorities having jurisdiction thereof.

14. Plans and specifications of present and proposed location of water and sewer lines, including riser pipes.

15. Plans and specifications of present and proposed utility lines, including the location and details of lighting and electrical systems, natural gas, telephone and cable systems.

16. Plans and specifications of present and proposed surface drainage. Plans to include any unusual special land features1 such as streams, creeks1 areas subject to flooding, and areas of steep slopes in excess of fifteen (15) degrees.

17. Plans and specifications of all buildings constructed or to be constructed within the mobile home park.

18. The phasing and scheduling of development.

19. Plan for ongoing maintenance.

20. Such other information as may be required by the Planning Board or the Zoning Officer.

H. The following Standards and Conditions shall be app1icab1e in all Mobi1e Home Parks:

1. Size of Lots and Yards: Every lot shall meet the following minimum requirements:

   a. Lot area per mobile home - six thousand (6,000) square feet with a minimum of sixty (60) feet in width.
   b. Lot area per doublewide mobile home - eight thousand (8,000) square feet with a minimum of eighty (80) feet in width.
   c. Front yard setback depth from the edge of the Mobile Home Development Street: twenty (20) feet including a five (5) foot setback minimum from the edge of the Mobile Home Development right-of-way as specified below in (d) and (e).
   d. Front yard setback depth from Mobile Home Development right-of-way: five (5) feet.
   e. Front yard setback from Mobile Home Lot Line: fifteen (15) feet.
   f. Side yard setback depth from Mobile Home Lot line: ten (10) feet; two (2) side yards shall be required.
   g. Rear yard setback depth from Mobile Home Lot Line - ten (10) feet.
   h. Setbacks for all tipouts, additions, walkways, patio, sheds and storage buildings must meet the minimum requirements.

2. Minimum Floor Space
   The minimum floor space of this requirement shall not include any structure attachment to include those stick built, folded, collapsed or telescoped.

a. The minimum of eight hundred and twenty (820) sq. ft with a minimum of twelve (12) feet in width. The manufacturer specified floor space shall be used for this requirement.

b. Every used Mobile Home hereinafter placed within the Town of Ripley shall be inspected for safety of residential use, prior to any zoning permit issued.

c. The Building Code Officer and the Zoning Enforcement Officer is hereby authorized and directed to make such inspections as necessary to determine that the condition of the used Mobile Home is in satisfactory compliance with safety standards of the United States Department of Housing and Urban Development and the New York State Uniform Fire Prevention & Building Code. The following safety conditions must be met prior to occupancy:

1.) The Mobile Home has a structurally sound, non-leaking roof; no broken windows; at least two (2) operable smoke detectors installed; all floors are free from defects and are structurally sound; all doors are serviceab1e and undamaged so they 1atch shut.

2.) All damage to the exterior (e.g. cuts, dents, holes and rust) shall be repaired or replaced prior to installation.

3. Mobile Home Stand - Each mobile home lot shall comply

a. Contain a Mobile Home Stand which will not heave, shift or settle unevenly under the weight of the Mobile Home as a result of any frost action, poor drainage, vibration or other such forces.

b. The material used in constructing the stand should be durable and capable of supporting the expected load regardless of the weather. Pilings or piers shall be used and each Mobile Home shall be securely anchored with tie downs.

c. Where Mobile Homes are provided with installation instructions, footings, piers or supports and tie downs shall be sized and located to support the loads specified in the manufacturer's installation instructions.

d. Where Mobile Homes are not provided with such instructions, the supports and tie downs shall be placed in accordance with the requirements set forth in the generally accepted standards or specifications approved by the authority having jurisdiction.

4. Parking Areas: In addition to the required size of the Mobile Home Lot, Two (2) parking spaces must be provided for each Mobile Home Lot off the street, which must have a minimum of two hundred fifty (250) square feet each.

5. Numbering:

a. Each Mobile Home Park shall have on individual Mobile Homes, reflecting numbers, a minimum of three (3) inches in height, designating the Mobile Home numbers corresponding to the plot plan map filed at the time the Mobile Home Park Permit was obtained from the Zoning Officer.

b. The number shall be so it can be read while going in either direction on the roadway (internal street) passing in front of the Mobile Home Lot.

6. Skirts: Each Mobile Home Owner shall be required to enclose the bottom portion of the Mobile Home with either a metal or fire resistant or other like permanent material, properly ventilated within sixty (60) days after arrival in the park.

7. New York State Fire and Bui1ding Code Requirements: All Mobile Homes, construction of accessory buildings, construction of storage sheds and service buildings shall meet the requirements of the NYS Fire and Building Code.

8. Movement of Mobile Homes

    a. No owner of land shall permit any person to use his property for the purpose $0f_1$ or the replacement of a mobile home without possession of the permits required under this law.
    b. The placement of, or the movement of, from lot to lot, of any Mobile Home shall require a Zoning Permit, with no additional fee, and shall require the unit comply with all regulations in this law, as amended.
    c. The movement of any mobile home from a pre-existing park lot to a private property shall require conformance to all conditions and regulations as specified in Section 635 (Individual Mobile Home On Private Property).

9. Accessory Buildings on Individual Lots:

    a. Due to the limited lot sizes and close proximity of Mobile Homes, no outdoor storage of tools, material, equipment, junk or other items, other than registered vehicles, or patio related items shall be allowed. Where storage sheds are necessary to comply with this requirement, they shall be located in the rear side yards and out-of-sight to the greatest degree possible, substantially anchored, and well maintained.
    b. One (1) accessory building or storage shed shall be allowed per lot_1 not to exceed one hundred twenty (120) square feet. The building may be of pre-constructed material.
    c. The placement of or construction of an accessory building or storage shed shall require the Park Owner to obtain a Zoning Permit which shall be allowed by right with no additional fee
    d. Mobile units, used trucks and similar motor vehicles, shall not be utilized as storage structures

10. Service Buildings:

    a. In the event accessory service buildings are proposed, all such service buildings on the Mobile Home Park Site shall be connected to all Mobile Home Lots by a walkway of not less than three (3) feet in width.
    b. Service buildings shall be provided with emergency sanitary facilities of one (1) lavatory and one (1) flush toilet for each sex.
    c. All rooms containing plumbing fixtures shall have floors that are impervious to water, easily cleaned and sloped to floor drains connected to the sewage system.
    d. Walls and partitions around the toilets, lavatories and other plumbing fixtures should be constructed from non-absorbent waterproof material or covered with moisture resistant material.

11. Sidewalks: Sidewalks will only be required if the subdivision regulations of the Town require them. Then, said sidewalks must meet these requirements.

12. Fire Protection: Suitable fire apparatus and/or communications with the local fire department shall be provided.

13. Roadway Access

    a. Any construction within the right-of-way of a Town Street, Town Highway, County Highway, or State Highway, including but not limited to the construction or repair of driveways, egress routes, shall require application be made to proper authorities before any construction begins.
    b. All access ways to any public street or highway shall be located at least two hundred (200) feet from the intersection of any street lines and shall have a minimum width of twenty (20) feet, or a total of thirty six (36) feet including right-of-way.
    c. The entrance road connecting the Mobile Home Park Streets with a public road shall be maintained in such a manner as to minimize the emission of dust and dirt.

14. Internal Streets:

    a. Internal Streets shall be designed so as to prevent blockage of vehicles entering or leaving the site. Drives may be one-way or two-way.
    b. The width of all right-of-ways must be a minimum of thirty (30) feet; twenty (20) feet of which must be maintained in such a manner as to minimize the emission of dust and dirt.
    c. Cul de sac shall be provided in lieu of closed end street, a turn around having an outside roadway diameter of at least ninety (90) feet.
    d. All internal streets shall be treated so as to minimize the emission of dust and dirt and shall be designed, graded and leveled as to permit the safe passage of emergency and other vehicles at a speed of fifteen (15) miles per hour.
    e. Park Owners shall post speed signs on each internal street not to exceed fifteen (15) miles per hour.

15. Exterior Lighting: Adequate lighting shall be provided with shielded lamps to illuminate internal streets, walkways, driveways and parking spaces for the safe movement of pedestrians and vehicles at night.

16. Sanitary Facilities: Water, Sewer, and Garbage

    a. Water:

        1.) Where Public Water is available, CONNECTION shall BE USED EXCLUSIVELY.

        2.) If a Public Water System is not available, the Chautauqua County Health Authority or other Authorities having jurisdiction thereof shall approve the development of a private system.

        3.) Minimum distance from a well must be fifty (50) feet to any septic system (tank) and one hundred (100) feet to any disposal field, seepage pit or discharge point. In the event that

the requirements of State Health Authorities require a greater distance, the most restrictive shall apply.

4.) An adequate and safe supply of water under pressure shall be provided to each Mobile Home Lot. The source and distribution must be satisfactorily constructed and approved by the Health Department before it is placed into use.

5.) Records shall be kept of the location of water lines, valves, connections and other appurtenances to facilitate repairs or inspections when necessary.

b. Sewage Treatment and Disposal:

1.) If town sewage is available, all units shall be connected exclusively in accordance with Local Law 3 1984 as modified and Local Law 2 re: Sewer Use 1984 effective 13, September 1984.

2.) If a Public Sewer System is not available, the Chautauqua County Health Authority or other Authority having the jurisdiction thereof shall approve the development of a private system.

3.) The sewage treatment installation shall be located where it will not create a health hazard or odor nuisance to the occupants of the mobile home park or to occupants of adjacent properties.

4.) No on-lot sewage disposal system shall be permitted. All waste from showers, bathtubs, flush toilets, urinals, lavatories, washing machines, dishwashers, and sinks in Mobile Homes and service buildings shall discharge into a central system.

c. Garbage and Refuse:

1.) The open burning of any solid waste from a mobile home park is a violation of the New York State Air Pollution Rules and Regulations, and the Town of Ripley Local Law 1-92, as amended.

2.) The means of storage, collection, and disposal of all solid waste shall be the responsibility of the park owner.

3.) Each Mobile Home shall have containers with tightly fitted covers, for the weekly storage of garbage, unless the Park Owner shall provide otherwise.

4.) Each Mobile Home Park Owner shall make provisions for sanitary equipment to prevent littering of the grounds and premises with rubbish, garbage and refuse. All storage shall be contained in vermin proof containers, which shall be screened from view of any public right-of-way or abutting property. Refuse containers shall be located not more than one hundred fifty (150) feet away from any Mobile Home Lot. All rubbish, garbage, and refuse must be collected and removed from the park not less than once weekly.

17. Storm Drains

a. Sites selected for Mobile Home Parks shall have adequate facilities for drainage of surface and subsurface water, and should be free from topographical or geological hindrances or other conditions unfavorable to a proper residential environment. The site must be provided with a storm drainage system where good natural drainage is not available.

b. Grading of the entire property shall be such as to facilitate the safe and efficient drainage of surface water. Storm drainage pipes, ditches, etc., may be required with the request of the Planning Board.

18. Electrical Distribution System And Individual System

a. Every park shall contain an electrical wiring system consisting of wiring fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power company's specifications and regulations.
b. ALL wiring fixtures and connections must have New York State Fire Underwriter's approval, or other Authority as designated by the Municipality.
c. Each Mobile Home Lot shall be supplied with not less than one hundred (100) amp service. If the Mobile Home is to be heated electrically, then a one hundred fifty (150) amp service is recommended.
d. Whenever feasible, underground electrical distribution lines should be used.

19. Fuel Supply And Storage - Specific and General Requirements

a. Fuel Supply and Storage:

1.) All fuel oil systems provided for Mobile Homes, Service Buildings and other structures shall be installed and of the authority having jurisdiction when provided.
2.) All fuel oil tanks shall be placed at rear of Mobile Home and located not less than five (5) feet from an exit.
3.) It is recommended that a central fuel system be provided and that central fuel storage tanks are to be of a non-combustible material.

b. Gas Supply (Natural):

1.) Natural gas piping systems installed in Mobile Home Parks shall be maintained in conformity with accepted engineering practices.
2.) Each Mobile Home Lot provided with piped natural gas shall have an approved shut off valve and cap to prevent accidental discharge of gas.
3.) Proper planning and early communication with the utility company is recommended to provide necessary easements by utility companies, i.e. gas, electric, telephone, and cable.

c. Liquefied Gas:

1.) Such system shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
2.) Systems shall have at least one (1) accessible means for shutting off the gas. This means shall be located outside of individual Mobile Home.
3.) All liquid propane gas piping shall be well supported and protected against mechanical injury.

4.) Storage tanks shall not be less than one hundred (100) pounds, and must be located at rear of Mobile Home and no closer than fifteen (15) feet from any exit.

20. Recreational Areas and Open Spaces

a. Every Mobile Home Park shall have a minimum of five thousand (5,000) square feet of recreational area for the public use of persons living in the park and no less than five hundred (500) square feet per Mobile Home, furnished by the Park Owner.

b. The Planning Board, as a condition of approval, may establish such conditions on the ownership, use, and maintenance of open spaces, as it deems necessary to assure the preservation of such open spaces for their intended purposes.

c. It is recommended that this recreation area be centrally located, but other areas may be better utilized for this purpose, depending on topography and location of the Mobile Home Park.

d. Swimming pools, playground equipment, etc., shall be so designed so as not to be a potential hazard. Premises shall be kept clean and free of physical hazards.

e. If provided, swimming pools MUST be constructed and operated in accordance with Part 6-1 of the New York State Sanitary Code. Plans prepared by an engineer licensed in New York State must be submitted to the Chautauqua County Health Department for approval before construction. In addition, a copy of the Chautauqua County Health Department approval shall be provided to the Town of Ripley Planning Board.

21. Soil and Ground Cover Requirements

a. A Mobile Home Park shall be surrounded by a landscape green belt of at least fifty (50) feet from each property line. The green belt shall not be included in the yard requirement for the individual Mobile Home Lot or Berth.

b. Exposed ground surfaces in all parts of every Mobile Home Park shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetation growth that is capable of preventing soil erosion and of eliminating objectionable dust.

c. Brush and Weed Control: Open areas shall be maintained free of heavy undergrowth. Accumulations of plant growth that are noxious or detrimental to health shall be eliminated.

22. Infestation

Grounds and structures shall be maintained free of insect, vermin, and rodent harbor-age and infestation. Methods used for purposes of extermination shall conform to generally accepted practice.

23. Fires

Fires shall be allowed only in stoves, incinerators, and other equipment specifically designed for such purposes. Open Fires Shall Not Be Permitted In Mobile Home Parks.

24. Patios and Decks

Patios and/or decks shall be located so as to provide safe and easy access from the Mobile Home. Construction of a patio or deck shall require a permit before construction begins, unless the park owner included provisions and site plans for same at the time of original Special Use Permit.

25. Domestic Animals and Pets
    In the event that any Mobile Home Park Owner permits domestic animals and pets within the park, all such animals and pets shall not be permitted to run at large.

26. Travel or Vacation Trailers
    No occupied travel or vacation trailer or other form of temporary type living units shall be permitted in a Mobile Home Park.

27. Use of Second Mobile Home
    A second mobile home shall not be permitted as an addition or to be considered as a doublewide unit. NOTE: This does not include manufactured doublewide.

28. Temporary Placement of Mobile Homes

    a. Any Mobile Home that is temporarily placed for any purpose shall be required to apply for a Zoning Permit. However, the temporary placement of a mobile home unit on private property or within a mobile home park, for the purpose of selling the unit shall be prohibited in all districts.
    b. In the event the temporary placement of the Mobile Home unit is the result of replacing the unit with a new or more conforming unit, the person shall have a time period of thirty (30) days from the time the replacement unit arrives, to remove the unit being replaced.
    c. Field Offices: Contractors may use temporary dwellings (Mobile Home Unit) for "Field Offices" in conjunction with construction after obtaining a Special Use Permit in accordance with Section 632.

I. Planning Board Action Phase I

1. The Planning Board having received said preliminary Phase I application, will schedule a meeting within thirty (30) days to study the application and make recommendations thereto.

2. The Applicant or Applicant's Representative will be required to attend the Planning Board meeting for review and clarification of the proposal.

3. It shall be the responsibility of the Planning Board Secretary/Clerk to give written notice to the Applicant at least ten (10) days prior to the Planning Board review.

4. When, upon review of the preliminary Phase I Application, the Planning Board and the Zoning Officer are satisfied that the proposal plan meets the requirements of this law, the Planning Board shall approve, approve with modifications, or disapprove such Phase I application by resolution, which shall contain a full record of the findings of the Board.

5. It shall be the responsibility of the Planning Board Secretary/Clerk to give written notice to the Applicant within ten (10) days of the decision, and to notify the Zoning Officer that the Applicant may proceed with the additional requirements for Phase II.

J. Planning Board Action Phase II

1. The Planning Board having received Phase II Application shall schedule a Public Hearing in accordance with the Special Use Permit procedure of this law.

2. When, upon review of the Phase II Application for Permit, the Planning Board and the Zoning Officer are satisfied that the proposed plan meets the requirements of this law and the Applicant has provided a copy of all the Chautauqua County Health Department and/or State permits for drinking water and sewage system disposal, and any other permits that may be required, then the Planning Board shall approve, approve with modifications, or disapprove such Phase II application by resolution, which shall contain a full record of the findings of the Board.

3. It shall be the responsibility of the Planning Board Secretary/Clerk to give written notice to the Applicant within ten (10) days of the decision, and to give written notice to the Zoning Officer of the decision.

K. Inspection of Mobile Home Parks

1. The Zoning Officer is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this law and regulations issued hereunder. The Zoning Officer shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this law and regulations issued hereunder.

2. It shall be the duty of the owners or occupants of Mobile Home Parks, and Mobile Homes contained therein, or the person in charge hereof, to give the Zoning Officer free access to such premises at reasonable times for the purpose of inspection.

3. It shall be the duty of every occupant of a Mobile Home Park to give the owner thereof, or his agent, or employee access to any part of such Mobile Home Park or its premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this law and regulations issued hereunder, or with any lawful order issued pursuant to the provisions of this law, or with the requirements of the State Code of reconstruction and installation of mobile homes.

4. The New York State Fire and Building Code Enforcement Officer is hereby authorized and directed to determine satisfactory compliance construction and installation of mobile homes, service buildings, accessory buildings, patios and decks. It shall be the duty of owners or occupants of mobile home parks, and mobile homes contained therein, or the person in charge thereof, to give the New York State Fire and Building Code Enforcement Officer free access to such premises at reasonable times for the purpose of same.

L. Miscellaneous Requirements

1. Responsibilities of the Park Owner or Management

   a. The person to whom a license for a Mobile Home Park is issued shall operate the park in compliance with this law and regulations issued hereunder and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
   b. All park owners shall keep a register of the year, make, serial number and size of mobile homes in their parks, including the reflecting three (3) inch numbers required to be placed on each mobile home. Said register to be maintained in the office of the park owner. The Zoning Officer shall have the power to inspect the register kept by the park owner.
   c. The park owner shall provide a copy of said register to the Zoning Officer to be kept on file with the Zoning Officer. Said copy to include the name and addresses of the mobile home owners.
   d. No park owner shall permit any person to use his property for the purpose of the placement of a Mobile Home without possession of the permits required under this law.
   e. The park owner or management shall notify park occupants of all applicable provisions of this law and inform the occupants of their duties and responsibilities under this law and regulations issued hereunder.
   f. The park owner or management shall supervise the placement of each Mobile Home on its Mobile Home Stand (lot) which includes installing all utility connections.
   g. Park Owners shall have Park Rules to cover these rules and regulations, not withstanding any additional rules the owner deems necessary. Each occupant shall be given a copy of the park rules and a copy shall be furnished the Zoning Officer when updated.

2. Responsibilities of Park Occupants

   a. The park occupant shall comply with all applicable requirements of this law and regulations issued hereunder and shall maintain the individual Mobile Home in good repair and shall maintain the individual lot in a clean and sanitary condition.
   b. The park occupant shall be responsible for proper placement of the individual Mobile Home on its Mobile Home Stand (lot) and proper installation of all utility connections in accordance with the instructions of the park owner or management.

3. Restrictions on Occupancy
   A Mobile Home shall not be occupied for dwelling purposes unless it is properly placed on a Mobile Home Stand and connected to water, sewage, and electrical facilities.

M. License

It shall be unlawful for any person to operate a mobile home park within the limits of the Town of Ripley unless the person holds a valid license issued annually by the zoning officer in the name of such person for the specific mobile home park.

1. Said License shall be for a period to expire on the next June Thirty (30).

2. All Mobile Home Parks shall require a license for operation and maintenance of the park within six (6) months after approval of the Special Use Permit, unless the owner and developer specifically requests, in writing, an extended period of time for new development. In that case the Planning Board and Zoning Officer must be satisfied the request is reasonable, and the Planning Board by majority vote shall make the reasonable request part of the resolution of approval for the Special Use Permit.

3. All applications for license shall be made to the Zoning Officer who shall issue a license upon compliance by the applicant with the pro-visions of this law and regulations issued hereunder and of all other applicable legal requirements.

4. Application for original license shall be in writing to the Zoning Officer, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by a deposit of thirty-five (35) dollars, or five (5) dollars per lot, whichever is greater, and shall contain:

   a. The location and legal description of the mobile home park.
   b. Plot plan showing all mobile home lots, mobile home structures, roads, internal streets, walkways, and other service facilities.

5. Application for renewal of license shall be in writing, signed by the holder of the license, shall be accompanied by the deposit of thirty-five ($35.00) dollars, or five ($5.00) dollars per lot, whichever is greater, and shall contain any change in the information submitted since the original license was issued or the latest renewal was granted.

6. Any changes in the owner of the park: Every person holding a license shall give notice in writing to the Zoning Officer within twenty four (24) hours after having sold, transferred, given away, or otherwise disposed of interest in or control of any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home park. Upon application in writing, with a deposit of thirty-five ($35.00) dollars or five ($5.00) dollars per lot, whichever is greater, for transfer of the license, the license shall be transferred (if the mobile home park is in compliance with all applicable provisions of this law and regulations issued hereunder).

N. Revocation of License

1. Revocation by the Chautauqua County Health Department or the State Health Department, of Sanitary Permits shall constitute automatic revocation of any permits or license granted hereunder.

2. Mobile Home Parks Located Within the Town of Ripley Water and Sewer District:

   a. In the event the Town Board of the Town of Ripley issues a direct order to the Superintendent of Water and Sewer to terminate the supply of water for unpaid water and/or sewer charges, the Superintendent of Water and Sewer shall give written notice to the Zoning Officer within twenty-four (24) hours confirming date of termination.

b. Termination of the water supply shall constitute automatic revocation of any permits or license granted hereunder. The Zoning Officer shall give written notice to the person holding a license within twenty-four (24) hours that the license has been automatically revoked.

3. Whenever upon inspection of any mobile home park, the Zoning Officer finds that conditions or practices exist which are in violation of any provision of this law or regulations issued hereunder, the Zoning Officer shall give written within five (5) days to the person to whom the license was issued. The notice shall include: "that unless such conditions or practices are corrected within a reasonable period of time specified as thirty (30) days, the license shall be suspended."

4. At the end of such period the Zoning Officer shall re-inspect the mobile home park, and if such conditions or practices have not been corrected, the Zoning Officer shall suspend the license and give notice in writing twenty-four (24) hours after the re-inspection of the mobile home park. Upon receipt of such suspension, such person shall cease operation of such mobile home park.

5. Any person whose license has been suspended, or who has received notice from the Zoning Officer that the license will be suspended, unless certain conditions or practices at the mobile home park are corrected, may request and shall be granted a hearing on the matter before the Zoning Board of Appeals. When no petition for such hearing has been filed within ten (10) days following the day on which the notice of suspension was served, such license shall be deemed to have automatically revoked at the expiration of the ten (10) day period.

6. Any person making a request or petition for a hearing shall do so in writing to the Chairman of the Zoning Board of Appeals, and file same with the Town Clerk of the Town of Ripley during regular business hours. Person making the request shall also provide a copy for the Zoning Officer and file same with the Town Clerk.

7. No person whose license to operate a mobile home park has been revoked shall permit any mobile home to be used as living quarters on the premises thereafter.

8. In the event any mobile home within the park is under private ownership, the Zoning Officer shall serve notice to that person that the park license has been revoked, and therefore the person shall be directed to cease use of such living quarters. Such notice shall be served on the private owner within twenty-four (24) hours after the expiration of the ten (10) day period deemed to have automatically revoked the license.

0. Pre-Existing Mobile Home Parks

It shall be the affirmative duty of every existing Mobile Home Park Owner, Operator, Manager or other person responsible for the placement, management and/or upkeep of any Mobile Home Park to comply with the rules and regulations set forth herein under Sub-Section 0.

1. All Mobile Home Parks existing within the Town of Ripley at the time of the effective date of this: law, as amended, shall file a Site plan with the Town of Ripley Planning Board within three (3) months after said effective date. Filing of such a site plan shall constitute legal

precedence establishing such pre-existing status for the Mobile Home Park on a lot by lot basis, and it shall thereafter be entitled as a matter of record to specific regulations pertaining to sub-standard individual lots within the Mobile Home Park.
The intent of filing a site plan is for establishing pre-existing status and to establish and maintain legal records that show important data concerning all existing Mobile Home Parks. The site plan specified herein shall not require the services or stamp of a professional engineer or an architect, and no fee will be charged.

a. All Site plans shall be filed with the Zoning Officer, before Planning Board review of same, and shall include the following:

1.) The name and address of the Applicant and Mobile Home Park.

2.) Interest of the Applicant in the Mobile Home Park. If the Applicant is not the Landowner, the Landowner shall also be required to sign the site plan.

3.) Site plan shall include north arrow, scale and date. (Plan may be approximately to scale, though it need not be so precise as to constitute finished engineer drawings).

4.) Location and legal description of the existing park, including a map showing the section, block and lot numbers, the area and dimensions of the tract of land, the physical characteristics of the property, including the topography, vegetation, and wetlands.

5.) Boundaries of the property plotted to scale.

6.) List of abutting Property owners.

7.) A description of the site location, with regard to highways, streets, and landmarks, shall accompany the site plan.

8.) Site plan shall include the location and width of all roadways, access and ingress routes, internal streets and walkways, parking spaces, and any cal de sac in lieu of closed end streets.

9.) Site plan shall include the number of individual lots, lot dimensions and location.

10.) Site plan shall include the dimensions and number of parking spaces for each individual lot.

11.) Site plan shall include make, year, serial number, and size of all existing Mobile Homes. Specifically state which lot said Mobile Home occupies.

12.) Site plan shall include position of existing Mobile Home, to include the dimensions of front yard setback, side yard setback, and rear yard setback.

13.) Location of fire and other emergency zones, including the location of fire hydrants and/or man made ponds if available.

14.) Location and source of water supply, and water distribution system including a copy of the approval from the Chautauqua Health Department, unless this record is currently on file with the Town of Ripley.

15.) Location of all sewage disposal facilities, to include a copy of the approval from the Chautauqua County Health Department, unless this record is currently on file with the Town of Ripley.

16.) Specifications of present utility lines, including the location and details of lighting and electrical systems, natural gas, telephone and cable systems.

17.) Specifications of present surface drainage, to include any unusual special land features, such as streams, creeks and areas of steep slopes in excess of fifteen (15) degrees.

18.) Location and dimensions of all buildings, structures, porches, and decks currently existing within the park.

19.) Site plan shall include the location of adjoining property structures and specify the distance from same to any existing mobile home unit, structure, porch, deck, etc.

20.) Location and dimensions of all recreational areas, including open spaces reserved for recreational purposes.

2. Planning Board Action for Pre-Existing Status

   a. The Planning Board having received said site plan will schedule a meeting within thirty (30) days for review and clarification of the site plan. No Public Hearing shall be required.
   b. The Applicant or Applicant's Representative will be required to attend the Planning Board meeting for review and clarification of the site plan. It shall be the responsibility of the Planning Board Secretary/Clerk to give written notice to the Applicant at least ten (10) days prior to the Planning Board review.
   c. When, upon review of the site plan, the Planning Board and the Zoning Officer are satisfied that the site plan meets all the requirements of this law as amended, the Planning Board shall approve, approve with modifications, or disapprove such site plan by resolution, which shall contain a full record of the findings of the Board.
   d. It shall be the responsibility of the Planning Board Secretary/Clerk to give written notice to the Applicant within ten (10) days of the decision, and to give written notice to the Zoning Officer to file said site plan as a matter of record for the Town of Ripley.

3. The following Standards and Conditions shall be applicable in all Existing Mobile Home Parks accorded the legal status of Pre-existing

   a. Definition: Means a parcel of land which has been planned and improved for the placement of more than two (2) Mobile Homes for non-transient use, and for which the owner filed a 'site plan during the time specified in subsection (O - 1).
   b. Conditions: Mobile Home Parks shall be allowed by Special Use Permit within the C-2 District and the Rural District if the Applicant can meet the standards and requirements listed in Section 635. No Mobile Home Park shall be allowed to extend in any district of the Town of Ripley, except in the specified district as defined.
   c. Permits: The filing of a site plan for a Pre-existing Mobile Home Park shall constitute exemption from the permit process as specified in Section' 635. However, it shall be unlawful for any person to construct, alter, or expand any pre-existing mobile home park unless the person holds a valid permit issued pursuant to the requirements of Section 635 (F).

1.) A Permit is required for the placement of a Mobile Home in a Pre-existing Park, on lots that currently have existing Mobile Homes of record, to keep the Town's records up to date. This permit will not require a fee or a public hearing.

d. License:

1.) It shall be unlawful for any person to operate any pre-existing Mobile Home Park within the Town of Ripley unless the person holds a valid license issued annually pursuant to the requirements of Section 634(M). However, the approval of the site plan for pre-existing status shall constitute legal status for the issuance of the License to Operate.

2.) Application for original pre-existing license shall be in writing, shall be accompanied by a deposit of thirty-five ($35.00) dollars or five ($5.00) dollars per lot, whichever is greater. Said license shall be for a period to expire on the next June thirty (30).

e. Health Department:

The Chautauqua County Department of Health is presently involved in a continuing program of plan review and park inspection to ascertain compliance with Part 17 of the New York State Sanitary Code. The requirements of Part 17 shall apply to all Mobile Home Parks maintained for the placement of five (5) or more mobile and/or manufactured homes. * Rules and regulations pertaining to Mobile Home Parks are set forth in Part 17 of the New York State Sanitary Code. (Copies are available from the Chautauqua County Health Department). ** NOTE: ALL REQUIREMENTS, PERMITS LICENSE AND FEES MADE BY THE CHAUTAUQUA COUNTY HEALTH DEPARTMENT WILL BE IN ADDITION TO THE REQUIREMENTS, PERMITS LICENSE AND FEES OF THIS LAW.

f. Size of Lots and Yards:

1.) All pre-existing lots and yards shall be allowed to continue as such after the site plan has been filed with the Town of Ripley Planning Board, providing such lots will accommodate compliance with the minimum floor space as specified in Sub-Section g-1 hereinafter for the placement of, or the replacement of existing mobile home unit.

2.) Pre-existing Setbacks: All prior approved setbacks and/or setbacks existing prior to the enactment of the Mobile Home Law 1-89, as amended, shall be an allowed use which is not in conformance with yard requirements. The Mobile Home Unit may be removed and replaced with another Mobile Home Unit.

3.) Parking: Consideration will be given to Mobile Home Parks in existence prior to the 1971 Local Law, to allow off street parking as currently provided.

g. Minimum Floor Space:

1.) The minimum floor space of this requirement shall not include any structure attachment to include those stick built, folded, collapsed or telescoped. The Manufacturer specified floor space shall be used for this requirement.

2.) Every Mobile Home hereinafter placed on any lot of record shall be entitled to place or replace an existing mobile home with a minimum floor space of seven hundred twenty (720) square feet with a minimum width of twelve (12) feet.

3.) Every Mobile Home hereinafter placed on a lot of sub-standard size that can not meet the minimum space of seven hundred twenty (720) square feet or minimum width of 12 f t. shall require a Variance from the Zoning Board of Appeals.

h. Used Mobile Homes:

Every used Mobile Home hereinafter placed within the Town of Ripley shall be inspected for the safety of residential use, prior to any Zoning Permit issued.
The Building Code Officer and the Zoning Enforcement Officer is hereby authorized and directed to make such inspections as necessary to determine that the condition of the used Mobile Home is in satisfactory compliance with safety standards of the United States Department of Housing and Urban Development and the New York State Uniform Fire Prevention and Building Code are complied with. The following safety conditions must be met prior to occupancy.

1.) The Mobile Home has a structurally sound, non-leaking roof, no broken windows, at least two (2) operable smoke detectors installed, all floors are free from defects and are structurally sound and all doors are serviceable and undamaged so they latch.

2.) All damage to the exterior (e.g. cuts, dents, holes and rust) shall be repaired or replaced prior to installation.

The Building Code Officer and the Zoning Enforcement Officer shall give written notice within ten (10) days of the inspection results to the Applicant and a copy shall be provided to the Planning Board.

Applicability and Limitations: The Zoning Board of Appeals has the authority to vary or modify the strict letter of the Zoning Law where a literal interpretation would cause practical difficulties (Area Variance) or unnecessary hardships (Use Variance). See Section 904.
All existing Mobile Home Parks accorded the pre-existing status shall comply with the following regulations and requirements specified in Section 634 when replacing an existing Mobile Home Unit:

1.) Mobile Home Stand (Sub-Section H-3)

2.) Movement of Mobile Home (Sub-Section H-8)

3.) Accessory Buildings on Individual Lots (Sub-Section H-9)

4.) Patios and Decks (Sub-Section H-24)

5.) Temporary placement of Mobile Homes (Sub-Section H-28)

6.) Soil and Ground Cover (Sub-Section H-21-c).

In addition to the requirements listed in Sub-Section 0 (1-4) all existing Mobile Home Parks accorded the pre-existing status shall comply with the following regulations and requirements specified in Section 634:

1.) Skirts (Sub-Section H-6)

2.) New York State Fire and Building Code (Sub-Section H-7)

3.) Fire Protection (Sub-Section H-12)

4.) Sanitary Facilities (Sub-Section H-16)

5.) Electrical Distribution Systems (Sub-Section H-18)

6.) Fuel System and Supply (Sub-Section H-19)

7.) Infestation (Sub-Section H-22)

8.) Fires (Sub-Section H-23)

9.) Domestic Animals (Sub-Section H-25)

10.) Travel or Vacation Trailers (Sub-Section H-26)

11.) Inspection of Mobile Home Parks (Sub-Section KO)

12.) Miscellaneous Requirements (Sub-Section LO)

13.) License' (Sub-Section M)

14.) Revocation of License (Sub-Section N)

Section 635 Individual Mobile Home on Private Property

A. Definition

A transportable, fully assembled single-family dwelling unit suitable for year-round occupancy. Mobile dwelling units contain the same utility Systems (water, waste, electricity) as found in conventional dwelling units. Mobile dwelling units are supported by a chassis that is an integral part of the unit. Mobile dwelling units are not designed to be lived in except when set up on a lot with proper utilities. This includes doublewide dwelling units, but does not include travel trailers that are self-contained.

B. Location

For the purpose of this law, mobile homes are listed separately as allowed uses in the land Use Matrix as follows: (See Appendix A)

R-l (Zoning Permit required, allowed by right).

R-2 (Special Use Permit required, with Public Hearing).

Rural (Zoning Permit required, allowed by right).

C-1 (Special Use Permit required, with Public Hearing).

C-2 (Special Use Permit required, with Public Hearing).

M/I (Special Use Permit required, with Public Hearing).

C. Minimum Area Requirements and Minimum Floor Space

1. Minimum area requirements for the placement of individual mobile homes on private property shall be in accordance with the requirements for single family dwellings. (See APPENDIX B) This shall include all minimum requirements for the following:

   a. Minimum Lot Size (square feet/acre).
   b. Minimum Lot Width (feet)
   c. Minimum Front Yard Setback from street edge.
   d. Minimum Side Yard.
   e. Minimum Rear Yard.
   f. Minimum Floor Space (The manufacturers specified floor space shall be used for this requirement)
   g. Minimum Lake Erie Shore Setback.

2. All setbacks for all tipouts, additions, patio, garages, sheds and storage buildings must meet the minimum requirements.

D. Every Mobile Home hereinafter placed within the Town of Ripley on a private individual lot shall comply with the following Standards and Conditions:

1. Every Used Mobile Home shall be inspected for the safety of residential use prior to any zoning permit issued.

   a. The Building Code and Zoning Enforcement Officers are hereby authorized and directed to make such inspections as necessary to determine that the condition of the used Mobile Home is in satisfactory compliance with safety standards concerning the heating system, plumbing

system, electrical system, floors, walls, roof, exits and windows, in accordance with NYS rules and regulations. (See Section 635-03-h-l (a&b).

b. The Building Code and Zoning Enforcement Officers shall give written notice within ten (10) days of the inspection results to the Applicant.

2. Mobile Home Stand:

a. Each mobile home lot or parcel of land shall contain a mobile home stand which will not heave, shift or settle unevenly under the weight of the mobile home as a result of any frost action, poor drainage, vibration or other such forces.

b. The material used in constructing the stand should be durable and capable of supporting the expected load regardless of the weather. PILINGS AND PIERS shall BE USED AND EACH MOBILE HOME shall BE SECURELY ANCHORED WITH TIE DOWNS.

c. Where Mobile Homes are provided with installation instructions, footings, piers or supports and tie downs shall be sized and located to support the loads specified in the manufacturer's installation instructions.

d. Where Mobile Homes are not provided with such instructions, the supports and tie downs shall be placed in accordance with the requirements set forth in the generally accepted standards or specifications approved by the authority having jurisdiction.

3. Skirts:

Each Mobile Home owner shall be required to enclose the bottom portion of the mobile home with either a metal or fire resistant or other like permanent material, properly ventilated within sixty (60) days after the placement of the mobile home.

4. Sanitary Facilities: (Water, Sewage)

a. Water:

1.) Where public water is available, CONNECTION shall BE USED EXCLUSIVELY.

2.) If a public water system is not available, the Chautauqua County Health Authority or other Authorities having jurisdiction thereof shall approve the development of a private system.

b. Sewage Treatment and Disposal:

1.) If town sewage is available all mobile home units shall be connected exclusively in accordance with Local Law 3 - 1984 as modified, and Local Law 2, re: Sewer Use 1984, effective 13 September 1984.

2.) If a Public Sewer System is not available, the Chautauqua County Health Authority or other Authorities having jurisdiction thereof shall approve the development of a private system.

5. Electrical Distribution System:

   a. Every Mobile Home shall contain an electrical wiring system consisting of wiring fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power company's specifications and regulations.

   b. All wiring fixtures and connections must have the New York State Fire Underwriters' approval, or other authority, as designated by the Municipality.

   c. Each Mobile Home shall be supplied with not less than one-hundred (100) amp service. If the Mobile Home is to be heated electrically, then a one hundred-fifty (150) amp service is recommended.

6. Fuel Supply and Storage:

   a. Fuel Oil Supply and Storage

      1.) All fuel oil supply systems provided for mobile homes shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction when provided.

      2.) All fuel oil tanks shall be placed at rear of mobile home and located not less than five (5) feet from an exit.

   b. Gas Supply (Natural)

      1.) Natural gas piping Systems installed shall be maintained in conformity with accepted engineering practices. Proper planning and early communication with the utility company is recommended to provide necessary easements by utility companies, i.e., gas, electric, telephone and cable.

      2.) Each lot or parcel provided with piped natural gas shall have an approved shut off valve and cap to prevent accidental discharge of gas.

   c. Liquefied gas

      1.) Such systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.

      2.) Systems shall have at least one (1) accessible means for shutting off gas. This means shall be located outside of individual mobile home.

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

      4.) Storage tanks shall not be less than one-hundred (100) lbs., and must be located no closer than fifteen (15) feet from any exit.

7. New York State Fire and Building Code Regulations
   All Mobile Home Units shall meet the requirements of the New York State Fire and Building Code.

E. Movement of Mobile Homes: The replacement or movement of a mobile home from private lot to private lot, or the movement of a mobile home from a Mobile Home Park to a private lot shall require a zoning permit, and shall require that unit comply with all regulations of this law, as amended.

F. A second mobile home shall not be permitted as an addition or to be considered as a doublewide unit. NOTE: This does not include manufactured doublewide.

G. Any mobile home that is temporarily placed for any purpose shall be required to apply for a Zoning Permit. However, the temporary placement of a mobile home unit on private property for the purpose of selling the unit shall be prohibited in all districts.

H. No owner of land shall permit any person to use his property for the purpose of or the placement of a mobile home without possession of the permits required under this law, as amended.

I. Fees: shall be in accordance with the schedule of fees listed in Section 704 of this law.

J. Application for Permit for Placement of Mobile Home on Private Property:

1. All applications for permits shall be obtained from and filed with the Zoning Officer.

2. Such application shall contain:

   a. The name and address of the applicant, if not the landowner, the landowner shall be required to sign the application.
   b. Location and legal description of the property, including a map showing the section, block and lot numbers, and the area and dimensions of the tract of land.
   c. A sketch plan showing the proposed location of the mobile home on the property.
   d. Information as to the size, year, make, model, and serial number.
   e. Plans and specifications of the water supply and sewer disposal facilities.

Section 636 Adult Businesses

A. DEFINITIONS

Adult businesses shall include the following:

1. Adult Arcade - Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically-controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are

distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

2. Adult Bookstore – A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

   a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproduction, digital video discs (DVD's), slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas: or

   b. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be defined as an adult bookstore so long as one of its principal business purposes is the offering for sale or rental for consideration of the specified materials which depict or describe specified sexual activities or specified anatomical areas.

3. Adult Cabaret - A nightclub, bar, restaurant or similar commercial establishment, which regularly features:

   a. Persons who appear in a state of nudity;

   b. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities: or

   c. Films, motion pictures, videocassettes, slides, or other photographic reproductions, which are characterized by the depiction or description of, specified anatomical areas or specified sexual activities.

4. Adult Motel – A hotel, motel or similar commercial establishment which:

   a. Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions;
   b. Offers sleeping rooms for rent for a period of time that is less than 10 hours; or
   c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

5. Adult Motion Picture Theater – A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

6. Adult Theater – A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

7. Adult Video Store – [see ADULT BOOKSTORE]

8. Adult Uses – Adult arcades, adult bookstores, adult cabarets, adult motels, adult motion picture theaters, adult theaters, adult video stores, escort agencies, nude model studios and sexual encounter centers.

9. Escort – A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

10. Escort Agency – A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

11. Establishment – Any of the following:

    a. The opening or commencement of any sexually-oriented business as a new business;
    b. The conversion of an existing business, whether or not a sexually-oriented business, to any sexually-oriented business;
    c. The additions of any sexually-oriented business to any other existing sexually-oriented business; or
    d. The relocation of any sexually oriented business.

12. Nude Model Studio – Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

B. ADDITIONAL DEFINITIONS RELATING TO ADULT BUSINESSES

1. Nudity – The appearance of a human bare buttocks, anus, genitals or full female breast.

2. Person – An individual, proprietorship, partnership, corporation, association, or other legal entity.

3. Semi-Nude – A state of dress in which clothing covers no more that the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

4. Sexual Encounter Center – A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
b. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

5. Sexually-Oriented Business – An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

6. Specified Anatomical Areas – The male genitals and/or the female genitals.

7. Specified Sexual Activities – Any of the following:

a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
c. Masturbation, actual or simulated; or
d. Excretory functions as part of or in connection with any of the activities set froth in A, B, and C above.

8. State Of Nudity – [See NUDITY]

9. Substantial Enlargement – The increase in floor areas occupied by a sexually oriented business by more than 25% of the floor areas as it exists on the effective date of this chapter.

10. Transfer Of Ownership Or Control – Means and includes any of the following:

a. The sale, lease or sublease of a sexually-oriented business;
b. The transfer of securities which constitute a controlling interest in a sexually-oriented business, whether by sale, exchange or similar means; or
c. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of a sexually-oriented business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

C. LOCATION RESTRICTIONS/ OVERLAY ZONING DISTRICT

A floating zone district is hereby established for adult businesses within the general area of the Manufacturing/Industrial District and shall be known as the M/I-A District as is currently set out on the Town of Ripley Zoning Map as amended. All zoning requirements of the Manufacturing/Industrial District not specifically superseded herein by the following Section shall apply to the M/I-A District.

Upon the proposal of any Adult Business the Town Board will consider the application for locating the Adult Business and shall consider the appropriateness of the proposed location given the development proposal's compliance with all of the relevant concerns set forth in Section 636 of the Town's Zoning Law as well as the likely prevention of any negative secondary impacts from the proposed development to other neighboring properties as well as the general neighborhood in question. Should

the Board determine that no such negative secondary impacts can be anticipated at the site the Board may fix the proposed location by setting the specific area as part or all of District M/I-A.

The determinations of the Town Board herein shall not eliminate the requirements for a developer of an Adult Business obtaining such special use permit or site plan approval as may be required by other sections of the Town's Zoning Law which remain in effect and thus condition any such application.

1. Adult uses shall be permitted only in the M/I-A zoning district subject to the following restrictions:

   a. 750 feet from any property currently in residential use;
   b. 1,000 feet from any public or private school or day care center;
   c. 1,000 feet from any church or other religious facility or institution;
   d. 1,000 feet from any public park, public bike path, playground, playing filed, cemetery, civic or recreational facility, or designated urban renewal or development area; or
   e. 750 feet from any other existing adult use.

2. No more than one adult use shall be located on any lot.

3. The distances provided hereinabove shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the adult use is to be located to the nearest point of the parcel of property of the land use district boundary line from which the adult use is to be separated.

D. OTHER RESTRICTIONS

1. No adult entertainment use shall be conducted in any manner that allows the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas from any public way or from any property not operating as an adult entertainment use. This provision shall apply to any sign, show, window, or other opening.

2. There shall be no outdoor sign, display, or advertising of any kind other than one identification sign limited to only the name of the establishment.

3. Adult uses shall meet all other regulations of the Town of Ripley including but not limited to district lot and bulk regulations, parking regulations, and signage.

E. AMORTIZATION OF EXISTING ADULT USES.

The right to maintain a legal nonconforming adult use shall terminate in one year from the effective date of this law, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty days or more. The owner may apply to the zoning board of appeals for an extension of the amortization period and the zoning board of appeals may grant an extension upon a finding that there are substantial and un-recovered costs which cannot be recouped within one year. Such nonconforming uses shall not be increased, enlarged, extended, or altered within the one-year period, except that the use may be changed to a conforming use.

F. ADDITIONAL CONDITIONS RELATED TO ADULT BUSINESSES

1. Uses Permitted
   a. Uses by Right – Permit Required (NONE)
   b. Uses by Special Use Permit – (Hearing Required) Adult Businesses per Section 636
   c. Uses Requiring No Permit – (NONE)

2. Area Standards
   a. Area Standards – As set forth in Section 403 as modified and superceded by Section 636.
3. Criteria for Review – The Town of Ripley Planning Board has previously conducted an extensive survey and analysis of Adult Businesses and their potential for creating negative secondary impacts to neighboring properties, neighborhoods or the general community. Consideration for any permit herein shall be made with reference to the Planning Board's Adult Business Study and its recommendations in order to eliminate the possibilities of any Adult Business creating or fostering any negative secondary impact to any other property, neighborhood or the Town as a whole.

Section 637 Telecommunication Facilities, Towers and Wind Towers

A. DEFINITIONS

Telecommunication Facilities, Towers and Wind Towers shall include the following:

ACCESSORY STRUCTURE – A non-habitable accessory facility or structure serving or being used in conjunction with communications tower and/or similar facility or antenna, and located on the same lot as the communications tower or antenna. Examples of such structures include utility or transmission equipment, storage sheds or cabinets.

ANTENNA – A system of electrical conductors that transmit or receive radio frequency signals. Such signals shall include but not be limited to radio, television, cellular, paging, personal communication service (PSC), and microwave communication.

CO-LOCATED ANTENNAS – Telecommunication's facilities that utilize existing towers, buildings, or other structures for placement of antennas and do not require construction of a new tower.

FALL DOWN ZONE – The radius around a tower within which all portions of the towers and antennas would fall in event of a structural failure of the tower.

PERSON – Any individual person, or persons, firm, partnership, corporation, whether business, membership, religious, charitable, or otherwise any association or other unit or entity owning or occupying real property in the Town of Ripley.

TELECOMMUNICATION FACILITY – Towers and /or antennas and accessory structures together used in connection with the provision of cellular telephone service, personal communication services, paging services, radio and television broadcast services and similar broadcast services.

TOWER – A structure designed to support antennas. It includes without limitation freestanding towers, guide towers, monopolies, and similar structures, which do, or do not, employ camouflage technology.

WIND TOWER (private) – A structure designed to utilize the force of the wind for generating mechanical, electrical, or other locomotive power for any purpose for the onsite use of a private home or business that does not involve any form of commercial resale of power generated.

WIND TOWER (commercial) – A structure designed to utilize the force of the wind for generating mechanical, electrical or other locomotive power for any purpose wherein it is the intention of the construction or installation to provide for the commercial sale of the mechanical, electrical or other locomotive power generated by the structure.

B. CONDITIONS

The following conditions shall be considered for inclusion in a telecommunication facilities/tower/wind tower permit.

1. Location:
   Shall be sufficiently removed from surrounding residential structures and residential districts sufficiently so as to not cause a nuisance due to appearance, or other factors. Setbacks will comply with all existing setbacks within affected zone. Additional setback requirements shall be determined as part of the special use permitting process. As a function of safety requirements, specific board consideration will be made on the requirements of the proposed site, the height of the proposed project, the use or non-use of any advance technology, including stealth technology, so as to minimize neighborhood intrusions and the mode of proposed construction of the facility in question.

2. Buffer:
   The placement or retention of buffers shall be required where they would improve the compatibility of the use with the surrounding area.

3. Safety
   The base shall be sufficiently protected from entry either by design or by protective fences, etc. Where guide wires are utilized, the anchor points shall be sufficiently protected to minimize the possibility of hitting the guide wires when passed by a recreation vehicle, tractor or motor vehicle. Additionally, a sign shall be conspicuously placed near the base and it shall generally state that danger exists and that no unauthorized access is permitted.

4. Lighting
   The minimal amount of lighting necessary to meet State and Federal regulations shall be required. The FFA regulations shall be met Light pollution and/or light spill over shall be minimized to the greatest degree possible. The applicant shall fully disclose methods and plans for protecting nearby and distant properties from light spill over.

5. Access and Parking
   A road and parking will be provided to ensure adequate emergency and service access. Maximum use of existing roads public or private shall be made.

6. Aesthetic Impact

The base and any accessory buildings shall be appropriately screened relative to the type and design of uses in the area. Landscaping and materials used for accessory structures shall be specified. The entire facility must be reasonably compatible with the surrounding environment. The permitting board may consider, and if need be require, the use of stealth technology in order to mitigate and adverse impact of any proposed facility within a given neighborhood or proposed site.

7. Co-location

In order to minimize proliferation communication tower applicants must show proof that they have exhausted all reasonable alternatives for sharing space upon existing structures.

8. Inspections

Periodic inspections will be required to ensure structural integrity. The frequency of inspections shall be specified, with five-year intervals recommended. Inspections shall be conducted by a licensed engineer. Based upon the results of an inspection, repair or removal may be required.

9. Abandonment

Owners shall remove all structures that have not been used for a twelve-month period. Removal shall be within six months of written notification from the zoning officer. Owners may request a special use permit hearing to ask for an extension of the removal based upon just cause, i.e. financial hardship.

10. State Environmental Quality Review Act

All such proposals for development of commercial facilities herein shall be fully subject to the State's Environmental quality Review Act (SEQRA). In reviewing same, any application shall be considered a Type I Activity under SEQR, which will require the filing and consideration of a 'Long Environmental Assessment Form' along with such other and further reviews including a 'Visual Addendum' as appropriate to ensure compliance with SEQR.

11. Guarantees

Each applicant upon being granted a permit shall post a performance and damages bond, guaranteeing removal of the said facility in the amount sufficient, at the time of the permit's granting, to remove said facility, which shall be forfeited to the land owner responsible for the removal of the tower should the tower or owner or operator fail to remove such tower or the tower owner's failure to comply with the terms of its permit. The tower owner may within ten-days of such notification request a hearing before the Board of Appeals to contest such notice. A new performance bond shall be filed with the Town's Zoning/Enforcement Officer within five-days of such notice of forfeiture. Said performance bonds will be increased to a then current sum required for removal should said amount increase over time. This determination will be made as part of the periodic inspection program for the facility but shall be not less frequent than five-year intervals.

12. Other Regulations

State and Federal regulations governing structures subject hereto must be complied with by applicant.

ARTICLE VII ADMINISTRATION BY ZONING OFFICER

Section 701 Enforcement

The Zoning Officer who shall be appointed by the municipality shall enforce this Law. The Zoning Officer shall issue no Zoning Permit except where there is compliance with all provisions of this law.

Section 702 Duties of Zoning Officer

It shall be the duty of the Zoning Officer, in connection with this Law, to do the following:

A. Permits - Issue Zoning Permits or refuse to issue the same and give the reasons for such refusal to the applicant in writing.

B. Records - Keep a record of all applications for permits and all permits issued with a notation of all special conditions involved.

C. Fees - Receive all required fees with permit applications and deposit them with the Town Clerk.

D. Coordination - Keep the Municipal Board and the Zoning Board of Appeals and Planning Board informed and advised of all matters, other than routine matters, in connection with this Law.

E. Reports - Submit such reports as may be deemed necessary monthly to the Town Board.

F. Assist Applicants - Whenever possible to advise and assist persons with the preparation of their applications. Provide pages of this document germane to the applicants needs to assist in determining requirements within zoning.

G. Violations - Assist in securing warrants and prosecution of violators of the provisions of this Law, if directed by the Municipal Board and/or the Municipal Attorney.

H. Notices - Serve all administrative notices that may be required in connection with this Law.

I. Amendment Recommendations - Make recommendations for keeping the Zoning Law and accompanying map up to date.

J. Inspections - Inspect to insure conformity with the provisions of this Law and other applicable Laws.

K. Administer - The Zoning Officer shall administrate the strict interpretation of the Law. Where interpretations are necessary, the Zoning Officer shall refer the matter to the Zoning Board of Appeals. Any applicant may ask for a written interpretation from the Zoning Board of Appeals.

Section 703 Zoning Permits

A. Permit contents - The application for a Zoning Permit shall be made on a form obtained from the Zoning Officer. The form shall, as a minimum, contain the following:

1. Applicant information - name, address, etc.
2. Property identification - address and Section/Block/Lot No.
3. Project description including purpose - proposed site.
4. Construction type - height, family units, lot dimensions, setbacks, accessory buildings, etc.
5. Other information - copy of Health Department permit, off-street parking, location of wetlands, floodplains, need for curb cut.
6. Signature of applicant.
7. Sketch drawn to approximate scale showing the lot size, setback, highways.

B. Commercial Permit Requirements - All applications for Zoning Permit for commercial buildings must contain information detailing drainage and landscaping plans, off-street parking, off-street loading, and any other data the Permitting Board deems necessary.

C. Validity - Zoning Permits shall be valid for a 1-year period only. However, they may be extended for an additional 6-month period with the approval of the Zoning Officer. No fee will be charged for the 6-month extension. Upon expiration of the 18-month period, a new Zoning Permit will be required in order not to be in violation of the Zoning Law.

D. Notification of Adjacent Property Owners - The Zoning Officer shall attempt to notify adjacent property owners when requests are filed for zoning permits on adjoining property, where a public hearing is required.

E. Decisions - All decisions by the Zoning Officer to grant or deny a Zoning Permit shall be made in writing within 15 days from the time that the completed Zoning Permit form is submitted along with full payment of the required fee.
The decision form shall, as a minimum, include a project description, location information, reference to section of the Zoning Law that would not be complied with, and a description of alternatives open to applicants who are turned down.

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Section 704 Schedule of Fees

A. The application for any permit, certificate, license, or any review by the Town Planning Board, Zoning Board of Appeals, or Town Board shall be accompanied by a fee in an amount specified from time to time by resolution of the Town Board.

B. The following fee schedule shall be used as of the effective date of this local law (in addition to building permit fee set April 14 2016):

$ 25.00	Single Family Homes, Seasonal Home, Mobile Homes on Private Property
50.00	Duplex
25.00	Apartments (Per Unit)
150.00	Commercial, Manufacturing, PUD, Cluster Residential and Industrial up to and including 6,000 sq. ft.

150.00	Commercial, Manufacturing, PUD, Cluster Residential and Industrial greater than 6,000 sq. ft. plus an added $2.00 per 1,000 sq. ft.
150.00	Mobile Home Park or $10.00 per lot, whichever is greater.
25.00	All Others not covered above.
50.00	Additional Fee for Permit requiring Public hearing (Special Use Permit, Variance).
250.00	M-I/A Manufacturing & Industry/Adult Business

ARTICLE VIII
NONCONFORMING USES

Section 801 Continuation

The lawful use of any building or land existing at the time of the enactment of this Law may be continued, transferred or sold although such use does not conform with the provisions of this Law. All pre-existing uses that do not conform to specific provisions of this Law shall not be required to comply with these provisions, unless it is specifically stated within the Law that they must comply within a certain reasonable time period.

Section 802 Alteration of Structures

Unsafe Structures - Nonconforming buildings damaged by fire, wind and other catastrophic causes as well as structures declared to be unsafe due to general dilapidation may be restored or rebuilt for the nonconforming use it was used for last. Unsafe structures cannot be restored if it would result in a use which is more nonconforming than the structure was prior to becoming unsafe. When fire, wind, or any catastrophic cause caused the unsafe condition, the permit need not be granted.

Alterations of Structures - A nonconforming structure may be added to or altered during its life to an extent of up to 50% of the market value of the building, as long as the alterations do not cause the structure to be more nonconforming. If the alterations are made to bring the building into conformity with all provisions of this Law, then the 50% rule does not apply. Alterations above 50% shall be allowed if all conditions of this Law are met.

Section 803 Prior Approved Construction

Nothing herein contained shall require any change in plan, construction, or designated use of a building for which a valid Building Permit has been heretofore issued.

Section 804 Abandonment

Whenever a nonconforming use has been voluntarily discontinued for a period of 1 year, such use shall not thereafter be re-established and any future use shall be in conformity with the provisions of this Law.

Section 805 Displacement

No nonconforming use shall be extended to displace a conforming use.

Section 806 District Changes

Whenever the boundaries of a district or zone shall be changed so as to transfer an area from one district or zone to another district or zone of a different classification, the provisions of this article shall also apply to any nonconforming uses existing therein.

Section 807 Nonconforming Yard Changes

An allowed use which is not in conformance with yard requirements (e.g., setbacks, etc.) may be removed and replaced with another structure (same use) which is the same or more in compliance with the yard requirements without going through area variance procedures.

Section 808 Use Changes

Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. A legal nonconforming use may be changed to another nonconforming use that is of such character so as to be less of a nuisance and more in conformance with the Zoning Law requirements. Once changed, the use would not be allowed to return to the original use. The Zoning Board of Appeals would make all determinations as to what new conforming uses would be allowable through the normal use variance procedures (see Section on Variances).

Section 809 Nonconforming Mobile Homes

Mobile homes legally existing at the time this Law goes into effect shall continue to be allowed. All nonconforming mobile homes may be replaced with conforming mobile homes (e.g., floor space requirements).

ARTICLE IX
ZONING BOARD OF APPEALS

Section 901 Creation

A Zoning Board of Appeals is hereby created. Said Board shall be appointed and function in accordance with Town Law Section 267. Said Board shall consist of five (5) members at least one of who will reside in the rural district. The Board members shall undertake and complete training prior to undertaking their duties which shall consist of, but not be limited to, courses dealing with the general application and administration of zoning laws as may be provided by the State of New York, County of Chautauqua or the Town of Ripley. After completion of initial training, members shall thereafter be obligated to continue training and education as such programs may be made available by the aforesaid governmental entities on an annual basis.

Section 902 General Procedures

A. Duties - The Zoning Board of Appeals shall act in strict accordance with procedures specified by law and by this Zoning Law. The major duties of the Board shall be to hear and decide on variance requests as well as to interpret the meaning of the Zoning Law as requested.

B. Format for Request - All requests shall be in writing on forms prescribed by the Zoning Board of Appeals. Specific provisions of the Zoning Law will still be referred to and as a minimum, the person requesting the variance/interpretation shall provide the following information:

1. Property identification
2. Project description
3. Sketch
4. Reasons for permit denial
5. Proof of unnecessary hardship or practical difficulties
6. Hearing information.

C. Referral to Planning Board - On an optional basis, the Zoning Board of Appeals may request in writing a recommendation by the Planning Board. The Planning Board should receive all necessary information at least 2 weeks prior to the hearing date. The advisory opinion shall be

received by the Zoning Board of Appeals prior to the hearing. The failure of the Planning Board to submit said report shall be deemed an approval of the appeal or interpretation in favor of the applicant.

D. Hearings - All hearing procedures shall be in accordance with appropriate laws with respect to notices, timeliness, etc.

E. Decisions - Every decision of the Zoning Board of Appeals shall be by resolution, each of which shall contain a full record of the findings.

Section 903 Interpretation

The Zoning Board of Appeals shall have the power to interpret the meaning of this Zoning Law whenever called upon by the Town Board, Zoning Officer or an aggrieved party who has been denied a Zoning Permit. This interpretive power shall include the determination of district boundary limits.

Section 904 Use and Area Variances

A. Reasons for Variances - The Zoning Board of Appeals has the authority to vary or modify the strict letter of the Zoning Law where a literal interpretation would cause practical difficulties (Area Variances) or unnecessary hardships (Use Variances).

B. Applicability and Limitations - The Zoning Board of Appeals can decide appeals from a person who feels aggrieved by a decision of the Zoning Officer. The Zoning Board of Appeals may reverse, affirm, or modify the decision made by the Zoning Officer. The Zoning Board of Appeals has no power to amend the Zoning Law and must exercise great care to ensure that its rulings do not in effect amend the Zoning Law.

C. Basis for Granting Area Variances - Area Variances provide relief of dimensional nature, (e.g., lot shape or grade) and must be based on practical difficulty. The burden of proof is on the applicant and, if relief is warranted, it should be the minimum necessary. The following six (6) determinations must be considered in order combination with any other statutory grounds to decide if "Practical Difficulty" is present.

1. How substantial the variation is in relation to the requirements of the Zoning Law.

2. The effect of the proposal on increased population density and governmental facilities (e.g., fire, water, etc.)

3. Whether a substantial change in the character of the neighborhood or a detrimental effect on adjoining properties would take place.

4. Whether the difficulty can be eliminated by some other reasonable alternative other than a variance (e.g., add room to other side of house).

5. Will justice be served in allowing the variance? The fact that the practical difficulty was self-imposed does not disqualify the applicant from being granted an Area Variance.

6. If a property owner will suffer significant economic injury by strict interpretation of the area standards and practical difficulties are present, then the Area Variance can only be denied based on health, safety or general welfare reasons.

D. Basis for Granting Use Variances - Use Variances provide relief to an applicant who is denied through application of the Zoning Law by the Zoning Officer the right to use land or structures in a certain manner since the use is not listed as an allowable use in the Zoning Law. In order to be granted the Use Variance the applicant must prove that "Unnecessary Hardship" exists and this is accomplished by showing all of the following:

1. The land in question cannot yield a reasonable return if used only for a purpose allowed in the district. This does not mean that profits will necessarily be maximized.

2. The use requested by the variance will not alter the essential character of the neighborhood, and be detrimental to properties in the vicinity.

3. The plight of the applicant is due to unique circumstances and not to the general conditions in the neighborhood.

4. In the case of a Use Variance, if the hardship is self-imposed, then the variance should, generally speaking, be denied. An example of this would be the purchase of property that is not appropriate for the proposed use.

E. In granting any variance, the Zoning Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable. The decisions must be written in the form of a resolution and must state in detail the reasons for granting or denying the variance and the conditions imposed.

Section 905 Mandatory Referral (General Municipal Law 239-L & M)

A. Before issuing a Special Use Permit or granting a variance affecting any real property lying within a distance of 500 feet of the boundary of this Municipality, or from the boundary of any existing or proposed county or state park or other recreation area, or from the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road, or highway, or from the channel owned by the county, or for which the county has established channel lines, or from the existing or proposed boundary of any county or state owned land on which a public building or institution is situated, the matter will be referred to the Chautauqua County Planning Board.

B. Within thirty (30) days after receipt of a full statement of such referred matter, the Chautauqua County Planning Board to which referral is made, or an authorized agent of said agency shall report its recommendations thereon to the Zoning Board of Appeals, accompanied by a full statement of the reasons for such recommendations. If the Chautauqua County Planning Board fails to report within thirty (30) days, the Zoning Board of Appeals may act without such report. If the Chautauqua County Planning Board disapproves the proposal, or recommends modification thereof, the Zoning Board of Appeals shall not act contrary to such disapproval to recommendations except by a vote of a majority plus one, of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action.

C. Within seven (7) days after final action by the Zoning Board of Appeals, modification or disapproval of a referred matter, the Zoning Board of Appeals shall file a report of the final action it has taken with the Chautauqua County Board which had made the recommendations, modifications or disapproval.

ARTICLE X
TOWN PLANNING BOARD

Section 1001 Appointment

The Town Board shall appoint a Planning Board consisting of five (5) members, which shall replace and supersede the Town's previously existing Planning Board.

The terms of the five members shall be initially set as:

One for one year

One for two years

One for three years

One for four years

One for five years

Thereafter all members shall be appointed to a five year term. This provision shall supersede any prior enactment, appointment or other action at the Town Board inconsistent therewith.
At all times at least one member of the Planning Board shall reside in the rural district and all members shall be required to undertake and complete training prior to undertaking their duties, which shall consist of, but not be limited to, courses dealing with the general application and administration of zoning laws as may be provided by the State of New York, County of Chautauqua or the Town of Ripley. After completion of initial training, members shall thereafter be obligated to continue training and education as such programs may be made available by the aforesaid governmental entities on an annual basis.

Section 1002 Duties - Town Planning Board

The Planning Board shall have the following duties with respect to the Zoning Law:

A. Recommendations

1. Optional Reports - The Planning Board shall submit report within 30 days after referral on any matter referred to it.

2. Mandatory Recommendations - The Planning Board shall submit recommendations to the appropriate Board on all applications for:

   a. Zoning Amendments,
   b. All other uses for which a referral to the Planning Board is mandatory.
   c. ZBA Opinions requested per section 902 C.

3. Failure to Report - When the Planning Board fails to make a recommendation/report within 30 days from receipt of the request, it shall be deemed that the Planning Board has no objection to the request of proposal. The 30-day requirement may be extended with permission of the Board making the referral.

B. Special Use Permits

1. General Provision - The special uses listed in this Zoning Law for which conformance to additional standards are required shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this Zoning Law. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. The Planning Board shall hear all requests for special use permits for commercial projects involving 5,000 or less square feet of floor space and for residential projects involving 5 or less residential units *(amended by Local Law # 1-2008).*

2. Standards - The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing or future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district and the location, nature and height of buildings, walls and fences, and will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or lights, than would be the operations of any permitted use.

3. Conditions - In the granting of Special Use Permits, the Planning Board shall attach such conditions and safeguards it deems appropriate under this Law. The Supplemental Section of this Law entitled General Conditions will be referred to and used as a checklist of possible conditions to be attached to the Special Use Permit being requested. It should not be assumed that this Section is all-inclusive.
   A plan for the proposed development of a site for designated special use shall be submitted with an application for a Special Use Permit and plan shall show the location of all buildings, lots, parking areas, traffic access and circulation drives, open spaces, landscaping, and any other pertinent information deemed necessary.

4. Procedures - The Planning Board shall act in strict accordance with procedure specified by law and by the Zoning Law with regard to public hearings, notices, publications, etc.

5. Expiration - A Special Use Permit shall be deemed to authorize only one particular use and shall expire if the special use shall cease for more than 1 year for any reason.

6. Existing Violations - No Special Use Permit shall be issued for a property where there is an existing violation of this Law.

ARTICLE XI
MUNICIPAL BOARD

Section 1101 Duties: Amendments and Special Use/Site Plan

The Town Board shall have the following duties with respect to this Zoning Law: A.

Amendments -

1. The Municipal Board may from time to time on its own motion, or on petition, or on recommendation of the Planning Board, amend, supplement or repeal the regulations and provisions of this Law after public notice and hearing.

2. The Municipal Board by resolution adopted at a scheduled meeting shall fix the time and place of a public hearing on the proposed amendment and cause notice to be given in accordance with applicable Law.

B. Special Use Permit / Site Plan Review

1. Applicability – The Municipal Board shall hear all requests for Special Use Permits / Site Plan Reviews for all commercial / industrial projects involving over 5,000 sq. ft. of floor space and for residential projects involving more than 5 residential units. The Municipal Board shall also hear all requests for Special Use Permits relating to any wind tower, electric generating proposal or telecommunication facilities involving more than 1 unit as part of an overall project proposal for energy generation or telecommunications transmission.

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

   b.) Standards – The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing or future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district and the location, nature and height of buildings, walls, and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or lights, than would be the operations of any permitted use.

   c.) Conditions –
      (1.) In granting Special Use Permits, the Permitting Board shall attach such conditions and safeguards as it deems appropriate under this Law.

      (2.) The supplemental section of this Law entitled, General Conditions, and Escrow Deposits for review and inspection will be referred to and used as a checklist of possible conditions to be attached to the Special Use Permit being requested. It

should not be assumed that this section is all-inclusive.

(3.) A plan for the proposed development of a site for designated special use shall be submitted with an application for a Special Use Permit, and the plan shall show the location of all buildings, lots, parking areas, traffic access, and circulation drives, and any other pertinent information that the Permitting Board deems necessary.

d.) Procedures – The Permitting Board shall act in strict accordance with procedure specified by Law and this Zoning Law with regards to public hearings, notices, publications, etc.

e.) Expiration – A Special Use Permit shall be deemed to authorize only 1 particular use and shall expire if the special use shall cease for more than 1 year.

f.) Existing Violations – No Special Use Permit shall be issued for a property where there is an existing violation of this Law.

3. Site Plan Review Requirements –

A.) Purpose – Site plan review has the purpose of specifying for all involved parties what the intended design, arrangement, and use of the land shall consist of so as to optimize the physical, social, environmental, aesthetic, and economic effects on the community for the specified types of development. Appendix F.

B.) Administration – (section XIV applies)

(1.) Permits – The Town Board shall be responsible for a site plan review of all commercial development with over 5,000 square feet of floor space or residential development involving more than 5 dwelling units. In these instances the Town Board shall also be responsible for administering the Special Use Permit requirements, with both processes taking place simultaneously.

(2.) Expiration – A Site Plan Review shall be deemed to authorize only one particular use and shall expire if the use shall cease for more than 1 year.

(3.) Hearings – An attempt shall be made to integrate, where appropriate, the Site Plan Review requirements into the required Special Use Permit Hearing, thus eliminating the need for 2 hearings.

(4.) Referral – The Permitting Board (ZBA, Town Board, Zoning Officer) shall, within 7 days of the receipt of the complete application, submit to the Planning Board a request for an opinion on any project. The Permitting Board shall wait 14 days for a response prior to acting on the matter.

(5.) Decision Requirements – Within 45 days of the receipt of the complete application, the Permitting Board shall render a decision to the Zoning Officer. If no decision is made within the 45-day period, the site plan shall be considered approved. The applicant shall be notified in writing of its decision with the reasons for the decision specified.

C.) Information Required – Sketches drawn to approximate scale will be prepared by the applicant, where feasible, to display the following information (appendix (?F?):

(1.) Administration, Legal and Other Miscellaneous Information –

(a.) Project title and date;

(b.) Name, address and telephone number of applicant, owner (if different), contractor, architect, and other major involved parties;
(c.) Construction schedule to include phasing and the completion date;
(d.) Performance bond to include the amount, public improvements covered and bond approval;
(e.) Location, width, and purpose of all easements, public land holdings, leases, covenants, deed restrictions or any other unique land restriction; and
(f.) Record of all applications for permits from the Federal, State, or County governments to include approval status.

(2.) Existing Man-made Features to be Shown –
(a.) Boundary lines of project site as well as adjacent properties;
(b.) Ownership pattern of all adjacent parcels;
(c.) Existing structures on project site and adjacent property within 20 feet of the property line to include location, dimensions, height, and use. Decks and accessory structures should also be shown as well as historic structures.
(d.) Roadways to include public roads, private roads, or driveways on the site, on and off-street parking, load/unload zones, access and egress, pedestrian pathways, or sidewalks. Width and elevation should be included.
(e.) Utilities shall be identified to include location and size of water, sewer, drainage pipes, telephone, electric, gas and TV cable. Additionally, any solar systems should be identified.
(f.) Miscellaneous features to include: fences, signs, outside lighting, public address systems, storage areas, and retaining walls shall be shown.
(g.) Fire lanes and fire hydrants, if any exist, should be displayed.
(h.) Recreational areas both on the site and adjacent should be displayed to include public and private facilities. Decks, pools, tennis courts, etc., should be included.
(i.) Trash or garbage collection areas shall be identified.
(j.) Services such as banks, schools, retail, or service districts should be identified.
(k.) Zoning district boundaries shall be identified.
(l.) Other information deemed necessary by Permitting Board.

(3.) Existing Natural Features to be Shown –
(a.) Topographic features with a minimum contour interval of 10 feet but preferably 2 feet. Areas of steep slope should be delineated.
(b.) Geographic features such as depth to bedrock and load bearing capacity for large development proposals.
(c.) Hydrological features including drainage and runoff patterns, flood hazard areas, wetlands, depth to ground water and drainage capacity of soil.
(d.) Landscaping and vegetative cover including wooded areas, significant isolated trees, ground cover, shrubs, and other similar features. Buffers should be identified.
(e.) Watercourses to include lakes, streams or ponds.
(f.) Archaeologically significant areas.
(g.) Significant views of landscapes should be identified.

(h.) Other information as deemed necessary by the Permitting Board.

(4.) New Proposal Features –

(a.) Referring to the existing man-made and natural features above; provide a description/sketch of any changes that are being proposed.

(b.) Include construction materials proposed for use.

(c.) Design features – In reviewing the Site Plan the following topics shall be considered with appropriate and reasonable design features required:

1) Architectural design
2) Lighting
3) Signage design
4) Landscaping
5) View presentation

(d.) List the positive and negative effects for each existing feature listed above (e.g., traffic to be generated and the effects it will have on specific roadways).

(e.) Environmental considerations – Utilizing the NYS SEQR process, identify requirements that can be incorporated into the Site Plan Permit that will maintain or enhance the site, surrounding area, and watershed by requiring and/or encouraging the use of Best Management Practices. The following shall be considered:

1) Clustering development
2) Buffers and screening
3) Hillside development
4) Site preparation staging
5) Erosion and sediment controls
6) Stream corridor protection
7) Wetland protection
8) Open space protection
9) Limiting fertilizer use
10) Driveway and parking lot design
11) Tree preservation

Section 1102 Referral to Municipal Planning Board

A. Prior to action on any zoning amendments, Special Use Permits / Site Plan review Permits, the Municipal Board shall advise the Planning Board of the proposed amendment.

B. The Planning Board shall have 30 days in which to review the proposed action and return their recommendation to the Municipal Board. After the 30 days has expired, the Municipal Board may act without receipt of recommendation from the Planning Board.

Section 1103 Mandatory Referral

Under General Municipal Law 239 l & m certain Special Use Permits, variances and amendments must be referred to the County Planning Board prior to local decisions being made. See Article IX - Zoning Board of Appeals, the section on Mandatory Referrals for procedures to be followed.

ARTICLE XII VIOLATIONS AND PENALTIES

Section 1201

1. Violations and Enforcement

A. Inspection

In order to determine compliance with this chapter, the Code Enforcement Officer (CEO) is authorized, to the extent permitted by law, to enter, inspect, and examine any building, structure, place, premise or use in the Town of Ripley.

B. Notice of Violation

1. Upon finding new construction, improvements, or uses to be in violation of this chapter, the CEO shall transmit a written Notice of Violation, by registered or certified mail, to the owner, tenants /occupant of the property upon which the alleged violation occurs, describing the alleged violation with a copy to the Town Board. The Notice of Violation shall require a written answer or correction of the alleged violation to the satisfaction of the CEO within the time limit set by the CEO. The notice shall state that failure to respond or correct the alleged violation within the time limit set constitutes admission of the violation. The notice will further state that, upon request, technical determinations of the nature and extent of the alleged violations will be made and, if a violation as alleged is found, costs of the determinations will be charged against those responsible, in addition to such other penalties as may be appropriate, and that if it is determined no violation exists, cost of the determination will be borne by the town.

2. If, within the time limit set, there is no reply, but the alleged violation is corrected to the satisfaction of the CEO, the notation " Violation Corrected" shall be made on the Code enforcement Officers copy of the notice. (Town board notice will also be given).

3. If there is no reply or corrective action taken within the time limit set (establishing admission of a violation of this chapter) or the violation is not corrected to the satisfaction of the CEO, action will be taken in accordance with subsection C.

4. Permanent record of all Notices of Violation and their disposition shall be kept in the offices of the Code Enforcement Officer.

5. Non Solid Waste Violations

Whenever a violation of this Law occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer, who shall properly record such complaints and immediately investigate.

6. Solid Waste Violations (Enforcement):
   Upon a violation of this Local Law by any person, the Town Board shall be entitled to obtain an injunction against such persons prohibiting violations, and in addition ordering that any solid waste disposal of in violation hereof, be removed from the Town, and ordering that any land on which solid waste is disposed of in violation of this local Law be restored as nearly as possible to its former condition by the removal of any waste illegally disposed of, and by such other restorative measures as are available, and further ordering that operator remedy any effects of the violation on surrounding or adjacent properties or resources, including without limitation, air, crops water bodies, wetlands and ground waters.

C. **Abatement of Violations**

1. The Code Enforcement Officer (CEO) or the Town Board may issue a stop-work or cease and desist order; institute an appropriate legal action or proceeding to prevent, restrain, correct, or abate any violation of this chapter. Such legal action may include the issuance of an Appearance Ticket pursuant to the Criminal Procedure Law, Paragraph 150.20.

E. Complaints of Violations

Whenever a suspected violation of this chapter occurs, any person may file a signed written complaint reporting such violation to the Code Enforcement Officer (CEO). The CEO may also investigate any oral complaint made to that office. All complaints shall be documented, properly recorded, filed and promptly investigated by the CEO, and reported to the Town Board (through the entire process). Personal information of complainant may be redacted unless required for legal proceedings.

F. Accountability

For every violation of the provisions of this chapter and law, the owner, agent, contactor, lessee, ground lessee, tenant, licensee, or any other person who commits, takes part, or assists in such violation or who maintains any structures or premises in which any such violation exists, shall be punishable according to this chapter.

Section 1202 Penalties

A. Non Solid Waste Penalties

Any violation of any provision of this Law by any person shall be punishable by fine or other penalties as specified by Law. Each day's continued violation shall constitute a separate additional violation. Any fine levied hereunder shall not exceed the amount of $500.00 per violation. The Town may also maintain an action or special proceeding for an injunction or other equitable relief to compel compliance with or to restrain the violation of this Local Law. The use of any remedy shall not prevent the use of any other remedy either in combination or separately.

B. Solid Waste Penalties
   For any violation of this Local Law, the violator shall be subject to a civil penalty of up to Twenty Five Thousand Dollars ($25,000.00) for each violation. Each day of non-compliance shall be a separate and distinct violation. The Town shall be entitled to recover such fines in an action at law in any court of competent jurisdiction.

D. Property Maintenance

1. In addition, any person who violates any provision of this chapter or who fails to do any act required thereby shall, for each and every such violation, pay a civil penalty of not less than $100.00. When a violation of any provisions is continuous and a public health or safety issue, the penalty will accrue continuously for each new **day.**

2. A violation of this chapter is an offense punishable by a fine of $125.00 but not exceeding $ 350.00, or imprisonment for a period not to exceed 15 days, or both for conviction of a first offense. Conviction of a second offense, committed within 5 years, is punishable by a fine not less than $350.00 nor more than $700.00 or imprisonment for a period not to exceed 15 days or both. Conviction of a third or subsequent offense committed within a period of 5 years is punishable by a fine of not less than $750.00 nor more than $1000.00 or imprisonment for a period not to exceed 15 days, or both. Each **week's** continued violation shall constitute a separate additional violation. A violation which creates an imminent health or safety hazard shall be punishable by the same as above, as well as by imprisonment for a period not to exceed six months per violation.
3. The imposition of penalties for any violation of this zoning law shall not excuse the violation nor permit it to continue. The imposition of the above penalties or prosecution for a violation of any provision of this chapter shall not prevent the abatement of a violation pursuant to subsection C. The expenses of the Town in enforcing such removal, including legal fees, may be chargeable (in addition to fines and penalties) may be charged to the offender, and may be recovered in a civil court of appropriate jurisdiction.

E. Upon an action for injunctive relief or a civil penalty hereunder, the Town shall be entitled to a further award and judgment for its costs, expenses, disbursement, and reasonable attorney's fees in connection therewith

ARTICLE XIII
LEGALITY

Section 1301 Conflicts

A. In their interpretation and application, the provisions of this Law shall be held to be a minimum requirement, adopted for the promotion of the public health, safety, or the general welfare.

B. Whenever the requirements of this Law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

C. The application of this Law on Solid Waste shall be deemed to supersede and repeal LOCAL LAW 2 - OF THE YEAR 1990, dated February 24, 1990, providing for the licensing of construction and demolition debris landfills within the Town of Ripley and any other ordinance or Law to the extent inconsistent therewith.

D. The application of this law on the creation, appointment, and member terms of a Planning Board shall be deemed to supersede and repeal all prior enactments and appointments of the Town of Ripley Planning Board previous to the date of this Law's enactment.

Section 1302 Separability

The invalidity of any provision of this Law shall not invalidate any other part thereof.

Section 1303 Repealer

Any previously adopted Zoning Law or regulation of the Municipality dealing with topics covered by this Law together with all changes and amendments thereto, is hereby repealed and declared to be of no effect.

Section 1304 Effective Date

This Local Law shall take effect immediately upon filing with the New York Secretary of State.

ARTICLE XIV- Escrow Deposits for Review and Inspection Costs

Section 1401 Deposits in Escrow

1. In connection with any application for a special use permit (SUP), site plan or subdivision approval, zoning amendment, variance, or other appeal requiring a public hearing, the reviewing board MAY require an applicant to deposit an initial sum of money into escrow in advance of the review of the application. Said sum shall be based on the estimated cost to the Town for reviewing the particular type of application before it. The reviewing board may consider the professional review expenses incurred by it and neighboring communities in reviewing similar applications.

2. Use Of Funds
   a. The money deposited shall be used to cover the reasonable and necessary costs of reviewing an application, including costs of inspection for construction and completed improvements. Costs may include staff costs or consultant fees for planning, engineering, legal, notices, and other professional and technical services required for the proper and thorough review of applications

and project inspections. The reviews governed by this section shall include but not be Limited to those required by State Environmental Quality Review Act procedures

b. The review expenses provided for herein are in addition to application or administrative fees required pursuant to other sections of the Ripley Town Code.
c. Monies deposited by applicants pursuant to this section shall NOT be used to offset the Town's costs or general expenses of professional services for the several boards of the Town or general administrative expenses.
d. Fees charged strictly for SEQR review expenses shall not exceed the maximum amounts that can be charged by lead agencies pursuant to SEQR regulations.

3. Upon receipt of monies requested for an escrow account, the Town Supervisor shall cause such monies to be placed and in a separate non-interest bearing account in the town name, and shall keep a separate record of all such monies deposited and the name of the applicant and project for which such sums were deposited.

4. Upon receipt and approval by the Town Board of itemized vouchers from consultants for services provided on behalf of the Town regarding a particular application, the Town Supervisor shall cause such vouchers to be paid out from the monies so deposited, and shall debit the separate record accordingly.

5. Review of vouchers; payment
    a. The Town Board shall review and audit all such vouchers and shall approve payment of only such consultant charges as are reasonable in amount and necessarily incurred by the Town in connection with the review and consideration of applications and project inspections. A charge will be considered a reasonable amount if it bears a reasonable relationship to the average charge by consultants to the Town for services performed in connection with the review of a similar application. In auditing the vouchers, the Town Board may take into consideration the size, type and number of buildings to be constructed, topography, and environmental issues at the site, the infrastructure proposed in the application and any special conditions the Town Board may deem relevant. A charge or part thereof is necessarily incurred if it was charged by the consultant for a service which was rendered in order to protect or promote the health, safety or vital interest of the Town, and protect property from damage.

    b. If at any time during the review of an application or the inspection of an approved project under construction, there shall be insufficient funds on hand to the credit of an applicant to pay the approved vouchers in full, or if shall reasonably appear to thee reviewing board or inspecting official that such monies will be insufficient to meet vouchers yet to be submitted, the reviewing board or official shall cause the applicant to deposit additional sums as deemed necessary or advisable in order to meet such expenses or anticipated expenses.

    c. In no event will an applicant make payment directly to any consultant.

    d. An applicant shall have the right to appeal to the Town Board the amount of any required escrow deposit or the amount charged to an escrow account by a consultant under this section.

    e. Upon completion of the review of an application or upon withdrawl of an application, and after all fees already incurred by the Town have been paid and deducted from the escrow account, any balance remaining in that account will be refunded within 60 sixty days after the applicant's request.

6. In the event the applicant fails to deposit requested review fee funds into the escrow account, any application for review, approval, permit, or certificates of occupancy may be withheld or suspended by the reviewing board, officer or Town employee until such monies are deposited.

7. The owners of the subject real property, if different from the applicant, shall be jointly and severally responsible to reimburse the Town of Ripley for funds expended to compensate for services rendered to the Town under this section by private engineers, attorneys or other consultants. In order for a land use application to be considered and deemed complete, the applicant shall provide written consent of all owners of the subject real property acknowledging potential land owner responsibility, under this section, for engineering, legal and other consulting fees incurred by the Town. In the event that insufficient funds have been deposited in escrow and the applicant or owners fail to reimburse the Town for such fees, the following shall apply:

    a. The Town may seek recovery of unreimbursed engineering, legal and consulting fees by action in court of appropriate jurisdiction, and the defendants shall be responsible for the reasonable and necessary attorney's fees expended by the Town in prosecuting such action.

    b. Alternatively, and at the sole discretion of the Town, a default in reimbursement of such engineering, legal and consultant fees expended by the Town shall be remedied by charging such sums against the real property which is the subject of the land development application, by adding the charge to and making it a part of, the next annual real property tax assessment roll of the Town. Such charges shall be levied and collected at the same time and in the same manner as Town –assessed taxes and shall be applied in reimbursing funds from which the costs were defrayed. Prior to charging such assessments, the owners of the real property shall be provided written notice to their last known address of record, by certified mail, return receipt requested, of an opportunity to be heard and object before the Town Board to the proposed real property assessment, at a date to be set in the notice, which shall be no less than 30 days after its mailing.

APPENDIX A - LAND USE – ZONING DISTRICT MATRIX
TOWN OF RIPLEY
Ripley, New York 14775

District	
R-1	Residential or Hamlet
R-2	Residential/Lakefront
RURA	Rural & Agricultural Areas
CON	Recreation/Conservation
C-1	Commercial – Hamlet
C-2	Commercial – Other
M/I	Manufacturing and Industry

Action Choices:

N Yes, allowed abide by rules
R Zoning Permit Required, allowed by right
S Special Permit Required/Public Hearing
Any use or activity omitted is not allowed.

REFER TO LAND USE TABLE ON THE FOLLOWING PAGES

USE TYPE	Refer to SECT #	R-1	R-2	RURA	CON	C-1	C-2	M / I
RESIDENTIAL USES								
Single-family dwelling-detached Pg119		R	R	R		S	R	S
Mobile Homes		R	S	R		S	S	S
Boarding Homes/Bed & Breakfast			S	R		R	R	
Homes for the aged		R	S	S		S	R	
Nursing Home/Rest Home		S	S	S		S	R	
Accessory apartment		R	S	R		R	R	
Duplex-attached		R	S	R		R	R	
P.U.D.			S					
Mobile Home Parks				S			S	
Cluster residential development		S	S	S			S	
Residential conversions (pg123)		S		S		S	S	R
Multiple – attached		S	S	S		S	S	
AGRICULTURE & AGRI-BUSINESS								
Agriculture land use		S	S	N				N
Agriculture buildings		S	R	R			R	R
Limited agriculture (Grapes & Orchards)		N	N	N	N	N	N	N
Farm		S	S	N			S	S
Sawmill-commercial				R			R	R
Winery			S	R			R	R
Horticulture – private		N	N	N		N	N	N
Nursery / greenhouse – commercial				R			R	
Roadside stands – general	614			S		S	S	
Roadside stands (Limited)		R	R	R		R	R	
Blacksmith Shop				R		R	R	R
Fruit processing plant				S			S	R
Micro Brewery			S	S			S	
BUSINESS RETAIL								
General retail stores				S		R	R	S
Household sale (garage sales)		N	N	N		N	N	N
Antique shop				R		R	R	
Bakery shop				R		R	R	
Catalog store				R		R	R	
Drug store				S		R	R	
Shopping center/mall				S		S	S	S
Florist shop				R		R	R	
Food supermarket				R		R	R	
Corner grocery store		S	S	S		R	R	
Gift shop		S	S	S		R	R	
Monument sales				S		R	R	
News stands				S		S	S	
Liquor store				S		S	S	

R = Zoning Permit Required - By Right

S = Special Use Permit / Public Hearing

N = Yes Allowed, Abide by Rules

BLANK = Any use/activity omitted is not allowed

TOWN of RIPLEY
LAND USE TABLE

USE TYPE	Refer to SECT #	R-1	R-2	RURA	CON	C-1	C-2	M / I
BUSINESS RETAIL (CONT.)								
Building materials store				R		R	R	R
Mobile home/trailer sales				R			R	
Vehicle service station	616			S		S	S	
Auto sales/used car lot				R			R	
Farm mach./implements store				R			R	
Department/Variety store				R		R	R	
Feed & seed shop				R		R	R	
Furniture/appliance store				R		R	R	
Hardware/glass/paint store				R		R	R	
Pet store				R		R	R	
Plumbing/heating shop				R		R	R	
Rental store				S		R	R	
BUSINESS SERVICE								
General service shop		S	S	S		S	S	S
Professional/business office				R		R	R	
Bank				R		R	R	
Photography studio				R		R	R	
Funeral home		S	S	R		R	R	
Realty Office				R		R	R	
Laundry & dry cleaning shop				R		R	R	
Barber/beauty shop				R		R	R	
Restaurant			S	S		R	R	
Truck terminal				R			R	
Drive-in business				S		S	S	
Bar				S		S	S	
Hotel/motel			S	R			R	
Locksmith shop				R		R	R	
Auto body repair shop	615			S		S	R	
Vehicle repair shop				R			R	
Building contractor business				S			R	
Home occupation (Limited)		R	R	R		R	R	R
Home occupation (Standard)		S	S	S		S	S	S
Appliance repair shop				R		R	R	
Kennel business				S			S	
Animal shelter				S			S	
Animal hospital				R			R	
Car wash				S			R	
Boat storage business				R			R	
Banquet/Reception Hall (pg 117)			S	S				

R = Zoning Permit Required - By Right

S = Special Use Permit / Public Hearing

N = Yes Allowed, Abide by Rules

BLANK = Any use/activity omitted is not allowed

TOWN of RIPLEY
LAND USE TABLE

USE TYPE	Refer to SECT #	R-1	R-2	RURA	CON	C-1	C-2	M / I
WHOLESALE								
Wholesale business – warehouse				S		S		
Storage of materials/fuel warehouse				S		S		
MANUFACTURING & INDUSTRY								
Electronics & small parts mfg.				S			S	S
Lab & research (commercial)				S			S	S
Gravel and sand operation of over 1,000 yards/year				S				
Gravel and sand operation under 1,000 yards/year				N				
Gas/oil well		S	S	R		S	S	S
Gas compressor				S				S
Manufacturing – general				S				S
Manufacturing of food products				S				S
Vehicle dismantling yard				S				S
Machine shop (small)				R				R
Machine shop (large)				S				S
Mill structure				S				S
ESSENTIAL SERVICES								
Utilities (public (e.g., water)		R	R	R	R	R	R	R
Utilities (quasi-public)		R	R	R	R	R	R	R
Substation accessory to Manufacturing/Industry				S			S	R
PUBLIC & QUASI-PUBLIC USES								
Municipal office				R		R	R	R
School – public/private		S		S			S	
Airport/airstrip/heliport				S			R	R
Day care center		S		R		R	R	R
Library/museum/gallery		R		R			R	R
Church/rectory		R	R	R		R	R	
Meeting facility			S	S		s	S	
Large group gathering				S				
Cemetery – crematory				S			S	
Fireman Field Days		N	N	N		N	N	N
Hospital				S			S	
Clinic		S	S	S		S	S	

R = Zoning Permit Required - By Right

S = Special Use Permit / Public Hearing

N = Yes Allowed, Abide by Rules

BLANK = Any use/activity omitted is not allowed

TOWN of RIPLEY
LAND USE TABLE

USE TYPE	Refer to SECT #	R-1	R-2	RURA	CON	C-1	C-2	M / I
RECREATION & ENTERTAINMENT								
Public park		S	S	S		S	S	S
Golf course – private/public				S			S	
Tennis court – private		N	N	N		N	N	N
Tennis court – public				R		R	R	
Commercial recreation				S			S	
Amusement park				S			S	
Boathouse/dock/pier – public			S	N			S	
Swimming pool – private	617	R	R	R		R	R	R
Swimming pool – public				S		S	S	S
Marinas/tackle shop				R		R	R	
Riding academy/stables				R			R	
Cabins/cottages – commercial lakeside			S	S				
Ski Area – commercial				S			R	
Private camps			R	R			R	
Travel trailer park – commercial				S			S	
Drive-in movie				S		R	S	
Theater				S			R	
Carnival/circus – temporary		S	S	R		R	R	
Rifle range/skeet/gun club				S		S	S	
Electronic game room				S		S	S	
Tent meeting		R	R	R		R	R	
Cabins/cottages-commercial			S	S			S	
CONSERVATION								
Wildlife habitat				N	N			
Forestry/lumbering/reforestation		N	N	N		N	N	N
Game farm/fish hatchery/preserve				N	N			
Wind Towers – private			S	S			S	S
Solar systems		S	S	R		S	S	R
Pond		N	N	N		N	N	N
Topsoil removal business				R				
MISCELLANEOUS								
Outdoor Storage – recreational vehicles		N	N	N		N	N	N
Garage – accessory		N	N	N		N	N	N
Parking – commercial lot	618			R		R	S	S
Parking – private	618	N	N	N		N	N	N
Private boathouse		R	R	R		R	R	R
Flea Market		S	S	R		S	R	S
Storage structure–private > 120 sq. ft.		S	S	S		S	S	S
Temporary dwelling unit		R	R	R		R	R	R
Signs	610	RNS	RNS	RNS		RNS	RNS	RNS

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N = Yes Allowed, Abide by Rules

BLANK = Any use/activity omitted is not allowed

TOWN of RIPLEY
LAND USE TABLE

USE TYPE	Refer to SECT #	R-1	R-2	RURA	CON	C-1	C-2	M / I
MISCELLANEOUS (CONT.)								
Farm animals – noncommercial	609	N	N	N		N	N	N
Junk Vehicles – private property	627	N	N	N		N	N	N
Open porch/deck	508	R	R	R		R	R	R
Trash – private property	628			N			N	N
Load/unload facility	619	S	S	R		R	R	R
Fence/wall	621	R	R	R			R	R
Heavy vehicle parking	630	N	N	N		N	N	N
TV dish	623	N	N	N		N	N	N
TV/radio towers – commercial				S		S	S	S
Demolition	633	R	R	R		R	R	R
Heating fuel tanks – private (Oil/Propane)		N	N	N		N	N	N
Gasoline/volatile fuel tank – private	601	R	R	R		R	R	R
Storage structures over 120 sq. ft.		R	R	R		R	R	R
Storage structure 120 sq. ft. and under		N	N	N		N	N	N
Landfill	402-C							
Toxic waste storage	402-C							
Wind Towers - Commercial				S				
Outdoor Wood Furnace (boilers)			S	S				

R = Zoning Permit Required - By Right

S = Special Use Permit / Public Hearing

N = Yes Allowed, Abide by Rules

BLANK = Any use/activity omitted is not allowed

TOWN of RIPLEY
LAND USE TABLE

APPENDIX B - Zoning Districts Area Standards Summary Tables

Town of Ripley - ZONING DISTRICTS AREA STANDARDS SUMMARY TABLE									
District / Type of Use		Minimum Lot Size* (sq. feet)	Max. Lot Cover	Minimum Lot Width (feet)	Setbacks			Structure	
					Front yard (feet)	Side Yards (feet)	Rear Yard (feet)	Min. Floor Space (sq.ft.)	Max. Bldg. Height (stories
R-1	**Residential / Hamlet**	(S) = Sewer (NS) = No Sewer							
	Single-Family (Primary Use)	12,000 (S) 20,000 (NS)	20%	90 (S) 175 (NS)	40 (S) 50 (NS)	10	25	900	2.5
	Single-Family (Accessory Use)	-----	50%	-----	55	10	5	-----	1.5
	Multi-Family (Primary Use)	13,000 + 5,000/unit (S) 22,000 + 7,000/unit (NS)	25% (S) 20% (NS)	110 + 8/unit (S) 140 + 12/unit (NS)	50	10 + 2/unit	25	800	2.5
	Multi-Family (Accessory Use)	-----	-----	-----	55	10 + 1/unit	10	-----	2
	Non-residential (Primary Use)	-----	15% (S) 50% (NS)	-----	50	20	50	150	2.5
	Non-residential (Accessory Use)	-----	35%	-----	50	10	10	150	2.5
R-2	**Residential / Lakefront**	(S) = Sewer (NS) = No Sewer							
	Single-Family (Primary Use)	80,000	20%	220	50	20	25	1,500	2.5
	Single-Family (Accessory Use)	-----	10%	-----	100	20	5	-----	2
	Multi-Family (Primary Use)	100,000 + 25,000/unit	20%	220 + 20/unit	50	20 + 3/unit	50	800	2.5
	Multi-Family (Accessory Use)	-----	-----	-----	55	20 + 1/unit	10	-----	2
	Non-residential (Primary Use)	-----	5% (S) 25% (NS)	-----	50 (S) 5 (NS)	50 (S) 1 (NS)	50 (S) 1 (NS)	150	2.5 (S) 1.5 (NS)
	Non-residential (Accessory Use)	-----	5%	-----	50	50	50	150	2.5

NOTES:

(1) ***** Minimum lot size is equivalent to lot size excluding any street and highway right-of-ways.

(2) Lake Erie Shore Setback - For all parcel boundaries that are adjacent to the Lake Erie shoreline, there shall be a minimum setback distance of 100 feet or as set by Coastal Zone management from the shoreline. Current district areas that border the Lake Erie shoreline are R-1, R-2, RURA, and C-2.

(3) ****** Meet or improve on the conditions of adjacent properties (Refer to C-1 table).

(4) The Recreation / Conservation district (CON) shall have a minimum setback as determined by the code enforcement officer as that point which is the most forward buildable location as allowable under the town's current zoning law (Refer to CON table).

Town of Ripley - ZONING DISTRICTS AREA STANDARDS SUMMARY TABLE									
District / Type of Use		Minimum Lot Size* (sq. feet)	Max. Lot Cover	Minimum Lot Width (feet)	Setbacks			Structure	
					Front yard (feet)	Side Yards (feet)	Rear Yard (feet)	Min. Floor Space (sq.ft.)	Max. Bldg. Heigh (stories
C-1	**Commercial - Hamlet**	(S) = Sewer (NS) = No Sewer							
	Single-Family (Primary Use)	12,000 (S) 20,000 (NS)	30%	90 (S) 120 (NS)	40(S) 50 (NS)	10	25	900	2.5
	Single-Family (Accessory Use)	-----	5%	-----	45	10	5	-----	1.5
	Multi-Family (Primary Use)	13,000 + 5,000/unit (S) 22,000 + 7,000/unit (NS)	40% (S) 30% (NS)	110 + 8/unit (S) 140 + 12/unit (NS)	50		25	800	2.5
	Multi-Family (Accessory Use)	-----	-----	-----	55		10	-----	2
	Non-residential (Primary Use)	------	**	-----	**	**	**	150	3
	Non-residential (Accessory Use)	-----	**	-----	**	**	**	150	3
C-2	**Commercial - Other**	(S) = Sewer (NS) = No Sewer							
	Single-Family (Primary Use)	12,000 (S) 20,000 (NS)	30%	90 (S) 120 (NS)	40(S) 50 (NS)	10	25	900	2.5
	Single-Family (Accessory Use)	-----	5%	-----	45	10	5	-----	1.5
	Multi-Family (Primary Use)	13,000 + 5,000/unit (S) 22,000 + 7,000/unit (NS)	40% (S) 30% (NS)	110 + 8/unit (S) 140 + 12/unit (NS)	50		50	800	2.5
	Multi-Family (Accessory Use)	-----	-----	-----	55		10	-----	2
	Non-residential (Primary Use)	------	35% (S) 25% (NS)	-----	50	20	50	150	3
	Non-residential (Accessory Use)	-----		-----				150	3

NOTES:

(1) ***** Minimum lot size is equivalent to lot size excluding any street and highway right-of-ways.

(2) Lake Erie Shore Setback - For all parcel boundaries that are adjacent to the Lake Erie shoreline, there shall be a minimum setback distance of 100 feet from the shoreline. Current district areas that border the Lake Erie shoreline are R-1, R-2, RURA, and C-2.

(3) ****** Meet or improve on the conditions of adjacent properties (Refer to C-1 table).

(4) The Recreation / Conservation district (CON) shall have a minimum setback as determined by the code enforcement officer as that point which is the most forward buildable location as allowable under the town's current zoning law (Refer to CON table).

Town of Ripley - ZONING DISTRICTS AREA STANDARDS SUMMARY TABLE									
District / Type of Use		Minimum Lot Size* (sq. feet)	Max. Lot Cover	Minimum Lot Width (feet)	Setbacks			Structure	
					Front yard (feet)	Side Yards (feet)	Rear Yard (feet)	Min. Floor Space (sq.ft.)	
RURA	**Rural & Agricultural**	(S) = Sewer (NS) = No Sewer							
	Single-Family (Primary Use)	12,000 (S) 5,000 (NS)	30%	200	50	20	25 (S) 5 (NS)	900	2.5 (S) 2 (NS)
	Single-Family (Accessory Use)	-----	5%	-----	50	20	5	-----	2
	Multi-Family (Primary Use)	60,000 + 15,000/unit	20% (S) 25% (NS)	200 + 13/unit (S) 220 + 10/unit (NS)	50	20 + 2/unit	50	800	2.5
	Multi-Family (Accessory Use)	-----	-----	-----	55	20 + 1/unit	10	-----	2
	Non-residential (Primary Use)	-----	15%	-----	50	50	50	150	4
	Non-residential (Accessory Use)	-----	15%	-----	55	10	20	150	4
M-1	**Manufacturing & Industry**	(S) = Sewers (NS) = No Sewers							
	Single-Family (Primary Use)	12,000 (S) 5,000 (NS)	30%	200	50	20	25 (S) 5 (NS)	900	2.5 (S) 2 (NS)
	Single-Family (Accessory Use)	-----	5%	-----	50	20	5	-----	2
	Multi-Family (Primary Use)	85,000+ 10,000/unit	30%	170 + 10/unit	50	20 + 2/unit	50	800	2.5
	Multi-Family (Accessory Use)	-----	-----	-----	55	20 + 1/unit	10	-----	2
	Non-residential (Primary Use)	-----	25% (S) 35% (NS)	-----	50	50	50	100	3
	Non-residential (Accessory Use)	-----	5%	-----	55	10	20	150	3

NOTES:

(1) ***** Minimum lot size is equivalent to lot size excluding any street and highway right-of-ways.

(2) Lake Erie Shore Setback - For all parcel boundaries that are adjacent to the Lake Erie shoreline, the shall be a minimum setback distance of 100 feet from the shoreline. Current district areas that border the Lake Erie shoreline are R-1, R-2, RURA, and C-2.

(3) ****** Meet or improve on the conditions of adjacent properties (Refer to C-1 table).

(4) The Recreation / Conservation district (CON) shall have a minimum setback as determined by the code enforcement officer as that point which is the most forward buildable location as allowable under the town's current zoning law (Refer to CON table).

Town of Ripley - ZONING DISTRICTS AREA STANDARDS SUMMARY TABLE									
District / Type of Use		Minimum Lot Size* (sq. feet)	Max. Lot Cover	Minimum Lot Width (feet)	Setbacks			Structure	
					Front yard (feet)	Side Yards (feet)	Rear Yard (feet)	Min. Floor Space (sq.ft.)	Max. Bldg. Heigh (stories
CON	**Recreation / Conservation**	(S) = Sewer (NS) = No Sewer							
	Single-Family (Primary Use)								
	Single-Family (Accessory Use)	-----		-----					
	Multi-Family (Primary Use)								
	Multi-Family (Accessory Use)	-----		-----					
	Non-residential (Primary Use)								
	Non-residential (Accessory Use)	-----		-----					

NOTES:

(1) ***** Minimum lot size is equivalent to lot size excluding any street and highway right-of-ways.

(2) Lake Erie Shore Setback - For all parcel boundaries that are adjacent to the Lake Erie shoreline, there shall be a minimum setback distance of 100 feet from the shoreline. Current district areas that border the Lake Erie shoreline are R-1, R-2, RURA, and C-2.

(3) ****** Meet or improve on the conditions of adjacent properties (Refer to C-1 table).

(4) The Recreation / Conservation district (CON) shall have a minimum setback as determined by the code enforcement officer as that point which is the most forward buildable location as allowable under the town's current zoning law (Refer to CON table).

Portion of APPENDIX B (from existing Zoning Law dated June 11, 1992) - Area Matrix

Multiple Family Units (Elderly)
ALL ZONES

Minimum Lot Size (sq.ft. per unit)	20% Less Than Multiple Family Unit
Minimum Lot Width (base + ft. per unit)	20% Less Than Multiple Family Unit
Maximum Lot coverage (% of lot area)	20% More Than Multiple Family Unit
Minimum Front Yard (ft. from street edge)	Same as Multiple Family Units (Above)
Minimum Side Yard (base + ft. per unit)	20% Less Than Multiple Family Unit
Minimum Rear Yard (ft.)	20% Less Than Multiple Family Unit
Maximum Structure Height (stories)	Same as Multiple Family Units (Above)
Minimum floor Space (sq.ft. living space)	20% Less Than Multiple Family Unit

Section D-1 Cluster Residential Development

A. Purpose - Cluster residential provisions for single-family subdivisions and attached multiple-family projects are intended to allow flexibility where desirable to permit and encourage superior development of relatively large undeveloped sites; development aims may include the preservation of views or natural features, provision of amenities for common use, including recreational facilities not feasible on individual lots, and innovative groups of dwellings which will provide desirable variety in the municipal housing stock. To carry out this purpose, standards for individual lot area and dimensions may be reduced from the standards of the district in which the cluster is located, if compensating permanent common area ancillary to the dwelling units is provided.

B. Standards for Development of Single-Family Clustered Subdivision:

1. A cluster single-family residential development shall not be less than 5 acres of contiguous undeveloped area under single ownership.

2. Uses permitted shall be limited to the residential uses permitted in the district in which the cluster development is located.

3. An approved municipal or community sewage system and water system must be utilized if available. If unavailable, abide by the County Health Department Requirements.

4. Maximum permitted reductions in individual lot standards. Any lot in a cluster development may be reduced from the standards of the district in which it is located by the following or lesser amounts:

    a. Minimum lot area may be reduced by up to 25% of the required area.
    b. Minimum lot width may be reduced by up to 25%.
    c. Minimum yard requirements (front, side, and rear) may be reduced up to 25% where the lots are not adjacent to an existing public roadway.

5. Compensating permanent common area ancillary to the dwelling units shall consist of all land and recreational areas held in common by the owners of the dwelling units in the development. This shall include, but not be limited to, private streets, parking areas, utility systems, parks, buffer areas, recreational areas to include tennis courts, pools, golf courses, storage areas, and wetlands. Permanent common areas shall be legally set aside and developed for the common use and enjoyment of all residents of the cluster development and appropriate convenient access shall be provided.

6. Compensating permanent common area shall equal or exceed 25% of the total of individual lot area reductions.

7. Applicable general provisions and supplemental regulations of this Law shall apply to all cluster residential development

C. Standards for Development of Clustered Multiple Attached Dwellings (Apartments, Condominiums, Townhouses) -

1. A Cluster multiple-family residential development shall not be less than 5 acres of contiguous undeveloped area under single ownership.

2. Multiple dwellings (attached) shall be listed as an allowable use in the district in which the use is allowed.

3. An approved municipal or community sewage and water system must be utilized if available. If unavailable, abide by the County Health Department Requirements.

4. The per acre density may be increased up to 50% (e.g. from 6 units per acre to 9 units) over that specified in the area requirements for the district as long as the overall density of the project is maintained at or below the maximum allowed. This is accomplished by setting aside common areas as defined below.

5. Compensating permanent common area ancillary to the dwelling units shall consist of all land and recreational areas held in common by the owners of the dwelling units in the development. This shall include, but not be limited to, private streets, parking areas, utility systems, parks, buffer areas, recreational areas to include tennis courts, pools, golf courses, storage areas, and wetlands. Permanent common areas shall be legally set aside and developed for the common use and enjoyment of all residents of the cluster development and appropriate convenient access shall be provided.

6. Applicable “general provisions” and “supplemental” sections of this Law shall apply to all cluster residential development.

D. Application and Procedures for Establishing a Cluster Residential Development -

1. Application for establishing a cluster residential development shall be made to the Zoning Enforcement Officer who shall refer the application to the Municipal Board and Planning Board.

2. The application shall include:

   a. Names and addresses of owner and developer;
   b. Written statements concerning need for development and suitability of site, potential impact on abutting properties and the neighborhood, development schedule for private and common areas, method of disposition of common areas including pertinent documents regarding owner’s association or other organization and long-term maintenance, estimates of annual maintenance costs, other pertinent information;
   c. Location map drawn to scale of not less than 1 inch equals 1,000 feet showing subject parcel, existing and proposed access streets and nature of abutting development;
   d. Overall development plan drawn to scale of 1 inch equals 10 feet with contour interval of 2 feet, showing exact size and shape of the subject parcel, natural features to be

preserved, proposed residential lots and their dimensions, internal and surrounding streets and all other provisions for pedestrian and vehicular access and circulation, off-street parking and loading areas, utility rights-of-way, or installations on or near the property, location, dimensions and areas of proposed open space or other commonly held facilities which are part of the compensating permanent common area, comparison of total area of residential lot reduction with total area of common area, nature and location of public or private utilities which would serve the residential cluster;

e. Preliminary landscaping and drainage plans at a scale of 1 inch equals 10 feet with 2 foot contour intervals and/or;
f. Preliminary architectural and engineering drawings to show the nature of residential and open space or recreational facilities proposed.

E. Action by Town Board and Planning Board

1. The Planning Board shall receive a concept plan for each cluster residential development. They shall review and provide comment back to the developer and make recommendation to the Town Board in accordance with Article X.

2. The Town Board may hold an informational meeting in addition to a required public hearing to receive local opinion and reaction and shall make information concerning the proposal available to the public before such meeting.

Section D-2 Planned Unit Developments

A. Intent and Purpose

It is the intent and purpose of this article to authorize residential development in the Town consistent with Section 103 and in a manner that preserves open spaces, encourages the inclusion of aesthetically planned landscaping, recreational facilities and open spaces and also permits flexible land-use and building design so that neighborhoods or portions thereof may be developed with the Town that incorporated a variety of residential units and building types of greater density than is permitted for the district in which the project is located. Such flexibility will permit innovation in residential development while at the same time encourage preservation of open spaces and natural resources, it anticipates the creation of recreational facilities and the inclusion within P.U.D.'s of tasteful and appropriate landscaping all designed to improve the well-being, health and general welfare of the residents and to enhance the aesthetics of the project area.

B. Density and General Plan

The P.U.D. is an authority granted by a Special Use Permit to allow construction of dwelling units within the designated area approved for development of the P.U.D. and without regard to the land area limitations of the district in which the P.U.D. is made applicable. The P.U.D. is subject to all of the terms and conditions of this article which must be met by the applicant to qualify for the issuance of the implementation of the terms incorporated into and made part of the Special Use Permit issued in the event of approval of the application. No permit for the erection of any building in such development shall be granted until the developer or his authorized agent shall apply for and receive approval of such P.U.D. in accordance with the procedures of this article.

C. P.U.D. Qualifications

To qualify for a P.U.D., applications which may authorize an increase in the density of the area of the approved parcel over the area limitations of the District in which the parcel is located, the owner shall meet the following minimum requirements:

1. Submit an application that pertains to a parcel of land in single or common ownership comprising at least five (5) acres.

2. Where the tract or parcel of land is served by a community or public water system and a sanitary sewer system, undertake with appropriate assurances that each residential unit of the project shall be connected to and serviced by both such facilities in accordance with the regulations and conditions prescribed by the appropriate sewer or water district or other provider of the facility;

3. Where no community or public system exists as comprehended in C(2) above or such connection is shown not to be feasible, then the applicant shall undertake to have designed and constructed a central water supply and/or sewage treatment system to serve all dwelling units in accordance with the standards and subject to the approval of the Chautauqua County Department of Health and the New York State Department of Environmental Conservation;

4. At least forty percent (40%) of the gross area of the site shall be preserved as permanent open space, free of buildings, roadway and parking areas and such preservation shall be legally assured, by filing of appropriate covenants, deed restrictions, park districts, or other agreements to the satisfaction of the Town Board. Common recreational facilities such as swimming pools, tennis courts, basketball, volleyball, beach areas, playground equipment and shuffleboard courts for the use solely of the residents of the P.U.D. and their guests may be credited toward the forty percent (40%) required open space;

5. One and one half off-street parking places shall be provided for each density unit.

6. The use of living plant material as an adjunct to granting a special use P.U.D. permit shall be mandatory. Landscape materials shall be utilized in a positive manner in all P.U.D.'s for architecture elements, space articulation, screening, privacy control, erosion control and acoustical control and other landscape planning to preserve and enhance the aesthetics of the area in a natural setting.

D. P.U.D. Process and Procedure

The process and procedure for obtaining a Special Use Permit to establish and construct a P.U.D. requires approval of the concept by the Town Board after receipt of the report and recommendation of the Planning Board on Concept Approval. Approval of the Preliminary Plan and following a public hearing on the application, final approval by the Town Board of the Special Use Permit pursuant to Appendix D-2 (K).

The P.U.D. process entails substantial planning, commitment and financial undertaking on the part of the applicant and involves important matters of public policy, safeguarding the Town's

best interest and responsibility for the health, safety, comfort, convenience and general welfare of its inhabitants.

E. Standards and Criteria

Permitted Uses in a P.U.D.:

1. Any dwelling use or related structure permitted and as regulated in Residential (R-2) district.

2. Subsidiary, commercial and/or recreational uses:

   a. Swimming pools - public/private
   b. Marina
   c. Eating and drinking establishments
   d. Public parks
   e. Boathouse/dock/pier - public/private
   f. Boating facilities, rentals, repair and sales of boats
   g. Retail sales
   h. Commercial recreation
   i. Tennis courts - public/private
   j. Fishing facilities/sale of fishing equipment and live bait for fish
   k. Country clubs/golf course
   l. Sports activities - public/private
   m. Biking and hiking trails
   n. Miniature golf facilities
   o. Tour boats, commercial charter and party fishing boats
   p. Maritime/Agricultural museums
   q. Playgrounds/picnic areas/nature parks

G. Definitions applicable to this article:

1. Density Unit: A dwelling unit containing not less than 800 square feet designed for use by not more than one family.

2. Dwelling (as defined in Appendix E of this Zoning Law)

3. Story (as defined in State Uniform Fire Prevention and Building Code)

H. Standards and Application Procedure:

1. The minimum land area required to qualify for a P.U.D. permit shall be a contiguous parcel of five (5) acres or more. Only qualified parcels located in Residential (R-2) districts shall be eligible for application for a P.U.D. district.
2. The maximum number of density units in any P.U.D. approved project shall not exceed six (6) per acre of land plus a pro rata portion of less than an acre and the total square feet of all

density units combined shall not exceed 8,400 square feet per acre of land. In the event the P.U.D. approved project has a common boundary line with a golf course or park, the Town Board may authorize an increase in the density units and authorized square feet of these buildings of thirty-three and one third percent (33-1/3%) per acre to the number of acres in the P.U.D. approved project the Town Board finds is reasonably benefited within the meaning and purpose of this article taking account of such factors as the layout and location of the density units within the P.U.D. approved project and the amount of common boundary with the golf course or park, provided the owner of record of the golf course or park, as applicable shall by covenant added to the deed have restricted the use of the land occupied by the golf course or park to such use. If the applicant has not furnished satisfactory evidence of such covenant by a date fixed by the Town Board as a condition of the P.U.D. Special Use Permit, then such additional density per acre shall be deemed withdrawn as of the date of the issuance of the P.U.D. Special Use Permit. In all cases, the maximum number of density units shall be determined and approved by the Town Board and shall be included as one of the conditions of the Special Use Permit.

3. No dwelling unit shall be less than 800 square feet of enclosed living space. No structure may be built which exceeds 2-1/2 stories in height.

4. Evidence that the applicant owns the property to be included in the entire P.U.D. area must be submitted to the Planning Board. The word "own" shall, in addition to its customary meaning include the right of the applicant to purchase by contract or option the premises which is the subject of the P.U.D. application.

I. Concept Plan and P.U.D. Procedure

1. The Planning Board shall receive for initial Concept approval the application for any development. Such application shall be in a form sufficient to enable the Planning Board to evaluate the proposed P.U.D. project for general health, safety and welfare consideration and compatibility with this article and the comprehensive planning of the Town. The Planning Board shall review the application for concept approval and make recommendation thereupon to the Town Board.

The application for concept approval shall contain a written description of the proposed P.U.D. project as Part of the application and shall also include the following:

2. A description of the land area comprising the proposed P.U.D. project and the present use of the parcel, including building and structures thereon.

3. A description of the character of the proposed P.U.D. and the number of density units proposed to be built, the general lay-out and location and the type of ownership that shall apply to the respective density units and the total area to be covered by the density units.

4. A description of land surrounding the proposed P.U.D. district and evidence that the proposal is compatible with the Town's comprehensive planning goal.

5. A description of the estimated costs of completing the entire project and indication of how the applicant plans to finance the cost.

6. A description of the municipal services to be requested or that are required of the Town and the estimated municipal costs to provide same.

7. General statements as to how common open space is to be owned and maintained.

8. A proposed time table for development and if a staged development, a general indication of how the staging is planned.

9. The present ownership of all lands included within the proposed P.U.D. area.

10. A statement as to the vehicular traffic impact, both within the district and to surrounding areas, and the basis upon which the statement is predicated.

11. Any evidence that tends to demonstrate the applicant's ability to carry out the plan both physically and financially.

12. Commercial facilities, open spaces, privacy hedges, landscaping and other aesthetic amenities to be included in the project to justify the applicant's request for issuance of a P.U.D. Special Use Permit.

13. The Planning Board, after receiving the application and plans herein, shall consider the same and make a full report to the Town Board not later than thirty (30) days after the receipt of the application.

14. The Town Board after having received the report and recommendation of the Planning Board shall act on the application for concept approval within 30 days and furnish the applicant its decision. If the Town Board rejects the concept proposal, it shall submit its reasons in writing to the applicant. The decision of the Town Board shall be final and binding.

15. In the event that the Town Board indicates that the concept meets with its approval, such decision shall be forwarded to the Planning Board. The approval of the concept plan in no way represents a commitment by the Town Board if and when an application for a P.U.D. Special Use Permit shall come before the Town Board.
Where SEQR review or the approval of any governmental agency other than the Town Board may be required in connection with the authorizing or implementing of the applicant's P.U.D. concept, the applicant should be aware that such review or approval must be completed before the Town Board will hold a public hearing.

J. Application for Phase One Preliminary Plan Approval
Following approval of the concept plan by the Town Board, the applicant shall submit the preliminary P.U.D. plan to the Planning Board. The preliminary P.U.D. plan shall be

approximately to scale, though it need not be so precise as to constitute finished engineering drawings. The following items shall be clearly shown on the preliminary plan:

1. The location of various uses and the area of each use.

2. The general outlines of the main interior roadway systems, and all existing right-of-ways and easements, whether public or private, sidewalk and parking areas.

3. Delineation of the various density units, indicating the location and area of each unit, how many stories in each unit and the total area to be covered by density units.

4. All open spaces including details of recreational facilities.

5. The overall drainage system.

6. Existing and proposed topographical contours must be shown at intervals of not more than ten (10) feet.

7. A statement as to how common open space is to be owned and maintained, and a commitment that the Town shall be granted easement over all roads and necessary easements over common open spaces.

8. If the project is a staged development, a specific statement of how staging is planned and the timetable for each stage.

9. General landscaping.

10. Water supply and sewage disposal facilities.

11. The types of and color of materials to be used on exterior of any buildings or structures.

12. The Applicant's plans shall have been submitted and found not to be incompatible with the State Environmental Quality Review Act.

If engineering services are found by the Planning Board to be necessary, the costs incurred by the Planning Board for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan shall be charged to the applicant, as incurred by the Planning Board or the Town. These costs shall not exceed 2% of the total cost of the proposed project unless there be a prior agreement between the Town Board and the applicant.
The information furnished shall be compatible with the submission for concept approval and the applicant shall reconcile any differences or contradictions to the satisfaction of the Planning Board. The Planning Board shall review this preliminary P.U.D. plan and any additional information submitted therewith, and shall, within forty (40) days thereafter, render a recommendation to the Town Board. The Planning Board may approve the preliminary plan as submitted, approve the preliminary plan contingent upon the applicant accepting

recommendation of the Planning Board, or disapprove the preliminary plan. If disapproved, the Planning Board must set forth its reasons for disapproving the preliminary plan.

K. Application for P.U.D. Special Use Permit and Procedures

1. Upon recommendation by the Planning Board approving the preliminary P.U.D. Plan, the applicant shall submit to the Town Board its application for a P.U.D. Special Use Permit which when complete shall be acted upon by the Town Board only after a public hearing in relation thereto. Notice of such public hearing shall be published in the official newspaper of the Town at least five (5) days prior to the date of such public hearing after which the Town Board shall act on said application.

2. The Town Board shall refer the application, when required by law, to the County Planning Department.

3. Where review by the County is required, the Town Board shall submit required documents to the County Planning Department at least thirty (30) days prior to the public hearing and the Town Board shall render its decision within forty (40) days after the public hearing.

4. The Town Board, in considering an application hereunder, shall make specific findings in a written decision whether in favor of granting or denying the Special Use Permit. In rendering such decision, the Town Board may exercise such discretion reserved for legislative matters so as to ensure that public health, welfare and safety are protected and environmental resources and aesthetic concerns are most efficiently programmed and safeguarded and that any authorization hereunder shall not create fiscal burdens upon the community at large or an adverse impact upon adjacent property owners and the intent and purpose of the Zoning Law are fulfilled. Denial of an application under this article shall not bar or prevent the use or uses of the parcel under consideration in accordance with the applicable terms, conditions and requirements of the district in which the parcel is located upon the applicant making a new application and the Town granting a permit therefor

5. The Town Board may make its approval contingent upon the applicant meeting specific requirements set forth by the Town Board in its Special Use Permit which the Town finds are necessary for the health, safety and welfare of the Town's residents or visitors to the Town, or in keeping with the overall comprehensive planning for the Town as well as aesthetic considerations.

6. A Special Use Permit granted for a P.U.D. shall be deemed null and void if substantial construction has not begun within twelve (12) months from the date upon which the Special Use Permit was approved by the Town Board unless otherwise extended by resolution of the Town Board.

7. Notwithstanding the issuance of a P.U.D. Special Use Permit all the requirements of this Local Law or other relevant State, County, or other Local Laws requiring the obtaining of building permits or other permits, licenses or regulatory approvals shall not be dispensed

with as a result of the P.U.D. Special Use Permit. Any such other or additional permit, license, or approval shall be obtained by the applicant according to the rules governing such license, permit or approval.

Section D-3 Site Plans

The Planning Board is hereby authorized to review and approve site plans for ALL land uses with the Town of Ripley as herein under designated pursuant to and in accordance with the standards and procedures set forth in this Local Law.

A. Applicability of Review Requirements

1. Site Plans should be required for the following in the R-1, R-2, C-1, C-2, and the Manufacturing and Industry District:

   a. All manufacturing and industrial uses as herein defined
   b. Commercial structures greater than 5,000 square feet.
   c. Outdoor storage or warehousing facilities whether totally enclosed, partially enclosed, or unenclosed involving 5,000 square feet or more.

2. Site Plans shall be required for the following uses in the Agricultural District.

   a. All manufacturing and industrial uses as herein defined
   b. Commercial structures 10,000 square feet or more.
   c. Conversions of existing structures having an interior square footage greater than 12,500 square feet.
   d. Outdoor storage or warehousing facilities, whether totally enclosed, partially enclosed or unenclosed involving 12,500 square feet or more.

B. Effect on Existing Uses

This section does not apply to uses and structures that are lawfully in existence as of the day on which this Local Law becomes effective. Any use which would otherwise be subject to this Law, that has been discontinued for a period of one (1) year or more shall be subject to review pursuant to the terms of this Law before such use is resumed. Any use or structure shall be considered to be in existence provided the same has been substantially commenced as of the effective date of this Local Law and fully constructed and completed within one (1) year from the effective date of this Law.

C. The Zoning Officer

The Zoning Officer shall notify an applicant for a zoning permit where site plan approval is required of the provisions of this section and require approval of same by the Planning Board prior to issuance of any permits.

1. Site Plan Checklist:

   a. Title of drawing, including name & address of applicant and person responsible for preparation of such drawing

b. North arrow, scale and date;
c. Boundaries of the property plotted to scale
d. Existing water courses
e. Grading and drainage plan, showing existing and proposed contours;
f. Location, design, type of construction, proposed use and exterior dimensions of all buildings;
g. Location, design and type of construction of all parking and truck loading areas, showing access and egress
h. Provision for pedestrian access
i. Location of outdoor storage, if any;
j. Location, design and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences;
k. Description of the method of providing potable water and sewage disposal and, if not public-provided, location, design and construction materials of such facilities;
l. Location of fire and other emergency zones, including the location of fire hydrants
m. Location, design and construction materials for any energy distribution facilities, including electrical, gas and solar energy
n. Location, size, and design and type of construction of all proposed signs including illumination
o. Location and proposed development of all buffer areas, including existing vegetative cover
p. Location and design of outdoor lighting facilities including Type, wattage spillover elimination;
q. Identification of the location and amount of building area proposed for retail sales or similar commercial activity
r. General landscaping plan and planting schedule
s. An estimated project construction schedule
t. Record of application for and approved status of all necessary permits from state and county officials
u. Identification of any state or county permits required for the project's execution; and other elements of information integral to the proposed project as is considered necessary;
v. Submission of all previously completed SEQR materials, documentation and findings if required by law
w. SEQR reviews not previously initiated shall proceed before the Planning Board

2. In complying with the above checklist, formal engineering or architectural drawings will not be required unless the Planning Board deems them necessary.

D. Review of Site Plan

The Planning Board's review of the site plan shall include, as appropriate, but is not limited to, the following general considerations:

1. Location, arrangements, size, design and general site compatibility of buildings, lighting and signs;

2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls

3. Location, arrangement, appearance and sufficiency of off-street parking and loading;

4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian conveniences;

5. Adequacy of storm water and drainage facilities;

6. Adequacy of water supply and sewage disposal facilities;

7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation;

8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants;

9. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

E. Planning Board Action on Site Plan

1. The Planning Board, within 30 days of the receipt of a complete application for site plan approval, shall render a decision, file said decision with the Town Clerk, and mail such decision to the applicant with a copy to the Zoning Officer; except the time within which a decision must be rendered may be extended by mutual consent of the Applicant and Planning Board in writing and recorded with the Town Clerk.

2. Upon approval of the site plan and payment by the applicant of all fees and reimbursable costs due to the Town, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward a copy to the applicant, Zoning Officer, and file same with the Town Clerk.

3. Upon disapproval of a site plan, the Planning Board shall so inform the Zoning Officer and the Zoning Officer shall deny a zoning permit to the applicant. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval. Such disapproval shall be filed with the Town Clerk.

F. Reimbursable Costs

Costs incurred by the Planning Board for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan shall be charged to the applicant, as incurred by the Planning Board or the Town. These costs shall not exceed 2% of the total cost of the proposed project unless there be a prior agreement between the Town Board and the applicant.

G. Performance Guarantee

No certificate of occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guarantee has been posted for improvements not yet

completed. The Town Board shall determine the sufficiency of such performance guarantee after consultations with the Planning Board, Zoning Officer, Town Attorney and other appropriate parties.

H. Inspection of Improvements
The Zoning Officer shall be responsible for the overall inspection of site improvements including coordination with the Planning Board and other officials and agencies, as appropriate.

I. Integration of Procedures
Whenever the particular circumstances of proposed development require compliance with either the Special Use procedure in this zoning ordinance or other requirements of the Town, the Planning Board shall attempt to integrate, as appropriate, site plan review as required by this section with the procedural and submission requirements for such other compliance.

J. Appeals
Appeals from the decisions on site plans are taken to the State Supreme Court in an Article 78 proceeding. However, a Zoning Board of Appeals may vary specific standards relating to an area variance, which the Planning Board would otherwise be bound by in reviewing site plans. The Planning Board shall inform the applicant of his right to apply to the Zoning Board of Appeals for an area variance to reduce the minimum requirement. However, when this occurs, the variance in no way affects the Planning Board's powers with respect to other specific standards for which no variance was granted. Any issuance of an area variance for one of the specific standards is no guarantee that the Planning Board will approve the site plan.

APPENDIX E – DEFINITIONS

ACCESSORY BUILDING OR USE - An accessory building or use is one which:

A. Is subordinate to and serves a principal building or principal use.

B. Is subordinate in area, extent or purpose to the principal building or use.

C. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served.

D. Is located on the same lot at the principal building or principal use served.

ACCESSORY DWELLING UNIT - Includes but is not limited to a travel trailer, motor home, truck, camper or tent occupied by persons other than those generally residing in the primary dwelling unit and is located on the same parcel as the primary unit.

ADULT BUSINESSES – See Section 636 B, 1-12; 636 C, 1-10. The definitions provided in Section 636 B&C shall apply and condition other sections of the entire Town of Ripley Zoning Law as may be applicable.

AGRICULTURAL BUSINESS - Any full or part-time commercial business which is operated in any zoning district on 1 or more acres with gross annual sales of $1,000 or more. Examples of specific uses include, but are not limited to raising of crops, livestock, lumbering, maple syrup operations, etc.

AGRICULTURE, LIMITED - The production of crops, plants, vines and trees, provided no substantial odor or dust is produced within 100 feet of any building or adjacent property.

ALTERATION - A change to a building or structure means a rearrangement of the structural parts, or in the existing facilities, or an enlargement, whether by extending on a side or by increasing the height, or the moving from one location or position to another.

APARTMENT HOUSE - A building arrangement, intended or designed to be occupied by more than two (2) families living independently of each other.

ASH FILL - Any landfill designed to accept ash, ash residue, bottom ash, combined ash or fly ash.

ASH RESIDUE - All the solid residue and any entrained liquids resulting from the combustion of solid waste at a solid waste incinerator, including bottom ash, boiler ash, fly ash and the solid residue of any air pollution control device used at a solid waste incinerator.

BED AND BREAKFAST - a single-family dwelling that is in part utilized for overnight guests who pay for lodging and limited meals.

BOARDING HOUSE - Any single-family dwelling unit lived in by a family where, for compensation, guestroom lodging is provided with or without meals for up to two (2) individuals. The term "Boarding Home" shall include, "Rooming House", "Lodging House" and other similar terms.

BOTTOM ASH - The ash residue remaining after combustion of solid waste in a solid waste incinerator that is discharged through and from grates or stoker.

BUFFER - A strip of land, fence or border of trees, etc. between one use and another, which may or may not have trees and shrubs planted for screening purposes designed to set apart one use area from another. An appropriate buffer may vary depending on uses, districts, size, etc., and shall be determined by the Permitting Board.

BUILDING - Any structure having a roof supported by columns or by four independent, non-party walls and intended for the shelter, housing or enclosure of persons, animals or chattel.

BUILDING AREA - The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between the exterior faces of the walls.

BUILDING LINE - A line formed by the intersection of a horizontal plane of average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered section of a building or projected roof or porch, the vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line.

BUILDING PERMIT - Written approval by the Town's designated enforcement officer in accordance with the NYS Fire and Building Code to construct or alter a structure or use a parcel of land in a specified way.

BUILDING SETBACK LINE - An established line within a property defining the minimum required distance between the face of any structure to be erected and the right-of-way of an adjacent highway.

BUSINESS, GENERAL - Any commercial operation dealing in retail sales or services. The determination of which type of business (e.g., retail or services) is being initiated shall be determined by the Permitting Board.

BUSINESS, LIMITED - Any commercial operation dealing in retail sales or services of a smaller nature.

COMBINED ASH - The mixture of bottom ash and fly ash.

COMMERCIAL HAZARDOUS WASTE, TREATMENT, STORAGE OR DISPOSAL FACILITY - Any facility that solicits or accepts hazardous waste from any party for the purpose of treating, storing or disposing of hazardous wastes.

COMMERCIAL WASTE - Solid waste generated by stores, offices, warehouses and restaurants.

CONSTRUCTION AND DEMOLITION DEBRIS - Uncontaminated, inert solid waste resulting from the construction, remodeling, repair and demolition of structures and from road building and land clearing. Such waste also includes, but is not limited to, bricks, concrete, and other masonry materials, soil, rock, wood, wall covering plaster, drywall, plumbing fixtures, electrical fixtures, non-asbestos insulation, roofing shingles, asphaltic pavement, glass, plastics that are not sealed in a manner that conceals other wastes and metals that are incidentals to any of the above.

CONVENTIONAL DWELLING UNIT - See Dwelling Unit.

CONVERSION residential- see Residential Conversion

DISCHARGE - Means the accidental or intentional spilling, leaking, pumping, emitting, emptying, or dumping of any solid waste constituents, including leachate, into or on any air, land, or water.

DOMESTIC ANIMAL - For the purposes of this Law a domestic animal shall include dogs and cats only.

DRIVE IN - Businesses designed to either wholly or partially provide services or products to customers while in their automobiles parked on the premises. Examples include, but are not limited to, film shops, drive-in theaters, fast food restaurants and banks.

DUPLEX - A dwelling arranged, intended, or designed to be occupied by 2 families living independently of each other.

DUST RETARDATE MATERIAL - The make-up of a driveway or parking area such that the dust normally produced by vehicle travel is retarded so that it does not cause a significant nuisance. Examples of acceptable materials include gravel base with oil or salt brine solution intermixed.

DWELLING UNIT –

A. Conventional - A permanent single-family or multiple-family dwelling unit that is built on site using conventional "stick" construction techniques among others. Included in this category are pre- cut homes which refers to a conventional dwelling unit built on site utilizing wood framing members that are pre-cut in a factory to the correct lengths but delivered to the building site unassembled. For the purpose of this Law, a pre-cut dwelling unit shall be considered the same as a conventional dwelling unit and shall not be considered a manufactured home.

B. Modular - A permanent single-family or multiple-family dwelling unit which is brought to the building site as 1 or more units on a transport trailer. Modular dwelling units have no support frames but instead are placed on a separate foundation. Modular dwelling units contain the same utility systems as conventional dwelling units. Modular dwelling units are not designed to be moved after they have been lifted onto a foundation.

C. Prefabricated - A permanent single-family or multiple-family dwelling unit which is brought to the building site in large sections or panels, usually 8 feet high and up to approximately 40 feet long. Often the doors and windows are factory installed in the panels with the wall panels designed to be erected immediately after delivery. Prefabricated dwelling units are sometimes referred to as panelized units.

1. Mobile Home - A transportable, fully assembled single-family dwelling unit suitable for year-round occupancy. Mobile dwelling units contain the same utility systems (water, waste, electricity) as found in conventional dwelling units. Mobile dwelling units are supported by a chassis that is an integral part of the unit. Mobile dwelling units are not designed to be lived in except when set up on a lot with proper utilities. This includes doublewide mobile dwelling units, but does not include travel trailers that are self-contained. For the purpose of this Law, mobile homes are listed separately as allowed uses as are conventional dwelling units (stick built/pre-cut, modular, and prefabricated/panelized).

F. Manufactured Housing - general category of housing construction denoting single-family detached or attached multi-family dwelling units which are partially or totally constructed away from the site where they are to be placed for occupancy. Included in this category are mobile homes, modular housing, and prefabricated/panelized housing.

COTTAGE COMMERCIAL:- A temporary or seasonal residential rental use of a structure or accommodations whether attached or not.

EATING AND DRINKING ESTABLISHMENTS - Places where food and/or beverages are prepared and/or sold for consumption on the premises or for take out, including restaurants, tearooms, cafeterias, bars, taverns, lunchrooms, and banquet/reception hall.

ENVIRONMENTAL ASSESSMENT FORM - New York State Environmental approval form to use in determining the tentative environmental effect of any project.

ENVIRONMENTAL-ORIENTED - Use or produce environmentally restricted materials; locate where they are permitted.

ESSENTIAL SERVICES - The erection, construction, alteration or maintenance by the public utilities or municipal or other governmental agencies, of gas, electrical, steam, water, sewage and communication systems and facilities. Railroad trackage and facilities and bus shelters shall also be considered as providing an essential service.

FAMILY - One or more persons, generally related by birth, marriage, or other domestic bond, occupying a dwelling unit and living as a single nonprofit housekeeping unit.

FARM - Means the use of real property for the raising or harvesting of any agricultural or horticultural commodity through the cultivation of the soil, or the raising, shearing, feeding, caring for, training, or management of livestock, bees, poultry, fur-bearing animals, or wildlife. It includes necessary farm structures and the storage of equipment used.

FARM RELATED - Any activity, use or structure that is associated with commercial agriculture pursuits. Included would be independent businesses, which have over 50% of their sales, tied to agricultural activities or uses.

FARM ANIMAL - Any non-domestic animal customarily found on a farm which if not adequately controlled may cause nuisances.

FENCE - Any artificially constructed barrier or vegetation barrier, such as a hedge, with the purpose or intent of preventing passage or view, thus providing privacy.

FENCE, FARM - Any fence, whether located on a farm or not, which has as its primary purpose the control of non-domestic animals.

FENCE, BARRIER - Any fence that is located near the perimeter of the property of which it is intended to provide privacy.

FENCE, NON-BARRIER - Any fence located a distance from the property line that provides privacy to a portion of land such as a patio or swimming pool.

FLEA MARKET - An open air market place where used articles, antiques, collectibles, or other merchandise is offered for sale on fixed days and where space may be leased or rented to vendors, and where ample parking space is provided off the public streets or highways.

FLOOR AREA RATIO - The gross floor area of all buildings on a lot divided by the area of such lot, except as otherwise expressly provided in this local law.

FLOOR SPACE - The sum of the gross horizontal areas of floor or floors of a building that are enclosed and usable for human occupancy or the conduct of business. Said areas shall be measured between the outside face of the exterior walls, or from the centerline of walls separating two uses. Said areas shall not include areas below the average level of the adjoining ground, garage space or accessory building space.

FLY ASH - The ash residue from the combustion of solid waste that is entrained in the gas stream of the solid waste incinerator, which includes, but is not limited to, articulates, boiler ash, cinders, soot, solid waste from air pollution control equipment.

GARAGES, PRIVATE - A secondary building used in conjunction with a primary building that provides for the storage of motor vehicles and general storage.

GARAGES, PUBLIC - Any garage, other than a private garage, operated for gain, available on a rental basis for the storage of motor vehicles, including the supply of gasoline and oil.

GASOLINE SALES, RETAIL - The sale of fuel and related oil products and/or the sale of general retail items including food products or general business sales as defined in Appendix E.

GRAVEL PIT (QUARRY, SAND PIT) - A lot or land or part thereof used for the purpose of extracting stone, sand, gravel or top soil for sale, as an industrial operation and exclusive of the process of grading a lot preparatory to the construction of a building for which application for Zoning Permit has been made.

GROSS FLOOR AREA - The total horizontal area of all stories of a building or buildings measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the center line of such common walls and including any basement used for the principal use or for a dwelling unit by other than a janitor or watchman, but excluding porches, terraces and balconies.

GROUP CARE FACILITY - A facility which provides services in a common household in an extended family atmosphere to two or more individuals, not related by blood, marriage or adoption, who are in need of supervision due to a physical and/or mental handicap, disability, violation of a penal law, and adjudication of delinquency and/or an addiction to drugs and/or alcohol.

HAZARDOUS WASTE - Waste meeting the definition set forth in 6 NYCCR, Part 371, Solid Waste Management DEC Publication.

HEALTH OR SPORT CLUBS - Facilities designed and used principally for sports or body conditioning and rehabilitation.

HEAVY VEHICLE - See Supplemental Section 630 on Heavy Vehicles

HEIGHT - The vertical distance from the highest point on a structure (excepting chimneys and other items listed in Article V, Section 504 on Height) to the average ground level of the grade where the wall or other structural elements intersect the ground.

HOME OCCUPATION - Any commercial use customarily conducted entirely within a dwelling or accessory to the structure which is clearly incidental and secondary to the use of the lot; does not change the character of the dwelling; has no external evidence of such use or exterior storage of materials or equipment; except that no more than one (1) person, at any one time, non-resident of the dwelling may be employed. Refer to Section 600.

HOUSEHOLD SALE - Household sale for the purpose of this Law shall include lawn sales, patio sales, garage sales, basement sales, flea markets, bazaar or other similar types of sales. A household sale shall be distinguished from a business in that it involves the infrequent sale of used merchandise which, for private sales, was NOT obtained from outside the household. Nonprofit or fraternal organizations on the other hand may obtain their sale items from donations received from members or other sources.

HOUSEHOLD WASTE - Solid waste generated from residential sources.

INDUSTRY - The manufacture, preparation, processing, milling or repair of any article, substance or commodity.

INDUSTRIAL WASTE - Any liquid, gaseous, or solid waste substance or combination thereof resulting from any process of industry, manufacturing, trade or business. It shall include, but not be limited to, pesticides, lime, acids, chemicals, petroleum products, tar and dyestuffs.

INFECTIOUS WASTE - Means the following:

A. Surgical Waste - Materials discarded from surgical procedures involving the treatment of a patient on isolation, other than patients on reverse or protective isolation.

B. Obstetrical Waste - Materials discarded from obstetrical procedures involving the treatment of a patient on isolation, other than patients on reverse or protective isolation.

C. Pathological Waste - Discarded human tissues and anatomical parts that are discarded from surgery, obstetrical procedures, autopsy and laboratory procedures.

D. Biological Waste - Discarded excretions, exudates, secretions, suctions, disposable medical supplies which have come in contact with these substances that cannot be legally discarded into a sewer and that emanate from the treatment of a patient on isolation, other than patients on reverse or protective isolation.

E. Discarded materials soiled with blood emanating from the treatment of a patient on isolation, other than patients on reverse or protective isolation.

F. All waste being discarded from a renal dialysis, including tubing and needles.

G. Discarded serums and vaccines that have not been autoclaved or returned to the manufacturer or point of origin.

H. Discarded laboratory waste.

I. Animal carcasses exposed to pathogens in research, their bedding and other waste from such animals, that is discarded.

J. Other materials or articles that are being discarded that are potentially infectious and that might cause punctures or cuts, including hypodermic needles, intravenous needles and intravenous tubing with needles attached that have not been autoclaved or subjected to a similar decontamination technique and rendered incapable of causing punctures or cuts.

JUNK VEHICLE - Any unregistered, old or secondhand vehicle no longer intended for legal use on public highways. Vehicles utilized for agricultural purposes shall not be considered junk vehicles.

JUNK YARD - See Definitions of Scrap Yards and Vehicle Dismantling Yards and Appendix Section D-7.

LANDFILL OR SANITARY LANDFILL - Any disposal area for solid waste in or upon the ground.

LARGE GROUP GATHERING - Any gathering of 500 or more people occurring on a non-regular basis (i.e. concert).

LOT - A parcel of land occupied, or designed to be occupied by one building and the accessory buildings or uses customarily to it, including such open space as are required by this Zoning Law.

LOT, SIZE - An area of land which is determined by the limits of the lot lines bounding that area and expressed in terms of square feet or acres.

LOT, COVERAGE - That percentage of the lot which is devoted to building area. District regulations refer to the maximum percentage of the lot area devoted to building area.

LOT LINE - Any line dividing one lot from another.

LOT WIDTH - The horizontal distance between the side lot lines measured at right angles to its depth at the building line.

MANUFACTURED HOME - See Dwelling Unit

MOBILE DWELLING UNIT - See Dwelling Unit. (Same as Mobile Home)

MOBILE HOME - See Dwelling Unit.

MODULAR DWELLING UNIT - See Dwelling Unit.

MOTOR HOME - A self-propelled, relatively small temporary living quarters unit generally used as a mobile vacation home. Motor homes generally have self-contained, independent utility systems.

MOTOR VEHICLE SERVICE STATION - Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle accessories and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles, but not including the painting thereof by any means, body and fender work, or the dismantling or replacing of engines.

MUNICIPALITY - shall mean the Town for which this Law applies.

MOBILE HOME PARK – means a parcel of land that has been planned and improved for the placement of more than two (2) Mobile Homes, for non-transient use.

NONCONFORMING USE - That use of a building, structure, or land legally existing at the time of enactment of this Zoning Law and which is not one of those permitted in the district in which it is situated.

NUISANCE - A Violation of this Law caused by an offensive, annoying, unpleasant or obnoxious use or characteristics of said use which produce effects of such a nature or degree that they are detrimental to health, safety, general welfare, property values, etc., thus resulting in harm or injury to adjacent or nearby properties. Common examples include excessive odors, noise, smoke, vibration, light, runoff, traffic, development density, etc.

NURSING OR CONVALESCENT HOME - A structure designed or used for residential occupancy and providing limited medical or nursing care on the premises for occupants, but not including a hospital or mental health center.

OFFICE - A place which is used to conduct a business or profession and is occupied by a physician, surgeon, dentist, lawyer or person providing similar services or in whose office the functions of consulting, record keeping and clerical work are performed.

OPEN SPACE - Common, or public, or private greens, parks, or recreation areas, including playgrounds, woodland conservation areas, walkways, trails, stream crossings and drainage control areas, golf courses, swimming pools, tennis courts, ice skating rinks, and other similar recreational uses, but which may not include any such uses or activities which produce noise, glare, odor, air pollution, fire hazards or other safety hazards, smoke fumes, or any use or activity which is operated for a profit or other things detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood.

PANELIZED - See Dwelling Unit, Prefabricated.

PERSON - Any individual, partnership, firm, association, business, industry, enterprise, public or private corporation, political subdivision of the state, government agency, municipality, estate, trust or any other legal entity whatsoever.

PLANNING BOARD - Refers to the Municipal Planning Board of the municipality unless otherwise indicated.

PLAT - A map of a Town, section or subdivision indicating the location

PRE-CUT - See Dwelling Unit, Conventional

PRINCIPAL USE - The main use of land or buildings as distinguished from a subordinate or accessory use.

PRIVATE CAMP - A parcel of land on which a travel trailer, tent, cabin or other structure is present for use on a seasonal basis for leisure or recreation purposes. (See Supplemental Section)

PROSPECTUS - A printed statement disclosing all material aspects of a real estate project.

PUBLIC - Owned, operated or controlled by a governmental agency (Federal, State or Local) including a corporation created by law for the performance of certain specialized governmental functions, a public school district, or service district.

PUBLIC GROUNDS - Parks, playgrounds and other public areas and sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

P.U.D. - A planned unit development (See Appendix D-2)

RESTAURANT - A business enterprise engaged in preparing and serving food and beverages.

RECYCLING - The reuse of solid waste recovered from the solid waste stream into goods or materials suitable for reuse in original or changed forms.

RESIDENCE, SINGLE-FAMILY DETACHED - A detached building designed to contain one dwelling unit.

RESIDENCE, TWO-FAMILY - Either of the following:

A. A building having two side yards and accommodating but two dwelling units.

B. A detached building containing two dwelling units separated by a party wall, each having one side yard.

RESIDENCE, MULTI-FAMILY - A dwelling used or designed for three (3) or more dwelling units including apartment houses, town houses, and condominiums.

RESIDENTIAL CONVERSION- The conversion of a former commercial or industrial structure or facility into a residential use for single or multi-family use and occupation.

ROADSIDE STAND - A wholly or partially enclosed structure generally for the sale of farm produce or products located along the highway.

SCRAP YARD - Any place of storage or deposit of more than 100 square feet, usually of a commercial nature, where metals, glass, rags, etc., are held whether for the purpose of disposal, reclamation, recycling or resale of such including establishments having facilities for processing iron, steel and nonferrous scrap for remelting purposes.

SECTION - Unless otherwise noted section and section numbers shall refer to this Law.

SEMI-PUBLIC - Places of worship, institutions for the aged and children, nurseries, nonprofit colleges, hospital, libraries, cemeteries and institutions of the philanthropic nature. Also, open space.

SHOOTING RANGE - The parcel(s) of land used for discharging of fire- arms with the intent to hit any object (moving or stationary) other than live game.

SIGN - Any structure or part thereof, attached thereto, or painted or represented thereon, which shall display or include any letter, work, model, banner, flag, pennant, insignia, device or

representation used for the purpose of bringing the subject thereof to the attention of the public. The work sign does not include the flat, pennant, or insignia of any nation, state, city, or other

political unit, or of any political, educational, charitable philanthropic, civic, professional, religious, or like organization or the property thereof.

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

SIGN, ADVERTISING - A sign that offers services or goods produced or available somewhere other than the site on which the sign is located. The words "advertising sign" include the word "billboard". Neither directional, nor warning, nor other signs posted by public officials in the course of their public duty shall be construed as advertising signs.

SIGN - BILLBOARD - Any sign with a total of 100 square feet.

SIGN, BUSINESS - A sign for permitted use conducted on the premises which shall identify the written name and/or the type of business and/or any trademark of an article for sale or rent on the premises or otherwise call attention to a use conducted on the premises

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SIGN, DIRECTIONAL - A sign which identifies an attraction or activity and provides directional information useful to the traveler in locating the attraction, such as mileage, route numbers, etc.

SIGN, IDENTIFICATION - A sign for a permitted use conducted on the premises for articles sold or distributed by that use, or displaying the name of the premises.

SIGN, INSTRUCTIONAL - A sign conveying instructions with respect to the use of the premises or a portion of the premises on which it is maintained or a use or practice being conducted on the premises.

SIGN, NAMEPLATE - Any sign attached directly to the wall of a building occupied by the person to whom such a sign indicates the name, occupation and/or address of the occupant. A nameplate shall be not over two (2) square feet in size.

SIGN, PUBLIC - Those signs erected to direct flow, speed and direction of traffic, effect general public safety or name of streets and buildings.

SIGN, TEMPORARY - A sign which offers premises for sale, rent, or development; or announces special events or calls attention to new construction or alteration; or offers a sale of seasonal garden produce, garage, household, porch items or signs of similar nature.

SITE PLAN - A process by which the Planning Board reviews the proposed elements for the siting and/or placement within any project so requiring site plan review under the regulations as specified in the Zoning Law or promulgated by any other State or Local Law.

SOLAR STRUCTURE - Any dwelling unit containing either a passive or active heat storage device which is dependent on direct contact with the sun in order to operate. Said heat storage devices are commonly used to heat totally or partially water, rooms, etc.

3. Definitions

BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM: A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System that is anchored to the ground and attached to a pole or other mounting system, detached from any other structure for the primary purpose of producing electricity for onsite consumption.

LARGE-SCALE SOLAR ENERGY SYSTEM: A Solar Energy System that is ground- mounted and produces energy primarily for the purpose of offsite sale or consumption.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for onsite or offsite consumption.

SOLAR ENERGY EQUIPMENT: Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

SOLAR ENERGY SYSTEM: An electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment.

SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electrical energy.

SOLID WASTE - All materials or substances, putrescible or non-putrescible, that are discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial, commercial and household waste, sludge from air or water treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue and construction and demolition debris. In addition:

A. A material is "discarded" if it is abandoned by being:

1. Disposed of

2. Burned or incinerated, including being burned as a fuel for the purpose of recovering useable energy;

3. Accumulated, stored or physically, chemically or biologically treated (other than burned or incinerated) instead of or before being disposed of.

B. A material is "disposed of" if it is discarded, deposited, injected, dumped, spilled, leaked or placed into or on any land or water.

SOLID WASTE INCINERATOR - Any incinerator in which household wastes and non-hazardous industrial/commercial waste are burned for energy.

SOLID WASTE MANAGEMENT FACILITY - Any facility employed beyond the initial solid waste collection waste process and managing solid waste including, but not limited to, storage areas of facilities, solid waste incinerators, recycling facilities, and waste facilities, transfer stations, rail haul or barge haul facilities, landfills, ash fills, injection wells, brine wells, disposal facilities, solid waste incinerators, recycling facilities and waste tire facilities.

SPECIAL USE PERMIT - A Special Use Permit deals with special permission to occupy land for specific purposes when such use is not permitted by right, but is listed as permitted by a Special Use Permit as provided herein.

STORAGE STRUCTURE - Any constructed combination of materials located or attached to the ground that is utilized for non-inhabited storage purpose. Used trucks and similar motor vehicles shall not be utilized as storage structures.

STORY - That portion of a building included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

STORY, HALF - A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls, are not more than two (2) feet above the floor of such story.

STRUCTURE - A building constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Mobile Homes are not considered structures for the purpose of this Law.

SUBDIVISION - A tract of land divided into two or more lots by the owner, who else is known as a subdivider, into blocks, building lots and or streets according to a recorded subdivision plat.

SUBSTANTIAL IMPROVEMENT - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of them market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specification which are solely necessary to assure safe living conditions. Nor does it include any alterations of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SWIMMING POOLS - Any fabricated receptacle of water (excepting farm ponds) located above or below ground designed for a capacity of over four (4) feet in depth at any point and intended to be used for swimming.

TEMPORARY USE - An activity conducted within a structure or on a tract of land for a specific limited period of time, which may or may not otherwise be permitted by the provisions of this law. For example, a building used in conjunction with new construction that would be removed upon completion of the work.

TOWER - A structure, generally of a commercial nature, the purpose of which is to better enable the transmission or receiving of signals by achieving more height. For the purpose of this law, a tower shall be capable of being climbed without utilizing special equipment and shall not include TV towers unless they are over sixty (60) feet in height as measured from the base.

TOWN HOUSE - A dwelling unit designed to be occupied as a residence for one (1) of a group of three (3) or more attached dwellings, placed side by side, separated by party walls, each containing one (1) or two (2) stories, and each having separate front and rear, or side and rear, or front and side entrances from the outside.

TRASH - Glass, scrap metal, salvaged material, rags, refuse, garbage, wastepaper, salvaged machines, appliances or similar materials, etc., but not to include woodpiles, lumber, building materials, compost, used farm machinery, etc.

TRAVEL TRAILER (CAMPER) - A relatively small temporary living quarter designed to be hauled behind a vehicle. Travel trailers are not designed as permanent living quarters and generally are used on a seasonal basis. They are supported at all times primarily by their own

wheels. Travel trailers generally have self-contained independent utility systems. (See Definition of Accessory Dwelling Unit)

TRAVEL TRAILER CAMPGROUND (COMMERCIAL CAMPGOUND) - A parcel of land used or intended to be used, let or rented on a seasonal basis for occupancy by campers or for occupancy by or of travel trailers, motor homes, tents, or moveable or temporary dwellings, rooms or sleeping quarters of any kind.

UNTREATABLE WASTE - Untreatable waste for a solid waste incinerator includes but is not limited to; nuclear, batteries, such as dry cell batteries, mercury batteries, and vehicle batteries, refrigerators, stoves, freezers, washers, dryers, bed springs, vehicle frame parts, crankcases, transmissions and engines, lawn mowers, snow blowers, bicycles, file cabinets, air conditioners, hot water heaters, water storage tanks, water softeners, oil storage tanks, metal furniture, propane tanks and clean fill.

USABLE OPEN SPACE - Active recreation, sitting or landscaped areas open to the sky. Parking shall not be considered usable open space. Rooftop and atrium spaces that are open to all of the residents of the building may count for up to 10% of the open space requirements if the Planning Board finds that they provide usable open space. For the purposes of open space calculations, an atrium is defined as a continuous area open to a sidewalk and street which is open and unobstructed (except for sitting and landscaping areas) to a height of at least 25 ft. and whose room and wall configuration allows natural sunlight as the main light source.

USE - Any purpose, for which land or a building is designed, arranged, intended or for which it is, or may be occupied or maintained.

VEHICLE DISMANTLING YARD - Any place for storage or where 4 or more unregistered, old or secondhand vehicles, no longer intended for or in condition for legal use on public highways are held, whether for resale of parts or materials, or used parts and waste materials which, when taken together equal in bulk 4 or more vehicles, shall constitute a vehicle dismantling yard. This excludes farm vehicles and facilities for processing iron, steel, and/or nonferrous scrap.

VARIANCE - Permissive waiver from the terms of the Law, as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the Law will result in unnecessary hardship or practical difficulty or what the spirit of the Law shall be observed and substantial justice done and granted by the Zoning Board of Appeals.

WHOLESALE, GENERAL - The sale of commodities in large quantities generally for resale.

YARD, FRONT - The area extending across the entire width of the lot between the building line, or front main wall of a building and the front edge of the road into which space there shall be no extension of building partitions in any district, or parking space(s) including any enveloping wall, fence or hedge around the parking area in any noncommercial districts.

YARD, REAR - The area extending across the entire width of the lot between the rear wall of the principal building and rear line of the lot, and unoccupied except for parking, loading and unloading space, and garages and carports.

ZONING BOARD OF APPEALS - The Zoning Board of Appeals of the Municipality.

ZONING PERMIT - A certificate issued by the Zoning Officer giving written authorization to an applicant to erect, construct, relocate, enlarge, alter or use land in a manner which is in conformity with the Municipal Zoning Law. Conformity refers to being a use allowed "By Right" or "Special Use" in the district in which the use is located as well as meeting all other requirements (setbacks, parking, etc.) as specified in the Zoning Law. Note that the Permitting Board must first approve a use allowed by “Special Use” before the Zoning Officer grants a Zoning Permit. A Zoning Permit should not be confused with a NYS Uniform Code Building Permit dealing with the method of construction and materials to be used.

3. Site Plan Review Requirements –

A.) Purpose – Site plan review has the purpose of specifying for all involved parties what the intended design, arrangement, and use of the land shall consist of so as to optimize the physical, social, environmental, aesthetic, and economic effects on the community for the specified types of development. Appendix F.

B.) Administration – (section XIV applies)

(1.) Permits – The Town Board shall be responsible for a site plan review of all commercial development with over 5,000 square feet of floor space or residential development involving more than 5 dwelling units. In these instances the Town Board shall also be responsible for administering the Special Use Permit requirements, with both processes taking place simultaneously.

(2.) Expiration – A Site Plan Review shall be deemed to authorize only one particular use and shall expire if the use shall cease for more than 1 year.

(3.) Hearings – An attempt shall be made to integrate, where appropriate, the Site Plan Review requirements into the required Special Use Permit Hearing, thus eliminating the need for 2 hearings.

(4.) Referral – The Permitting Board (ZBA, Town Board, Zoning Officer) shall, within 7 days of the receipt of the complete application, submit to the Planning Board a request for an opinion on any project. The Permitting Board shall wait 14 days for a response prior to acting on the matter.

(5.) Decision Requirements – Within 45 days of the receipt of the complete application, the Permitting Board shall render a decision to the Zoning Officer. If no decision is made within the 45-day period, the site plan shall be considered approved. The applicant shall be notified in writing of its decision with the reasons for the decision specified.

C.) Information Required – Sketches drawn to approximate scale will be prepared by the applicant, where feasible, to display the following information (appendix (?F?):

(1.) Administration, Legal and Other Miscellaneous Information –

(a.) Project title and date;

(b.) Name, address and telephone number of applicant, owner (if different), contractor, architect, and other major involved parties;
(c.) Construction schedule to include phasing and the completion date;
(d.) Performance bond to include the amount, public improvements covered and bond approval;
(e.) Location, width, and purpose of all easements, public land holdings, leases, covenants, deed restrictions or any other unique land restriction; and
(f.) Record of all applications for permits from the Federal, State, or County governments to include approval status.

(2.) Existing Man-made Features to be Shown –
(a.) Boundary lines of project site as well as adjacent properties;
(b.) Ownership pattern of all adjacent parcels;
(c.) Existing structures on project site and adjacent property within 20 feet of the property line to include location, dimensions, height, and use. Decks and accessory structures should also be shown as well as historic structures.
(d.) Roadways to include public roads, private roads, or driveways on the site, on and off-street parking, load/unload zones, access and egress, pedestrian pathways, or sidewalks. Width and elevation should be included.
(e.) Utilities shall be identified to include location and size of water, sewer, drainage pipes, telephone, electric, gas and TV cable. Additionally, any solar systems should be identified.
(f.) Miscellaneous features to include: fences, signs, outside lighting, public address systems, storage areas, and retaining walls shall be shown.
(g.) Fire lanes and fire hydrants, if any exist, should be displayed.
(h.) Recreational areas both on the site and adjacent should be displayed to include public and private facilities. Decks, pools, tennis courts, etc., should be included.
(i.) Trash or garbage collection areas shall be identified.
(j.) Services such as banks, schools, retail, or service districts should be identified.
(k.) Zoning district boundaries shall be identified.
(l.) Other information deemed necessary by Permitting Board.

(3.) Existing Natural Features to be Shown –
(a.) Topographic features with a minimum contour interval of 10 feet but preferably 2 feet. Areas of steep slope should be delineated.
(b.) Geographic features such as depth to bedrock and load bearing capacity for large development proposals.
(c.) Hydrological features including drainage and runoff patterns, flood hazard areas, wetlands, depth to ground water and drainage capacity of soil.
(d.) Landscaping and vegetative cover including wooded areas, significant isolated trees, ground cover, shrubs, and other similar features. Buffers should be identified.
(e.) Watercourses to include lakes, streams or ponds.
(f.) Archaeologically significant areas.
(g.) Significant views of landscapes should be identified.

(h.) Other information as deemed necessary by the Permitting Board.

(4.) New Proposal
Features –

(a.) Referring to the existing man-made and natural features above; provide a description/sketch of any changes that are being proposed.

(b.) Include construction materials proposed for use.

(c.) Design features – In reviewing the Site Plan the following topics shall be considered with appropriate and reasonable design features required:

1) Architectural design
2) Lighting
3) Signage design
4) Landscaping
5) View presentation

(d.) List the positive and negative effects for each existing feature listed above (e.g., traffic to be generated and the effects it will have on specific roadways).

(e.) Environmental considerations – Utilizing the NYS SEQR process, identify requirements that can be incorporated into the Site Plan Permit that will maintain or enhance the site, surrounding area, and watershed by requiring and/or encouraging the use of Best Management Practices. The following shall be considered:

1) Clustering development
2) Buffers and screening
3) Hillside development
4) Site preparation staging
5) Erosion and sediment controls
6) Stream corridor protection
7) Wetland protection
8) Open space protection
9) Limiting fertilizer use
10) Driveway and parking lot design
11) Tree preservation