

CHAPTER 100 – ZONING

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ARTICLE 1: GENERAL PROVISIONS

§ 100-1. Authority.

This Local Law is hereby adopted pursuant to the authority of Municipal Home Rule Law Section 10, the Town Law, and in accordance with the Zoning Code of the Town of Lloyd, New York - Article XXXIII entitled "Amendments."

§ 100-2. Jurisdiction

These regulations govern the use, development and protection of all land and structures within the Town of Lloyd, New York. This Chapter shall not apply to or affect any structure or premises which shall or may be erected, altered or used by the Town of Lloyd.

§ 100-3. Severability

If any section or specific part or provision or standard of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances and the Town Board hereby declares that it would have enacted this Local Law or the remainder thereof had the invalidity of such provision or application thereof been apparent. If any zoning district boundary that may exist in the future is found by a court to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, standard, or district boundary of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

§ 100-4. Supersession of Inconsistent Laws, if any

The Town Board hereby declares its legislative intent to supersede any provision of any local law, rule, or regulation or provision of the Town Law inconsistent with this Local Law. The courts are directed to take notice of this legislative intent and apply it in the event the Town has failed to specify any provision of law that may require supersession. The Town Board hereby declares that it would have enacted this Local Law and superseded such inconsistent provision had it been apparent.

§ 100-5. Purposes. This Zoning Law is enacted to promote and protect the public health, safety, convenience, aesthetics, natural, agricultural, and cultural resources, amenities and general welfare of the people. It is intended to implement the Town's planning goals and objectives as expressed in the *Town of Lloyd Comprehensive Plan* as follows:

- A. Preserve the Town's rural character and enhance quality of life.
- B. Maintain the hamlet of Highland as the center of the Town of Lloyd.
- C. Maintain agriculture as an important economic activity that contributes to the community's character.
- D. Enhance the efficiency and safety of the Town's transportation networks, and preserve the scenic quality of rural roads.
- E. Protect and enhance the quality of the Town's natural, cultural, historic, and scenic resources.
- F. Promote a diversity of housing types and increase the stock of moderately priced housing located throughout the community in order to preserve and promote an economically diverse population and to meet existing and anticipated future employment and volunteer needs in the Town.
- G. Encourage economic development, consistent with Lloyd's character, to stabilize the tax base.
- H. Protect the visual quality and aesthetic character of the Town and preserve the value of land and buildings appropriate to the various districts established by this Chapter.

§ 100-6. Application of regulations.

- A. No building or structure shall be erected, constructed, moved, altered, located, rebuilt or enlarged, nor shall any land, water or building be used, designed or arranged to be used for any purpose except in accordance with this Chapter.
- B. In interpreting and applying this Chapter, the requirements contained herein are declared to be the minimum requirements for the protection and promotion of the public health, safety, morals, comfort, convenience and general welfare. This Chapter shall not be deemed to affect, in any manner whatsoever, any easements, covenants or other agreements between parties, except that where this Chapter imposes a greater restriction upon the use of buildings or land or upon the erection, construction, establishment, moving, alteration, location or enlargement of buildings than is imposed by easements, covenants or agreements, or by public ordinances, rules, regulations, licenses, certificates or other authorizations, the provisions of this Chapter shall prevail.
- C. Except in the R2, R1, R¹/₂, and R¹/₄ Districts, nothing herein shall be interpreted as precluding more than one (1) permitted principal or accessory use on the same lot, so long as such multiple uses are consistent with the standards of this Chapter.

D. Except as otherwise specifically provided by this Chapter, there shall be no more than one (1) principal building or use and its accessory structures or uses on any one (1) lot within the the R2, R1, R½, and R¼ Districts.

E. Except as otherwise specifically provided by this Chapter, there shall be no more than one (1) single-family dwelling or one (1) two-family dwelling on any one (1) lot within the Agriculture District.

§ 100-7. General construction of language.

A. All words used in the present tense include the future tense, and all words in the singular number include the plural number, and vice versa.

B. The word “person” includes corporations and all other legal entities; the words “lot,” “plot,” “tract of land,” and “premises” shall include land and buildings thereon; the word “building” shall include “structure” and vice versa; and the word “occupied” or “used” shall be considered as though followed by the words “or intended, arranged or designed to be used or occupied” unless the natural construction of the wording indicates otherwise.

C. The word “shall” is always mandatory.

D. Unless otherwise specified, all distances shall be measured horizontally.

E. The word “Town” means the Town of Lloyd; the term “Town Board” means the Town Board of the Town of Lloyd; the term “Town Clerk” means the Town Clerk of the Town of Lloyd; the term “Code Enforcement Officer” means the Code Enforcement Officer of the Town of Lloyd; the term “Board of Appeals” means the Zoning Board of Appeals of the Town of Lloyd; the term “Planning Board” means the Planning Board of the Town of Lloyd; and the terms “Comprehensive Plan” refer to the plan adopted by the Town Board pursuant to New York Town Law § 272-a.

ARTICLE 2: DEFINITIONS

§ 100-8. Terms defined. As used in this Chapter, the following terms shall have the meanings indicated:

_____ ADAPTIVE REUSE BUILDING -- An existing building rehabilitated or converted to a new use while preserving and saving some of the unique features of the building that have historic value to the Town.

ADEQUATE COVERAGE – Coverage for wireless telecommunications facilities is considered to be adequate when there are no significant gaps in the availability of wireless service.

ADULT USE – The use of any building, structure or land, or portion thereof, for any purpose involving activities that are open to the public generally but exclude or are required by law to exclude any minor by reason of age, as set forth and defined herein.

A. ACTIVE ADULT USES – Applies to the following types of establishments:

1. ENTERTAINMENT CABARET – a public or private establishment which is licensed to serve food, nonalcoholic beverages, and/or alcoholic beverages, which features topless and/or bottomless dancers, nude dancers, strippers, male or female impersonators, or similar entertainers.

2. ADULT MINI-MOTION PICTURE THEATER – An enclosed building, structure or any portion thereof with a capacity of less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas for observation by patrons therein.

3. ADULT MOTION-PICTURE THEATER – An enclosed or unenclosed building or structure or a portion of a building or structure, drive-in theater or other facility used for presenting materials having, as a dominant theme, material distinguished or characterized by an emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas for observation by patrons therein.

4. MASSAGE ESTABLISHMENT – Any establishment having a fixed place of business where massages are administered for pay, including, but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a spa, hospital, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath or duly licensed physical therapist or barbershop or beauty salon where massages are administered only to the face, scalp, neck or shoulders. This definition shall exclude health clubs which have facilities for physical exercise such as tennis courts, racquetball courts or exercise rooms, which do not receive their primary source of revenues through the administration of massages as well as those individuals holding New York State Department of Education licenses as a masseuse or masseur, who may also practice in a private residence in the Town of Lloyd.

B. PASSIVE ADULT USES – applies to the following types of establishments.

1. ADULT BOOKSTORE – An establishment or a business, whether retail or wholesale, having, as a substantial or a significant portion of its stock-in-trade, books, magazines or other periodicals and/or films and viewing materials for sale or viewing on

premises, by use of motion-picture devices or any coin-operated means, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; or an establishment or business containing a segment or section devoted to the sale, viewing or display of such material.

C. SPECIFIED ANATOMICAL AREAS:

1. Less than completely and opaquely covered:

(a) Human genitals or pubic region.

(b) The cleavage of the human buttocks.

(c) That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola (the colored ring around the nipple). This definition shall include the entire lower portion of the breast but shall not be interpreted to include any portion of the cleavage of the breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel, provided that the areola is not so exposed.

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

D. SPECIFIED SEXUAL ACTIVITIES:

1. Human genitals in state of sexual stimulation or arousal.

2. Acts of human masturbation, sexual intercourse or sodomy.

3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

4. Sadomasochistic abuse.

AFFORDABLE DWELLING UNIT — A residential unit available for rent or ownership within the means, as hereafter provided, of a moderate income household.

AGRICULTURE –Any activity connected with the raising of crops including but not limited to field crops, fruits, vegetables, trees and forest products, nursery, floral, ornamental and greenhouse products, maple sap, Christmas trees, aquaculture products, woody bio-mass, lands devoted to a soil conservation or forestry management parcel, and the keeping, grazing, feeding and care of livestock to the extent permitted by § 100-15 of this Chapter. This shall encompass any activity or use now permitted by the laws of New York State, engaged in by or on behalf of a farmer in connection with farming.

AGRITOURISM – Activities conducted by a farmer on a farm for the enjoyment or education of the public, which primarily promote the sale, marketing, production, harvesting or use of the products of the farm and enhance the public’s understanding and awareness of farming and farm life.

AIRSTRIP, PRIVATE – An airfield for the landing and takeoff of private airplanes used exclusively for personal use or for agricultural practices such as aerial spraying.

ANGLE OF CUT-OFF. The angle, measured from the lowest point, between the vertical axis and the first line of sight at which the bare source of light is not visible.

ANIMAL HUSBANDRY – The keeping, grazing, feeding and care of animals other than household pets for personal use. The term “animal husbandry” shall not be construed to include the activities of fur farms, pig farms, or cage type poultry houses.

APARTMENT, ACCESSORY – A second dwelling unit occupying a maximum of 650 square feet located in either an accessory structure or a principal building on an owner-occupied single-family lot, for use as a complete independent living facility with provision within the accessory apartment for cooking, sanitation and sleeping. Such an apartment shall be clearly accessory and incidental to the principal dwelling.

APARTMENT, UPPER FLOOR – A dwelling unit located on an upper floor of a mixed-use building and having a minimum size of 450 square feet.

APPLICANT – Any person, firm, partnership, association, joint venture, corporation, or any other entity or combination of entities, and any transferee of all or part of the land at one location.

ASSISTED LIVING FACILITY - A facility which provides or arranges for housing, on-site monitoring, and personal care services and/or home care services (either directly or indirectly), in a home-like setting to five or more adult residences unrelated to the assisted living provider.

AT ONE LOCATION – All adjacent land of the applicant if:

- A. The property lines are contiguous or nearly contiguous at any point; or
- B. The property lines are separated only by a public or private street, road, highway or utility right-of-way, or other public or private right-of-way at any point; or
- C. The property lines are separated only by other land of the applicant which is not subject to this section at the time of any permit, site plan, development or subdivision application by the applicant.

AWNING – Any non-rigid material such as fabric or flexible plastic that is supported by a frame that is attached to an exterior wall.

BANK – An organization or corporation organized under or subject to the provisions of Article III of Chapter 2 of the New York State Banking Law and which includes trust companies, private bankers, savings banks, safe deposit companies, savings and loan associations, credit unions and investment companies.

BED AND BREAKFAST ESTABLISHMENT – A Class II Home Occupation within an owner-occupied single-family dwelling, wherein not more than 6 rooms may be rented to transient guests at a density not over two (2) adults per room, and wherein a single daily meal may be served to these overnight guests, but no other services (beyond room cleaning) are provided.

BILLBOARD – An off-premise sign which is leased or rented for profit.

BLOCK – The sum of lots and rear lanes or alleys circumscribed by streets.

BUILDING – Any structure having a roof supported by columns, piers or walls for the housing, shelter, support, or enclosure of persons, animals, or property.

BUILDING, ACCESSORY – A building subordinate to the principal building on the same lot and used for purposes customarily incidental to that of the principal building.

BUILDING COVERAGE – That percentage of the lot area covered by the combined area of all buildings or structures on the lot.

BUILDING DISPOSITION – The placement of a building on its lot.

BUILDING HEIGHT – The vertical distance measured from the average elevation of the finished lot grade of all sides of the building to the highest point of the roof, if the roof is flat, or to the average level between the eaves and the highest point of the roof, if the roof is of any other type.

BUILDING, PRINCIPAL – A building or structure in which is conducted the main or principal use of the lot on which it is located.

CAMPGROUND – Any parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by or of tents, camping or travel trailers.

CARRIER – A company licensed by the Federal Communications Commission that provides personal wireless services.

CEMETERY – Land used or intended to be used for the burial of dead human beings and dedicated for such purposes, including columbariums, mausoleums and mortuaries when operated as part of the cemetery and within its boundaries, and which can include a chapel, office, maintenance facilities and above-ground storage vaults as accessory uses.

CERTIFICATE OF COMPLIANCE – Official certification issued by the Code Enforcement Officer that a premises conforms to the approved site plan, special use permit, and/or building permit and may be legally used or occupied.

CERTIFICATE OF OCCUPANCY -- Official certification issued by the Code Enforcement Officer that a building or structure conforms to the applicable provisions of this Chapter, the New York State Uniform Fire Prevention and Building Code and other regulations and may be legally used or occupied.

CHURCH OR PLACE OF WORSHIP – A church, synagogue, mosque, temple or other place of religious worship, including a parish house, rectory or religious schoolroom.

CIDER MILL – A facility where apples, a portion of which are grown on the premises, are processed into cider, and the sale of said cider from the premises. Pasteurization may or may not be part of the process.

CIVIC OR YOUTH CENTER -- A non-for-profit place for recreation, athletic and social purposes which does not include any dwelling units or lodging or overnight facilities.

CIVIC SPACE – An open space area permanently dedicated for public use, or a site dedicated for a civic building such as a community center or an elementary school.

CLEAR-CUTTING — A method of harvesting where all or virtually all trees on a site larger than eight inches in diameter are removed.

CLUB – An organization and its facilities catering exclusively to members and their guests for recreational, athletic or social purposes, the activities of which are not primarily for gain, provided that there are not conducted any vending stands, merchandising or commercial activities, except as required generally for the membership and purposes of such “club.”

COASTAL AREA -- That portion of New York State coastal waters and adjacent shore lands, as defined in Article 42 of the Executive Law, which is located within the boundaries of the Town of Lloyd, as shown on the Coastal Area Map on file in the office of the Secretary of State and as delineated in the Town of Lloyd Local Waterfront Revitalization Program.

COASTAL ASSESSMENT FORM (CAF) -- The form used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.

CODE ENFORCEMENT OFFICER – The Town official charged with the administration and enforcement of this Chapter of the Town of Lloyd Town Code.

CO-LOCATION – The addition of a wireless telecommunications antenna and related equipment to any existing tall structure or existing or approved wireless telecommunications tower by an persons, corporations, firms, associations or entities.

COMMERCIAL TIMBER HARVESTING — The harvesting of timber on a lot of two or more acres or upon contiguous lots whose aggregate size is two or more acres.

COMMERCIAL VEHICLE—Any vehicle over 10,000 pounds used for commercial purposes. Tractors, front loaders, excavators and other equipment used exclusively for personal use to maintain the residential property where they are stored are not considered commercial vehicles.

COMPREHENSIVE PLAN – The *Comprehensive Plan* adopted by the Town Board for the future preservation and development of the Town of Lloyd pursuant to §272-a of the Town Law, including any part of such plan separately adopted and any update or amendment to such plan.

CONFERENCE CENTER -- A facility used for business or professional conferences and seminars, often with campus-type accommodations for sleeping, eating and recreation.

CONSERVATION AREA -- Vegetation and terrain left undeveloped and essentially unaltered in its natural state.

CONSERVATION EASEMENT – A perpetual restriction on the use of land, created under the provisions of § 49, Title 3 of the Environmental Conservation Law and/or § 247 of the General Municipal Law, which limits or restricts the development, management or use of such real property for the purposes of conservation of open space, agricultural land, as well as natural, cultural and scenic resources. Any such conservation easement shall comply with the regulations of § 100-34E.

CONSERVATION SUBDIVISION -- A conservation subdivision permits greater design flexibility and smaller average lot sizes than otherwise possible in a conventional lot-by-lot subdivision in order to preserve open space on the remainder of the property without increasing density for the tract as a whole. Conservation subdivisions are authorized under § 278 of New York State Town Law, and are also known as open space subdivisions or cluster subdivisions.

CONTINUING CARE RETIREMENT COMMUNITY (CCRC) -- A development of residential dwelling units exclusively for persons who are at least 62 years of age or older, which provides a continuum of accommodations and care, including at least the following three components: independent living, enriched housing or adult home, and nursing care units; which provides continuing care as an integral part of the residential development.

A. Continuing care for a CCRC is the provision of lodging and nursing, medical or other health-related services at the CCRC or another location to an individual pursuant to an agreement effective for the life of the individual, or for a period greater than one year, in consideration of the payment of an entrance fee, with or without other periodic charges, provided that the person receiving the care is not related to the person who provides the care.

B. Each component of a CCRC development shall be subject to all of the requirements relating to each particular use.

C. To qualify as a CCRC, the applicant must demonstrate that the Continuing Care Retirement Community has received or will be able to receive a Certificate of Authority, pursuant to Article 46 of the New York State Health Law.

CONVENIENCE STORE – A retail store containing less than 4,000 square feet of gross floor area that is designed and stocked primarily to sell food, beverages and household supplies to customers who purchase only a relatively few items. Such establishments may include the retail sale of gasoline, oil and other automotive fluids, although no repairs, sales, or servicing of vehicles are permitted.

COUNTRY CLUB -- A country club is a private club that offers a variety of recreational sports facilities to its members such as a golf course, swimming, horseback riding, and tennis. Country clubs may provide dining facilities to their members and guests, and may host catered events, such as weddings.

COUNTRY INN – A single structure with no more than twenty (20) guest rooms affording overnight accommodations and food in accordance with this Chapter.

COURT – An unoccupied open space, other than a yard, on the same lot with a building, which open space is bounded on two (2) or more sides by the walls of such buildings.

COVERED DEVELOPMENT PROJECT – Any development project in the Town that is required to provide affordable dwelling units or lots under the provisions of this Chapter. Projects at one location, as defined herein, undertaken in phases, stages, or otherwise developed in distinct sections shall be considered a single covered development project.

DAY CAMP – Non-overnight camp providing recreation, arts and crafts, and other activities for pre-school and school age participants, limited to summer and other school vacation periods.

DAYCARE, ADULT - A daytime program that provides a variety of health, social, and related support services to meet the needs of functionally and/or cognitively impaired adults who can no longer be left at home alone. Programs may include meals and transportation services to and from a patient's home, and specialized programs for individuals with Alzheimer's disease or other chronic disorders.

DAYCARE CENTER -- A child care center where child day care is NOT provided in a family home which is maintained for the whole or part of the day but for less than twenty-four (24) hour care of more than twelve (12) children, not related to the owner, operator, or manager thereof, whether such facility is operated with or without compensation for such care, and with or without stated educational purposes.

DAY CARE, FAMILY HOME – A program caring for children for more than 3 hours per day per child where child day care is provided in a family home for up to ten (10) children of all ages, or up to twelve (12) children all over two (2) years of age.

DIRECT ACTIONS -- Actions planned and proposed for implementation by an agency,

such as but not limited to a capital project, rulemaking, procedure making and policymaking.

DWELLING – A building designed exclusively or primarily for nontransient residential use.

DWELLING, MULTIFAMILY – A building containing separate living quarters for three or more families which share common building entrances.

DWELLING, SINGLE-FAMILY – A detached building designed for the use of one family, in which not more than two boarders may be sheltered and/or fed for compensation.

DWELLING, TOWNHOUSE – A one-family dwelling unit sharing a common wall or walls with neighboring units, with each having separate entrances (usually front and rear from the outside).

DWELLING, TWO-FAMILY – A detached building containing two dwelling units only.

DWELLING UNIT – A building or portion thereof providing complete housekeeping facilities for only one family.

ELIGIBLE HOUSEHOLD – A household whose annual income qualifies the household to rent or purchase an affordable dwelling unit under the provisions of this Chapter.

ENRICHED HOUSING OR ADULT HOME -- A unit in a facility which is licensed to provide housing and congregate dining and to assure that assistance with activities of daily living is available when needed to adult persons unrelated to the proprietor. Such units shall offer, as a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance. “Enriched housing or adult home” is a level of care between nursing care and independent living and includes a coordinated array of supportive personal and health services available 24 hours per day to residents who have been assessed to need these services.

EQUESTRIAN FACILITY – A facility where horses are stabled or kept for riding.

EQUIPMENT SHELTER – An enclosed structure, cabinet, shed or box at the base of a wireless telecommunications tower within which is housed the electronic receiving and relay equipment for a wireless telecommunications facility. Associated equipment may include air conditioning and emergency generators. This term does not include offices, long-term storage of vehicles or other equipment storage or broadcast studios.

ESSENTIAL SERVICES — The erection, construction, or alteration of underground or overhead directional, transmission, or distribution systems and uses by public utilities, business organizations, and Federal, State, County, or Local governmental departments, commissions, or authorities, for service related to natural gas, electrical, cable TV, telephone and other communications, water, and sewer including associated appurtenances directly related to the directional, transmission, or distribution system and uses; however, excluding a storage or treatment facility, excluding an above-ground structure in excess of 100 cubic feet, excluding all

above-ground buildings, and excluding off-street parking lots containing more than 2 parking spaces.

FAMILY –

A. One of the following:

1. One (1), two (2) or three (3) persons occupying a dwelling unit; or
2. Four (4) or more persons occupying a dwelling unit and living together as a traditional family or the functional equivalent of a traditional family.

B. In determining whether individuals are living together as the functional equivalent of a traditional family, the following criteria must be present:

1. The group must share the entire dwelling unit;
2. Occupants must live and cook together as a single housekeeping unit;
3. Expenses for food, rent, utilities or other household expenses must be shared by the group; and
4. The group is permanent and stable, and is not transient or temporary in nature.

FARM – Land and related machinery and buildings, including any farmhouse, used in agricultural production, provided that the land meets one (1) or more of the following criteria:

A. Enrollment within an agricultural district established pursuant to Article 25AA, §§ 303 and 304, of the New York State Agriculture and Markets Law.

B. Individual landowner commitment to agricultural land use pursuant to § 306 of Article 25AA of the New York State Agriculture and Markets Law.

C. Not less than seven (7) acres of land used as a single operation during the preceding two (2) years for the production for sale of crops, livestock or livestock products of an average gross sales volume of ten thousand dollars (\$10,000) or more, or lands less than seven (7) acres producing an average gross sales volume of fifty thousand dollars (\$50,000) or more, or such greater minimum dollar amount that may at some future date be established by the New York State Department of Agriculture and Markets, computed in accordance with the requirements of § 301 of the afore-cited Agriculture and Markets Law.

FARM, CONSERVED – Land that is or has been used in agricultural production which has been preserved in perpetuity with a conservation easement.

FARM MARKET – An accessory retail facility containing less than 4,000 square feet of gross floor area, located on a farm parcel, owned and operated by the owner or operator of the farm and intended for the sale of local farm produce, farm products and related small-scale farm items on either a seasonal or year-round basis.

FLAG LOT – See “lot, flag.”

FLOOR AREA, GROSS – The sum of the horizontal area of the floor or floors of a building as measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings, but not to include attached or built-in garages, porches, patios or basements.

FOOTCANDLE (fc). A unit of luminance amounting to one lumen per square foot. One footcandle equals 10.76 lux.

FRONTAGE – The extent of a building or of land along a street.

FULLY SHIELDED FIXTURE. An outdoor lighting fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above the horizontal plane from the base of the fixture. Fully shielded fixtures must be installed in a horizontal position as designed, or the purpose of the design is defeated, and direct glare will result.

FUNERAL HOME -- A building used to prepare deceased human beings for burial or cremation and in which wakes and funerals may be held. Secondary uses may include the display of the deceased, consummation of rituals connected therewith before burial or cremation, the storage of funeral vehicles and funeral supplies necessary for the preparation of the dead for burial or cremation, and for the sale of caskets, urns, and other funeral supplies. The definition of funeral home does not allow cremation on site.

GARAGE – An accessory building or part of a principal building used only for the permitted storage of motor vehicles as permitted in this Chapter.

GLARE. The eye’s line-of-sight contact with a direct light source that causes annoyance, discomfort, or loss in visual performance and ability.

GOLF COURSE -- A type of outdoor recreation developed in accordance with the standards of the United States Golf Association (USGA) for the play over either nine (9) or eighteen (18) Regulation, Executive or Par 3 holes of the game of golf. The golf course facility may include a clubhouse with a restaurant and other appurtenances integral to the overall facility, practice putting greens, and a practice range, but shall exclude the use of netting for the constraint of golf balls on such practice range. A private golf course may be a component of a “country club” as defined herein.

GRADE, FINISHED – The finished grade at any point along the wall of a building shall be the elevation of the completed surfaces of lawns, walks and roads adjoining the wall at that point.

GREENHOUSE AND NURSERY – A structure or place where trees, shrubs, vines and/or flower and vegetable plants are grown and/or offered for sale, to be transplanted onto the lands of the purchaser or by the nursery establishment itself.

HEIGHT OF THE LUMINAIRE. The height of the luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

HOME OCCUPATION – An occupation, trade, profession, or other business activity that is clearly a customary, incidental, and secondary (subordinate) use of an owner-occupied residential dwelling unit or accessory building by one or more family members residing within that dwelling unit, and which does not alter the exterior of the property or affect the residential character of the neighborhood. Home occupations shall be divided into the following classes, subject also to the provision of § 100-33:

A. Class I: a home occupation which, including storage of materials or products, does not occupy more than five hundred (500) square feet of gross floor area or twenty (20) percent of the gross floor area of the principal building, whichever is less, and which does not employ any person at the property in which the home occupation is conducted other than the resident of the dwelling unit who has this dwelling as his/her primary residence.

B. Class II: a home occupation which occupies an area greater than that permitted for a Class I home occupation, up to a maximum of 1,500 square feet of gross floor area or thirty (30) percent of the gross floor area of the principal building, whichever is less, or which employs nonresident employees.

HOSPITAL – Unless otherwise specified, the term "hospital" shall be deemed to include a sanitarium and any other place for the diagnosis, treatment or other care of human ailments, but not including those for epileptic, drug, or alcoholic patients. The term shall not include a rest home, medical clinic or nursing or convalescent home.

HOUSEHOLD – All the people who occupy a dwelling unit as their usual place of residence, including a person living alone, related family members, and unrelated individuals.

HOUSEHOLD INCOME — The gross annual income of all people who occupy a dwelling unit as their usual place of residence, including unrelated individuals. Household income includes but is not limited to taxable income, nontaxable income, investment income, accident and health plan benefits, insurance policy proceeds, distributions from trust funds, social security payments, unemployment compensation, child support and alimony payments, excluding the earnings of working minors and/or full-time students, alimony paid and taxable tuition benefits.

ILLUMINANCE. The emitted or reflected light on a surface. The unit of measurement for luminance is footcandle or lux.

IMPERVIOUS SURFACE – Any roofed or other solid structure or material covering the ground through which water does not readily penetrate, including, but not limited to concrete, oil

and stone, tar or asphalt pavement, or compacted soil or gravel. A deck with spaced boards at least 1/8 inch apart, a swimming pool surface, and a patio with a permeable paving system shall not be considered impervious.

INDEPENDENT LIVING UNIT -- A dwelling unit in a Continuing Care Retirement Community that is unrestricted except as to an age requirement for occupancy.

KENNEL – A place where three (3) or more dogs or cats over six (6) months in age are bred, raised, sold, kept for sale, or boarded.

LIBRARY – A building used by a public or nonprofit institution for the purpose of housing books, manuscripts, exhibits or other educational materials.

LIGHT INDUSTRY – Manufacture, assembly, treatment, processing, or packaging of products that does not emit objectionable levels of smoke, noise, dust, odor, glare, or vibration beyond the property boundaries.

LIGHT TRESPASS. Light from an artificial light source that intrudes into an area where it is not wanted or does not belong. Light trespass includes glare from direct light as well as unwanted spill light.

LOADING SPACE – Any off-street space, available for the loading or unloading of goods, and having direct usable access to a street.

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) -- The Local Waterfront Revitalization Program of the Town of Lloyd, approved by the Secretary of State pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law, Article 42), a copy of which is on file in the office of the Clerk of the Town of Lloyd.

LOGGING – The commercial harvesting of more than 20 mature trees of a diameter greater than twelve inches (12”) at breast height and associated activities such as staging areas, skid trails, heavy equipment like skidders, tandem trucks and bulldozers.

LOT – A single contiguous parcel of land, undivided by streets, devoted or to be devoted to a particular use, or occupied or to be occupied by a building or buildings as permitted by this Chapter, together with such open spaces as are required under the provisions of this Chapter, and having its principal frontage on a street or on such other means of access as may be deemed in accordance with the provisions of law to be adequate as a condition of the issuance of a building permit for a building or buildings on such land.

LOT AREA – The total horizontal area included within lot boundaries.

LOT, CORNER – A lot, at least two (2) adjacent sides of which each abut for a total distance of fifty (50) feet or more on streets or public places. On a corner lot in residence districts, front yards are required on both street frontages, and one yard other than the front yards shall be deemed to be a rear yard and the other shall be deemed to be a side yard.

LOT COVERAGE – That percentage of the lot area covered by the combined area of all buildings, structures, parking lots, and impervious surfaces on the lot.

LOT DEPTH – The horizontal distance between the front and rear lot lines, measured at right angles to the front lot line.

LOT, FLAG – A lot with significantly less than the minimum required lot frontage which generally consists of a narrow accessway (the “flag pole”) leading to the buildable rear portion of the lot (“the flag”).

LOT LINES – The property lines bounding a lot, as defined herein.

LOT LINE, FRONT – The line separating the lot from the street or streets. Corner lots shall have front lot lines and front yard setbacks from all streets that they enfront.

LOT LINE, REAR – The lot line which is generally opposite the front line. If the "rear lot line" is less than 10 feet in length, or if the lot comes to a point at the rear, the "rear lot line" shall be deemed to be a line parallel to the front line not less than 10 feet long, lying wholly within the lot and farthest from the front lot line.

LOT WIDTH – The horizontal distance between the side lot lines, measured at the front yard setback at right angles to the lot depth along a straight line parallel to the front lot line.

LUMINAIRE. A complete lighting unit consisting of one or more lamps (light sources), together with the parts designed to control the light disturbance and other mechanical and electrical components.

LUX. A unit of luminance equal to one lumen per square meter.

MANUFACTURED HOME – A structure transportable in one or more sections that, in the traveling mode, is 8 feet or more in width or 40 feet or more in length or, when erected on site is 320 square feet minimum and that was built on or after June 15, 1976 on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term “manufactured home” shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the federal Department of Housing and Urban Development and complies with the standards established under the national manufactured housing construction and safety act of 1974, as amended. The term “manufactured home” shall not include any travel trailer or self-propelled recreational vehicle.

MANUFACTURED HOME PARK – Any parcel or contiguous parcels of land upon which two or more manufactured homes, occupied for dwelling or sleeping purposes, are or are designed to be located, regardless of whether or not a charge is made for such accommodations.

The term "manufactured home park" shall include the term "mobile home park," "trailer park," "trailer camp," "house trailer park" or other similar phrase.

MARINA – A dock or structure offering secure moorings for boats and other marine vessels.

MARKET-RATE UNIT — A residential unit available for rent or ownership that is not restricted by the requirements of this section.

MINERAL – Any naturally formed solid material located on or below the surface of the earth, including, but not limited to, sand, gravel, stone, peat and topsoil.

MINING – Use of a parcel of land or contiguous parcels of land, or portions thereof and all haulage ways and all equipment above, on or below the surface of the ground, for the purpose of excavating and producing a mineral for sale or exchange, or for commercial, industrial or municipal use, not including the process of preparing land for the construction of a structure for which a building permit has been issued.

MINING SUBJECT TO STATE JURISDICTION – An operation which results in the mining or proposed mining from each site of more than 1,000 tons or 750 cubic yards, whichever is less, of minerals from the earth within twelve (12) successive calendar months or an operation which results in the mining or proposed mining of over 100 cubic yards of minerals from or adjacent to any body of water not subject to the jurisdiction of Article 15 of the New York State Environmental Conservation Law or the Public Lands Law.

MINING NOT SUBJECT TO STATE JURISDICTION – All mining which is not defined as mining subject to state jurisdiction.

MIXED USE DEVELOPMENT – A Mixed Use Development (MUD) is a unified project designed in accordance with the conservation subdivision provisions of this Chapter. The developed portion of a MUD consists of a mix of residential and compatible commercial and service uses scaled primarily to serve the day-to-day needs of the MUD residents. It is designed to encourage walking, reduce automobile trips, and prevent commercial strip development. A MUD permits flexibility of design and layout to protect environmental resources and create attractive places for people to work, live, and congregate.

MODULAR HOME – A structure designed primarily for residential occupancy and constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in manufacturing facilities, intended or designed for permanent installation, or assembly and permanent installation.

MOTEL or HOTEL – A building or portion thereof containing rooms occupied primarily by transients who are lodged with or without meals and in which there may be certain public rooms and halls for the use of all guests, and in which are provided such services as are incidental to the use thereof as a temporary residence.

MOTOR VEHICLE REPAIR SHOP – A building, premises, or portion of a building arranged, intended or designed to be used for making repairs to motor vehicles, their mechanical systems and their body structure, including painting.

MOTOR VEHICLE SALES – A use where motor vehicles are advertised or displayed for the purpose of sale or lease, and where any automobile repairs are incidental and related primarily to the sales of automobiles.

MOTOR VEHICLE SERVICE STATION – Any building, premises or portion thereof used for the sale of gasoline or any other motor vehicle fuel, oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating or otherwise servicing motor vehicles, but not including the painting thereof by any means.

MOUNT – The structure or surface upon which wireless telecommunications antennas are mounted.

MUSEUM – A nonprofit, noncommercial institution operated as a repository for a collection of literary, natural or scientific curiosities, objects of interest or works of art, not including the regular sale or distribution of the objects collected.

NAME PLATE – Any sign not over one (1) square foot and containing only the occupant's name and/or street number.

NONCONFORMING LOT – A lot of record which does not comply with the area, shape, frontage, or locational provisions of this Chapter for the district in which it is located

NONCONFORMING STRUCTURE – A structure which does not satisfy the dimensional requirements of this Chapter for the district in which it is located, but which was not in violation of applicable requirements when constructed.

NONCONFORMING USE – A use of a building or of land that does not conform to the regulations as to use in the district in which it is situated, which use was lawful prior to the adoption or amendment of this Chapter.

NURSING CARE UNITS -- Beds in a nursing facility that is licensed to provide health care under medical supervision and continuous nursing care for 24 or more consecutive hours to patients who do not require the degree of care and treatment which a hospital provides and who, because of their physical or mental condition, require continuous nursing care and services above the level of room and board.

NURSING HOME -- A facility, institution, or portion thereof, providing therein, by or under the supervision of a physician, nursing care and other health, health-related and social services for 24 or more consecutive hours to three or more nursing home patients who are not related to the operator by marriage or by blood within the third degree of consanguinity, including, but not limited to, an infirmary section which is identifiable as a nursing home unit in

a special area, wing or separate building of a public or voluntary home or of a general or special hospital.

OFFICE – A business, professional, or non-profit workplace in which manufacturing processes, retail sales, construction, and warehousing do not occur on the premises, including but not limited to professional offices for attorneys, accountants, health care practitioners, architects, engineers, surveyors, consultants, sales representatives, real estate brokers, and financial planners. Office also includes business offices that support or manage manufacturing, retailing, construction, and warehousing, as well as research laboratories and other facilities in which research activities are conducted.

OFFICIAL NEWSPAPER – The newspaper or newspapers designated by the Town for the publication of official notices of meetings and public hearings.

OUTDOOR LIGHTING. The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

OUTDOOR LIGHTING FIXTURE. An electrically powered illuminating device or other outdoor lighting fixture including all parts used to distribute the light and/or protect the lamp, permanently installed or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot, flood, and area lighting for: buildings and structures; recreational areas; parking areas, landscaping, signs (advertising and other); streets; product display areas; building overhangs, and open canopies.

OVERLAY DISTRICT – A type of zoning district or zone that supplements the zoning regulations of the underlying land use district or districts to provide additional protection of important environmental resources and/or to permit certain types of economically productive uses that would not otherwise be allowed in a particular land use district. Overlay districts may overlap different land use districts, but they do not change the use and dimensional requirements of the underlying land use districts unless specifically stated in this Chapter.

PARKING AREA – An off-street area containing one or more parking spaces, with passageways and driveways appurtenant thereto.

PARKING SPACE – An off-street space available for the parking of one motor vehicle on a transient basis, and having direct usable access to a street.

PATIO – An uncovered flat platform of earth with or without a surface material or retaining walls. A "patio" with a roof or awning shall be considered a porch.

PORCH – A roofed-over structure projecting out from the wall or walls of a main structure and often open to the weather.

POSTER – A sign affixed to trees, natural vegetation, rocks, or utility poles.

PRINCIPAL FAÇADE – The face of a building that contains the primary entrance to the

establishment.

PROFESSIONAL ENGINEER – New York State Licensed Professional Engineer.

PROFESSIONAL FORESTER — A graduate forester from a Society of American Foresters accredited forestry curriculum who has at least two years of experience in the field of forest management or timber product harvesting.

QUALIFIED EASEMENT HOLDER -- 1) a not-for-profit corporation organized inter alia for the conservation or preservation of real property and which has the power to acquire interests in real property. Such organization must have qualified as exempt for federal tax purposes pursuant to § 501(c)(3) of the Internal Revenue Code or any similar successor statutory provision; or 2) a state or a municipal corporation as that term is defined in section two of the General Municipal Law.

RADIO FREQUENCY ENGINEER – A certified or licensed radio frequency engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

RADIO FREQUENCY RADIATION – The emissions from wireless telecommunications facilities.

RECREATIONAL BUSINESS – A business which, for compensation, offers recreational services including but not limited to public stables, golf courses and driving ranges, miniature golf, and other places of public or private entertainment.

RECESSED CANOPY FIXTURE. An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

RECREATIONAL VEHICLE, MOTORIZED – Any enclosed motorized vehicle on wheels which may be used for temporary recreational dwelling purposes and containing any facilities such as bunks, toilet or kitchenette.

REPEATER – A small receiver/relay transmitter of not more than 20 watts output designed to provide service to areas which are not able to receive adequate coverage directly from a primary sending and receiving site in a wireless telecommunications network.

RESTAURANT – An establishment where prepared food is sold for consumption on the premises or as take-out, including a bar or pub or other establishment that sells food and alcoholic beverages for on-premises consumption, but not including a drive-through restaurant.

RESTAURANT, DRIVE-THROUGH -- An establishment where prepared food may be purchased by motorists without leaving their vehicles.

RETAIL BUSINESS – An establishment selling goods to the general public for personal and household consumption.

REUSE OF AGRICULTURAL BUILDINGS – Contemporary use, in the Agricultural District, of a building or structure existing at the time of adoption of this Local Law for a use other than for which it was originally designed, intended and occupied, e.g., adaptation of a former barn as a residential dwelling or country inn.

ROAD -- A private or public right-of-way serving as a means for vehicular and pedestrian travel, over which the abutting owners have the right of access, either existing or shown upon a subdivision plat approved by the Town Planning Board as provided by law or on a plat duly filed and recorded in the office of the County Clerk.

ROADSIDE STAND – A structure which shall not exceed 250 square feet of gross floor area where products grown on the premises or elsewhere by the operator of the “roadside stand” may be sold or purchased.

SCHOOL, PRIVATE – A pre-school, kindergarten, primary or secondary school licensed by the New York State Board of Regents, furnishing a comprehensive curriculum of academic instruction similar to that of a public school.

SCHOOL, PUBLIC – An educational institution operated by a public school district under the laws of the State of New York.

SECURITY – A performance and/or maintenance bond duly issued by a bonding or security company approved by the Town Board; or a performance and/or maintenance bond duly issued by the developer/obligor accompanied by security in the form of cash, certified check or United States Government bearer bonds deposited with the Town Board in the full amount by the obligor.

SECURITY BARRIER – A locked wall, fence or berm that completely seals an area from unauthorized entry or trespass.

SEPARATION – The distance between one carrier's array of antennas and another carrier's array.

SEQRA, or the STATE ENVIRONMENTAL QUALITY REVIEW ACT – Article 8 of the New York State Environmental Conservation Law and the regulations promulgated thereunder found at 6 NYCRR Part 617.

SERVICE BUSINESS – A business or non-profit organization that provides services to the public, either on or off the premise. Service business does not include retail business, restaurants, warehouses, offices, or other uses separately listed in the Use Table.

SETBACK -- The distance in feet between a structure and a property line.

SHOPPING PLAZA – Two (2) or more retail, restaurant, and/or service establishments that share a common parking lot.

SIDEWALK – The paved portion of the roadside dedicated to the use of pedestrians.

SIGN – Any material, structure or device, whether fixed or mobile, composed of lettered or pictorial matter displaying any advertisement, announcement, notice or name, and including any representation used to advertise or promote the interests of any person or business or cause, when such is placed in view of the general public.

SIGN, ABANDONED – A sign is abandoned if the business it advertises was in operation on the same premises but has not been in operation there for ninety (90) days or more.

SIGN AREA – All of the area of the frame or outline or plaque on which the advertisement, name, letters, symbols, insignia, or other information is displayed, within a single continuous perimeter enclosing the limits of the sign surface, but not including structural support(s) if they are not used for advertising. For any sign which consists of an insignia or other device, but without background, and for a window sign consisting only of letters and symbols affixed or painted on glass, sign area shall be calculated as the smallest polygon or circle enclosing all of the letters and symbols. For any sign with two (2) faces and consisting of a single flat structure or surface not over nine (9) inches thick, the area shall be calculated as viewed from one side only.

SIGN, AWNING – Any visual message on an awning.

SIGN, CHANGEABLE. A sign with the capability of content change by means of manual or remote input.

SIGN, FREESTANDING – Any sign not attached to or part of any building but permanently affixed to the ground. Included are monument and post & arm signs.

SIGN HEIGHT – The height of a freestanding sign shall be measured vertically from the established average grade directly below the sign or entry level of the building or structure, whichever is lower, to the highest point of the sign, including support structures.

SIGN, MONUMENT – A freestanding sign either with a base affixed to the ground or mounted on short poles.

SIGN, OFF-PREMISE – A sign which promotes products, services or activities conducted, sold or offered somewhere other than upon the same premises where the sign is located.

SIGN, POST & ARM – A freestanding sign comprised of a vertical post to which a perpendicular arm is attached and from which the sign hangs.

SIGN, PRIMARY – An establishment's principal sign, i.e., the sign which identifies the business to passersby.

SIGN, PROJECTING – A sign attached to a building wall or structure that projects horizontally or at a right angle more than nine (9) inches from the face of the building. Such signs shall be securely anchored and shall not swing or move in any manner.

SIGN, ROOF – Any sign on or extending above the roofline of the building on which it is erected.

SIGN, TEMPORARY – Any sign that is displayed only for a specified period of time as per §100-28E and is not permanently mounted.

SIGN, WALL – Any sign that is painted on or attached directly to the outside wall of a building and which may protrude not more than nine (9) inches from the wall.

SIGN, WINDOW – A sign visible from a sidewalk, street or other public place, affixed or painted on glass or other window material.

SPILL LIGHT. Light shining beyond a facility that may annoy occupants of the adjacent property.

STEEP SLOPES -- Slopes of 15 percent gradient or greater. Slope determinations shall be based upon five-foot USGS contour intervals, unless an applicant elects to submit slope information with smaller contour intervals or a specific section of the Zoning or Subdivision provisions of the Code requires the use of smaller contour intervals.

STORY – That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a "story" if the ceiling is more than five feet above the level from which the height of the building is measured or if it is used for business purposes.

STORY, HALF – A story with at least two opposite exterior sides meeting a sloping roof not more than two feet above the floor of such story.

STREET – See “road.”

STRUCTURE – A static construction or assembly of materials, the use or occupancy of which requires a fixed location on or under the ground or attachment to an object having such a fixed location. “Structures” shall include, among others, buildings, dams, docks, stadiums, sheds, storage bins, reviewing and display stands, platforms, towers, walls, fences, swimming pools, tennis courts, gasoline pumps, billboards and signs. “Structures” shall not include utility poles, wire and related equipment.

STRUCTURE, ACCESSORY – A structure which is incidental and subordinate to the principal use of a lot, water area or building, is detached from the principal building on the lot, and is located on the same lot or water area therewith.

SUBDIVISION – 1) The division of any parcel of land into two (2) or more lots, blocks or sites, or other division of land, with or without roads, and which shall include resubdividing as defined in § 276 of the Town Law; 2) The land so subdivided or proposed to be subdivided; 3) A parcel divided by an existing Town road.

SWIMMING POOL – Any artificial body of water or receptacle for water having a depth at any point greater than two feet and used or intended to be used for swimming or bathing and constructed, installed or maintained in or above the ground out-of-doors.

TALL STRUCTURE – A structure which complies with the requirements of this Chapter and is of sufficient height to be used as a wireless telecommunications mount. Such structures include, but are not limited to, water towers, multistory buildings, church steeples, farm silos, radio or television transmission towers, clock or bell towers, flagpoles, electric utility transmission and distribution towers, and telephone poles.

THEATER -- A building or part of a building devoted to the showing of moving pictures or live performances on a paid-admission basis.

TOURISM/RECREATIONAL RESORT -- A planned facility, under unified control and management, accommodating a mix of resort-related uses focused on recreation. A tourism/recreational resort shall include one or more indoor or outdoor recreational elements, transient lodging to serve resort guests, and customary accessory uses/services for a resort, such as food service/dining, conference facilities, spa facilities, guest entertainment, and accessory retail services for guests. A tourism/recreational resort may include a wide variety of recreational elements, including but not limited to swimming, equestrian uses, golf, outdoor recreational facilities, nature trails, but shall in no event include discharge of firearms of any type, automobile racing, carnivals, or any activities with flashing lights. Guest housing may include a variety of styles, including hotel, lodge, inn, and the like, but shall not include year-round housing except for support staff and management of the facility.

TOWN ENGINEER – A professional engineer retained by the Town of Lloyd to provide professional engineering services.

TOWN'S HOUSING ADMINISTRATOR -- The entity responsible for administering the Town of Lloyd's affordable housing regulations found in § 100-36 of this Chapter. The Town Board may serve as the Town's housing administrator. Alternatively, the Town Board may appoint an employee(s), establish a committee, or contract with an outside entity to serve as the Town's housing administrator.

TOWN LAW – The Town Law of the State of New York, Chapter 62 of the Consolidated Laws.

TRAILER, CAMPING – A folding structure mounted on wheels and designed for limited travel recreation and vacation use only.

TRAILER, TRAVEL – A vehicular, portable structure built on a chassis, designed as a

temporary one-family dwelling for travel, recreation and vacation, having a body length not exceeding 40 feet.

UPLIGHTING. Any light source that distributes illumination above a 90 degree horizontal plane.

USE – The purpose for which any premises may be arranged, designed, intended, maintained, or occupied, or any occupation, activity, or operation conducted or intended to be conducted on a premises.

USE, ACCESSORY – A use which is customarily incidental and subordinate to the principal use of a lot, water area or a building and located on the same lot or water area therewith.

USE, PRINCIPAL – The specific purpose for which land, water or a building or structure is designed, arranged or intended or for which it is or may be occupied or maintained in compliance with the Town of Lloyd Town Code.

VALUE-ADDED PRODUCTS – Goods produced from harvested crops with the defining or distinguishing ingredient being grown by the producer.

VETERINARY OFFICE OR ANIMAL HOSPITAL – An establishment for the medical and/or surgical care of sick or injured animals.

VIEWSHED -- A viewshed is an area that is visible from a public roadway or public trail which encompasses natural landforms such as valleys, ridges, farm lands and open space which may have inherent rural qualities and/or aesthetic values as determined by those who view it.

WALLPACK FIXTURES. A lighting unit designed for direct mounting on building walls whose primary function is to light building exteriors.

WAREHOUSE – A structure or structures in which materials, goods, or equipment are stored, including mini-storage facilities.

WATER-DEPENDENT USE — A commercial, recreational or not-for-profit activity, facility and/or establishment that requires direct access to tidal surface waters as an integral part of its daily operation. A water-dependent use shall be construed to include the following activities, facilities and establishments: marinas, yacht basins and all similar facilities which provide short-term and/or long-term dockage/berthing for recreational and commercial watercraft; fishing piers; party/charter/excursion boat services; boat and canoe rental; and public swimming beach, but not waterfront compatible uses, which are defined separately in this Chapter.

WATERFRONT COMPATIBLE USE — A commercial, recreational or not-for-profit activity, facility and/or establishment that does not absolutely require a waterfront location in order to function, but which contributes to the economic viability of water-dependent uses or

which increases the public's enjoyment of the waterfront. Waterfront compatible uses shall be construed to include restaurants; resort motels; bed-and-breakfasts; retail shops/outdoor markets; offices of marine-related services; marine-related not-for-profit philanthropic, fraternal, scientific research, social or educational institutional offices or meeting rooms; picnic grounds; public parks; maritime museums and outdoor theaters.

WETLANDS -- NYSDEC designated wetlands; federal wetlands regulated by the U.S. Army Corps of Engineers; and any locally protected wetlands.

WILDLIFE REFUGE -- An area designated for the protection of wild animals, within which hunting and fishing are prohibited.

WINERY – The manufacturing of wine from grapes, a portion of which are grown on the premises, by a small winemaker or winemaker licensee as defined by the New York State Liquor Control Commission, and the sale of said wine in a tasting room.

WIRELESS TELECOMMUNICATIONS ANTENNA – An antenna designed to transmit or receive communications as authorized by the Federal Communications Commission, including but not limited to whip, panel and dish telecommunications antennas.

WIRELESS TELECOMMUNICATIONS FACILITY – A facility for the provision of wireless telecommunications services, as defined by the Telecommunications Act of 1996, and usually consisting of an equipment shelter, a mount and/or antenna(s). Repeaters shall be included in the definition of wireless telecommunications facilities.

WIRELESS TELECOMMUNICATIONS SERVICES – Includes three types of services which are regulated by this Chapter, including commercial mobile radio services, unlicensed wireless services and common carrier wireless exchange access services for cellular, personal communication services (PCS), enhanced specialized mobile radio, specialized mobile radio and paging. Excluded from this definition are services used for fire, police and other dispatch communications or exclusively for private radio and television reception and private citizens bands, amateur radio and other similar private, residential communications.

WIRELESS TELECOMMUNICATIONS TOWER – A structure owned or operated for commercial purposes which serves as a mount for wireless telecommunications antenna.

YARD – An open space on the same lot with a building or structure, which is unoccupied, except as may be specifically authorized in this Chapter. In measuring a "yard," as hereinafter provided, the line of a building shall be deemed to mean a line parallel to the nearest lot line, drawn from a point of a building or the point of a group of buildings nearest to such lot line, and the measurement shall be taken at right angles from the line of the building, excluding permitted projections as defined herein, to the nearest lot line.

YARD, FRONT – A yard extending across the full width of the lot and lying between the front lot line and the nearest line of the principal building.

YARD, REAR – A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

YARD, REQUIRED/SETBACK AREA -- That portion of any yard required to satisfy minimum setbacks. No part of such yard can be included as part of a yard required for structures on another lot.

YARD SALE – A temporary and periodic sale by the property owner of personal items on a property.

YARD, SIDE – A yard between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard or, in the absence of either of such yards, to the front and rear lot line, as the case may be.

ARTICLE 3: ESTABLISHMENT OF DISTRICTS

§ 100-9. District classifications.

A. District classifications. The Town of Lloyd is hereby divided into the following types of districts:

<i>District Label</i>	<i>Zoning District</i>
A	Agricultural
AB-O	Agricultural Business Overlay*
AU-O	Adult Use Overlay*
CB	Central Business
DB	Designed Business
GB	General Business
HI	Heavy Industrial
LB	Local Business
LI	Light Industrial
PRD	Planned Residential Development*
PUD	Planned Unit Development*
MUD	Mixed Use Development*
TND	Traditional Neighborhood Development*
R-¼	Single-Family Residence, one-quarter acre
R-½	Single-Family Residence, one-half acre
R-1	Single-Family Residence, one acre
R-2	Single-Family Residence, two acres

<i>District Label</i>	<i>Zoning District</i>
TR-1	Trailer-1 acre
TR-½	Trailer- ½ acre
SC-O	Stream Corridor Overlay*
TRR-F	Tourism/Recreational Resort Floating
WBO	Waterfront Bluff Overlay*

***To be designated to Zoning Map only upon approval by Town Board in accordance with this Chapter.**

§ 100-10. Zoning Map. The zoning districts are bounded and defined as shown on a map entitled "Town of Lloyd Zoning Map," and which, with all explanatory matter thereon, is hereby made a part of this Chapter. The Zoning Map is on file in the office of the Town Clerk.

§ 100-11. Interpretation of district boundaries. Where uncertainty exists as to the location of any boundaries shown on the Zoning Map, the following rules shall apply:

A. District boundary lines are intended to follow streets, rights-of-way, watercourses or lot lines, or be parallel or perpendicular thereto, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.

B. Where district boundaries are indicated as approximately following streets, rights-of-way or watercourses, the centerlines thereof shall be construed to be such boundaries.

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

D. The district classification of any water area within the town shall be deemed to be the same as the classification of the adjoining land area.

E. If, after use of the above rules and map, the district classification of any land is in question, it shall be deemed to be in the most restrictive of the adjoining districts.

F. Where a lot in single or joint ownership of record is divided by one or more district boundary lines, the regulations for the most restricted portion of such lot shall apply to the entire parcel.

ARTICLE 4: DISTRICT REGULATIONS

§ 100-12. Allowable Uses.

A. The allowable uses in each zoning district are set forth in the Use Table which appears at the end of this Chapter. This schedule is complemented, as appropriate, by other provisions of this Chapter. Uses that are not listed are prohibited. The meaning of the symbols in the Use Table is as follows:

<i>Symbol</i>	<i>Meaning</i>
P	A use permitted by right
SP	A use allowed by Special Use Permit
*	Indicates that site plan approval is required
--	A prohibited use

B. Additional uses for lands within the Agricultural Business Overlay District, the Traditional Neighborhood Development and Mixed Use Development Districts are set forth in §§ 100-19 and 100-24 respectively.

C. Permitted Accessory Uses

1. In all districts: any accessory building or use customarily incident to a permitted use provided such accessory building or use shall not be located in a front yard.

2. In the GB district: outdoor storage of goods, wares or merchandise for retail sale, provided that it shall be set back from the front lot line twenty-five (25) feet, with the exception of motor vehicle sales which shall be set back a minimum of fifteen (15) feet. Any other storage of goods, wares or merchandise for wholesale use or used in connection with the operation of a business or trade not in retail shall be subject in all respects to all setback provisions.

§ 100-13. Area and Bulk Regulations

A. The general area and bulk regulations in each zoning district are set forth in the Dimensional Table, which appears at the end of this Chapter.

B. This table is supplemented, as appropriate, by other provisions of this Chapter.

C. Buildable Acreage.

1. Permissible residential density for any parcel shall be based upon the parcel’s buildable acreage. The applicant shall demonstrate the buildable acreage by subtracting from the total (gross) acreage of the proposed development parcel(s) the acreage of “unbuildable natural features.”

2. Unbuildable natural features consist of wetlands and any required 100-foot adjacent areas, waterbodies, watercourses, lands within a FEMA delineated 100-year floodplain,

cemeteries, steep slopes (2,000 square feet or more of contiguous sloped area at least ten feet in width), and acreage subject to a long-term easement that expressly prohibits development. In addition, a fifteen (15) percent allowance for roads, drainage features, and lot shape irregularities shall be deducted from the unconstrained acreage. Permissible residential density shall be based on the amount of acreage that remains after deducting the acreage of unbuildable natural features and the roadway/drainage allowance.

3. The Planning Board's determination as to permissible density shall be based on a certified survey of the parcel(s) and delineation of the unbuildable natural features by a licensed land surveyor and by a tabular presentation by the land surveyor of the gross site acreage and each of the subtracted land areas set forth above.

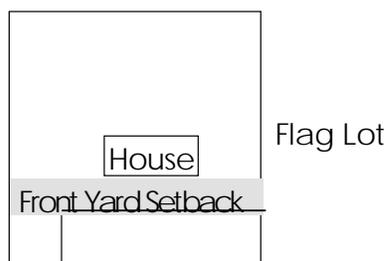
§ 100-14. Flag Lots

A. Flag lots, as defined in § 100-8 of this Chapter, may be authorized as conforming lots only for single-family detached residential uses, and are allowed in any residential district except where central water and/or sewer facilities are available or are proposed. Such lots may be approved only where the Planning Board finds that they will not endanger public health and safety, will not increase the otherwise allowable density of development, will provide an alternative to the development of new Town roads, will not conflict with existing residential or agricultural uses, and will result in the preservation of natural and scenic resources together with compliance with the following:

1. To allow adequate area for buffering between the flag lot and the conforming lot, the lot(s) furthest from the road frontage shall have an increased front yard setback to 60 feet and the house location on the lots shall be offset, to the left or the right, the width of the house closer to the road frontage plus 15 feet. ~~minimum area of flag lots shall be twice the lot size otherwise required for the applicable zoning district. The area of the accessway (i.e., the "flag pole") shall not be included in the calculation of the required minimum lot area for the flag lot.~~

2. Each flag lot shall have a minimum lot frontage of twenty-five (25) feet on a State, County, or Town road to provide for an accessway as required by these regulations, and such frontage shall include adequate dry land area with topographic conditions suitable for driveway access. No portion of a flag lot shall be less than twenty-five (25) feet in lot width, nor shall the required lot width of the original lot be reduced to less than the minimum required by this Zoning Law. No frontage of a flag lot shall exceed seventy-five (75) feet in width.

3. Except for subsections (1) and (2) herein, flag lots must meet all other requirements for a lot in the applicable zoning district and at no time shall a substandard lot be created by these flag lot regulations. For purposes of determining front yard setbacks, the front yard shall be the yard area lying between the flag lot's principal building and the front lot's rear property boundary as shown on the sketch below:



4. For subdivisions of four or fewer lots, only one (1) flag lot shall be permitted. For subdivisions of more than four lots, a total of two (2) lots may constitute flag lots.

5. Any approved plat containing flag lots shall contain a note stating that no further subdivision of the flag lot(s) shall be permitted.

6. The Planning Board may require that the subdivision plat show the limits, on the flag lot, of the area within which the house and driveway may be constructed. In such cases, the location of the house and driveway within such area shall be assured through a legally binding restriction.

7. The accessway shall be owned in fee simple by the owner of the flag lot.

8. Driveway standards. The Town's driveway standards shall be met to assure adequate access for emergency services.

§ 100-15. Regulations applicable to all districts. The following regulations shall apply in all districts.

A. Buildings, uses and lots.

1. Lot. Every building hereafter erected shall be located on a lot as herein defined.

2. Required street frontage. No certificate of compliance or certificate of occupancy shall be issued for any land use or structure unless the lot upon which such land use is to be established or structure is to be built has the required frontage on a street or highway as defined herein, which street frontage provides vehicular access to such land use or structure and which street or highway shall have been suitably improved to the satisfaction of the Planning Board.

3. Yard and open space for every building. No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be included as any part of the yard or open space for any other building. No yard or other open space on one lot shall be considered as a yard or open space for a building on any other lot.

4. Subdivision of a lot. Where a lot is formed hereafter from part of a lot already occupied by a building, such separation shall be effected in such manner as not to impair conformity with any of the requirements of this Chapter with respect to the existing building and all yards, setbacks, and other required spaces in connection therewith, and no permit shall be issued for the establishment of a land use or the erection of a building on the new lot thus created unless it complies with all the provisions of this Chapter.

5. Irregularly shaped lots. Where a question exists as to the proper application of any of the requirements of this Chapter to a particular lot or parcel because of the peculiar or irregular shape of the lot or parcel, the Planning Board shall determine how the requirements shall be applied, unless it appears that a variance is required, in which case the Zoning Board of Appeals shall make such determination.

6. The use of modular homes, as that term is defined herein, for single-family dwellings is allowed in all residential districts as provided for in the New York State Building and Fire Code. Manufactured homes, as that term is defined herein, are only permitted in the A and TR-1 and TR-1/2 Districts. In the TR-1 and TR-1/2 district, one manufactured home may be located on any individual lot that is not part of an approved Manufactured Home Park, provided that such lot complies with all normal area and dimensional requirements for the MH-1 district. In the A District, manufactured homes are permitted only as an accessory use to agriculture.

7. Camping trailers and travel trailers. On residential parcels, a maximum of one camping trailer or one travel trailer may be parked or stored per lot provided it is not parked or stored in a front yard and provided that no living quarters shall be maintained nor any business conducted in connection therewith while such trailer is so parked or stored on the lot. Recreational vehicles for dwelling purposes are not permitted in any district.

8. Commercial vehicles. On residential parcels, a maximum of one commercial vehicle with a gross weight of 10,000 pounds (five tons) or less may be parked, or stored per lot, provided that it is not parked or stored in a front yard. See "Commerical Vehicle" under Definitions.

9. Odorous Matter. No land use shall be permitted which emits any discernible odor outside the building in which the use is conducted with the exception of restaurants and other places serving food and beverages so long as such exceptions are conforming uses in respect to the Town of Lloyd Code and all New York Department of Health, Ulster County Department of Health, or New York State Department of Environmental Conservation requirements.

10. Dumpsters, garbage cans, and other refuse containers shall not be permitted to be placed in the front yard on any lot except for the 16 hours prior to and 24 following refuse pickup. All refuse containers of any kind shall be set back or screened from the neighboring properties, public spaces, and roadways in such a manner to sufficiently block them from view.

11. No excavation shall occur on any property that does or might impact neighboring properties, unless the edge of excavation shall have such protection against erosion or settling so as to protect the neighboring properties.

12. Yard/Garage Sales

A. Garage sales must be conducted on the premises of a single-family or multifamily dwelling.

B. At least one seller shall be a resident of the premises or an authorized agent of the estate at which the garage sale is conducted. The sale of goods shall be limited to those items belonging to the seller conducting the sale which were acquired by the seller for his or her own use, whether or not such goods were actually used by the seller. Garage sales shall not include goods, new or used, specifically acquired by the seller for resale.

C. No more than three garage sales shall be conducted at the same premises or by the same person in any one twelve-month period.

D. Garage sales shall be no longer than three consecutive days.

E. Garage sales shall only be conducted between 8:00 a.m. and 6:00 p.m.

F. The person conducting the garage sale shall be responsible for the maintenance of good order during the hours of the sale.

B. Yards, yard improvements, building projects and setbacks.

1. Patios. A paved patio shall not be considered in the determination of building coverage or yard requirements; provided, however, that such patio is without roof, awnings, screens, walls, parapets or other forms of enclosure. Such patio, however, may have a guard railing or open fence, but such patio shall not project into any yard to a point closer than five feet from any lot line.

2. Porches. No porch may project into any required setback. Any two-story or any enclosed porch, or one having a roof and capable of being enclosed, shall be considered a part of the building in determining the yard requirements for amount of building coverage.

3. Projecting horizontal architectural features. Architectural features, such as windowsills, belt courses, chimneys, cornices, eaves or bay windows, may project not more than three feet into any required setback. The sum of any bay window projections or any wall shall not exceed $\frac{1}{4}$ the length of said wall.

4. Fire escapes. Open fire escapes may extend into any required setback not more than five (5) feet.

5. Height exceptions.

(a) The height limitations of this Chapter shall not apply to flagpoles, church spires, belfries, cupolas and domes not used for human occupancy, nor to chimneys, ventilators, parapets, skylights, water tanks, bulkheads or similar features, radio and television receiving antennas for the use of residents of dwellings in apartments, and necessary mechanical appurtenances usually carried above the roof level. Such a feature, however, shall be erected only to a height necessary to accomplish the purpose it is intended to serve, but in no case more than 15 feet above its lowest point of contact with the roof. The total area covered by such features shall not exceed in cross-sectional area fifteen (15) percent of the area of the section of roof upon which they are located. Such features as water tanks, cooling towers and bulkheads shall be enclosed within walls of material and design in harmony with the main walls of the building on which they are located.

(b) Barns, silos, solar energy systems, wireless telecommunications facilities, and small wind energy facilities may exceed the height limits of this Chapter, provided that they comply with the applicable sections of Article VI.

(c) This subsection B.5 shall not be construed to permit any structure that is not allowed elsewhere in this Chapter.

6. Parapet walls. A parapet wall may extend no more than five (5) feet above the roof of the building on which it is located, nor more than five (5) feet above the height limit for the district in which it is located.

7. Walls and fences.

(a) It shall be unlawful to construct or commence the construction of a wall or fence without first filing with the Code Enforcement Officer an application, in writing, and obtaining a formal permit.

(b) No wall or fence consisting of woven wire, woven board, picket board, cultivated or natural growth of shrubs or trees, or any other material shall exceed six (6) feet in height. However, if such wall or fence shall be erected along any road or highway, the permitted height thereof shall not exceed 2½ feet at any point within a radius of 30 feet from the corner formed by any intersecting roads or highways. All front and corner heights shall be measured from the natural grade.

(c) A wall or fence on any lot line of a parcel of one (1) acre or more in size with at least one hundred fifty (150) feet frontage or on lot lines between business and residential zoned property may exceed the maximum height allowed herein up to a maximum of eight (8) feet, but only by review and approval of the Planning Board

(d) In any zoning district, all walls and fences shall have the face of the wall or fence directed toward the abutting property.

(e) In all conflicts of interpretation of side line or rear line, the height of the wall or fence applicable shall be the lower height allowed.

8. Visibility at intersections. On any corner lot, no building, fence, wall, hedge or other structure or planting more than two and one-half (2½) feet in height shall be erected, placed or maintained with the triangular area formed by the intersection street lines and a straight line joining said street lines at points which are thirty (30) feet distant from their point of intersection, measured along said street lines. The height of two and one-half (2½) feet shall be measured above the road surface at the nearest edge of the pavement. This section shall not apply to existing trees, provided that no branches are located closer than six (6) feet to the ground.

9. Agriculture. Agriculture, as specifically defined in § 100-8 of this Chapter, shall be permitted in the A, R-¼, R-½, R-1, R-2, and IMC Districts, provided that the following criteria are met:

(a) Buildings or structures for the storage of any farm equipment and for permitted fowl or livestock shall be located not less than fifty (50) feet from any lot line, nor, except in the A District or where the farm operation precedes the residential use, within two hundred (200) feet of the nearest neighboring residential structure. No fenced area for such fowl or livestock, except in the A District or where the farm operation precedes the residential use, shall be closer than one hundred (100) feet to an existing neighboring residential structure.

(b) The storage of manure or other dust- or odor-producing substances shall be adequately screened from the view of adjacent properties and located not less than one hundred (100) feet from any lot line, stream or other water body, or well providing a source of potable water, nor within two hundred (200) feet of the nearest neighboring residential structure.

10. Animal Husbandry. Animal husbandry shall be permitted in the A, R-1 and R-2 Districts for personal use only, provided that:

In Residential Zones:

(a) The lot or lots shall be a minimum of five (5) acres in size.

(b) A minimum twenty-five (25) foot buffer shall be provided on all sides of the lot boundaries.

(c) Fences or corrals must be a minimum of twenty-five (25) feet from all lot boundaries.

(d) The following schedule shall be adhered to: one horse per two (2) acres; or one (1) cow per two (2) acres; or one (1) sheep per acre; or one (1) goat per acre; or a total of any combination of twelve (12) fully grown chickens, ducks, geese or other fowl or birds of any type per acre. Roosters are forbidden in R zones.

In Agriculture Zones:

- (a) Fences or corrals must be a minimum of five (5) feet from all lot boundaries.

11. Agricultural Buffers. Recognizing the potential incompatibility of certain agricultural procedures and residential development, the following provisions shall be adhered to:

(a) Buffers adjacent to actively farmed lands within a New York State certified Agricultural District, shall be established in new residential subdivisions and other non-farm uses. The buffer area as part of the new residential or other non-farm use shall consist of an enhanced setback of at least fifty (50) feet and, at the discretion of the Planning Board, up to one hundred (100) feet depending on the type of agriculture or farm use, the topography, and the proposed design of such buffer. Appropriate landscaping and/or vegetative screening, shall be established and maintained on such buffers. Such buffer and its standards shall be noted on any approved subdivision plat or site plan.

(b) The deeds of new residential units located partially, wholly or within 500 feet of either a New York State certified Agricultural District or land for which an individual commitment has been received pursuant to § 305 or 306 of the Agriculture and Markets Law of the State of New York, shall contain references to notes that shall be placed on the subdivision plat and/or site plan relative to the hazards and nuisances (noise, odors, dust, hazardous chemical use, etc.) to which residents of such dwelling unit willingly subject themselves, pursuant to Chapter 58 of the Town of Lloyd Code.

12. Business Buffer. Along all lot boundaries where a business or industrial use adjoins a residential district, a buffer area shall be established and maintained on the business or industrial property as set forth in the Dimensional Table found in § 100-13 and in full compliance with the following standards:

(a) It shall be planted with evergreen plantings of such type, height, spacing and arrangement as, in the judgment of the Planning Board, will screen the activities on the lot from the adjoining residential area.

(b) The plan and specifications for such planting shall be filed with the approved plan for the use of the lot.

(c) Required planting shall be properly maintained throughout the continuance of the use on the lot.

(d) At the discretion of the Planning Board, a wall or fence of location, height and design approved by the Planning Board as providing equivalent screening may be substituted for the required planting.

13. The lowest portion of any overhead obstruction shall be at least seven feet above sidewalk/grade level.

C. Driveways. For reasons of traffic safety both on and off the street, as well as to provide for possible future road widening or other improvements, all new driveways entering onto any street shall comply with all requirements of Chapter 89-19M and shall be subject to the approval of the Code Enforcement Officer, except where such are part of a use subject to Site Plan or Special Use Permit approval.

§ 100-16. Regulations Applicable to Accessory Buildings and Structures in Residential Districts

A. The provisions of this Chapter applying to residential districts shall be subject to such exceptions, additions or modifications as are herein provided by the following regulations applicable to accessory buildings and structures:

1. Location.

(a) No accessory building shall be located within a front yard.

(b) An accessory building with a gross floor area less than 250 square feet may be located within and/or outside the parameters of the required side yard setback or required rear yard setback provided that such accessory building shall be set back five (5) feet from any lot line, and all such accessory buildings, in the aggregate, shall not occupy more than 30 percent of the area of the required rear or side yard. Accessory buildings larger than 250 square feet must comply with the setbacks of the zone in which they are located.

2. Swimming pools. Swimming pools shall be permitted provided that such structures are not located in a front yard and shall be setback five (5) feet from any lot line in the R¹/₄, R¹/₂, and CB Districts, and shall be setback ten (10) feet from any lot line in all other districts. Swimming pools shall be fenced as required by the New York State Uniform Fire Prevention and Building Code.

§ 100-17. Non-conforming Uses, Structures and Lots.

A. Continuing existing uses. Except as otherwise provided herein, the lawfully permitted use of land or structures existing at the time of the enactment of this Chapter may be continued although such use does not conform to the standards specified by the ordinance for the zone in which such land or building is located. Said uses shall be deemed non-conforming uses.

B. Nonconforming uses of land. Where no structure is involved, the nonconforming use of land may be continued; provided, however, that:

1. No such nonconforming use shall be enlarged or increased, nor shall it be extended to occupy a greater area of land than that occupied by such use at the time of the enactment of this Chapter, unless specifically allowed by other provisions in this Chapter.

2. No such nonconforming use shall be moved in whole or in part to any

other portion of the lot or parcel of land occupied by such nonconforming use at the time of the enactment of this Chapter.

3. If such nonconforming use of land, or any portion thereof, ceases for any reason for any continuous period of more than 180 days, or is changed to a conforming use, any future use of the land shall be in conformity with the provisions of this Chapter.

C. Nonconforming uses of structures.

1. Expansion. A structure, the use of which does not conform to the use regulations for the district in which it is situated, may be extended; provided, however, that as to such extension, all of the requirements as to distance from highways and lot lines as provided by this Chapter for such structure in the zone for which such nonconforming use would be a conforming use or in the zone in which such structure is located, whichever requirements are greater, must be complied with, and that the extent of such expansion, whether occurring as a single expansion or as the aggregate of two (2) or more smaller expansions, does not exceed fifty (50) percent of the gross floor area of the structure dedicated to the non-conforming use at the time of the enactment of this Chapter, and that the nonconforming intensity of use will not be increased with respect to traffic usage, amount of effluent, noise, lights, odors, hours of operation, or other environmental impacts.

2. Modifications. A nonconforming structure shall not be structurally altered to an extent greater than fifty (50) percent as determined by the Code Enforcement Officer unless such alterations are required by law; provided, however, that such maintenance and repair work as is required to keep a nonconforming structure in sound condition shall be permitted, and provided further that any such nonconforming use may be extended throughout any parts of the structure which were manifestly arranged or designed for such use at the time of the enactment of this Chapter.

3. A nonconforming use of a structure may be changed only to a conforming use, not to another nonconforming use.

4. If any nonconforming use of a structure ceases for any reason for a continuous period of more than one year or is changed to a conforming use, or if the structure in or on which such use is conducted or maintained is moved for any distance whatever, for any reason, then any future use of such structure shall be in conformity with the standards specified by this Chapter for the district in which such structure is located.

5. If any structure in which any nonconforming use is conducted or maintained is hereafter removed, the subsequent use of the land on which such structure was located, and the subsequent use of any structure thereon, shall be in conformity with the standards specified by this Chapter for the zoning district in which such land or structure is located.

6. Notwithstanding the above requirements, a trailer or manufactured home which legally exists as a nonconforming use and is used as the principal residence of a family

may be removed or replaced with another manufactured home, provided that the Code Enforcement Officer determines that such replacement trailer or mobile home is of better quality and otherwise in a more safe and healthful condition than the existing one, and that such replacement trailer or mobile home complies with all other applicable structural and health department requirements, and other zoning requirements such as area coverage and setback requirements-

D. Non-conformity other than use. A structure that is conforming in use but which does not conform to the height, yard, land coverage, parking or loading space requirements of this Chapter shall be considered to be a legal nonconforming structure within the meaning of this section. No certificate of compliance shall be issued that will result in the increase of any such nonconformity.

E. Restoration of damaged structures. If any non-conforming structure shall be destroyed by any means to an extent of more than fifty (50) percent of the structure footprint, no repairs or reconstruction shall be made unless such structure is made to conform to all the requirements of this Chapter for the district in which it is located. However, the above restriction shall not apply to any structure listed on the National Register of Historic Places or that is eligible for the National Register or that is designated an historic structure by the Town Board or that has been surveyed as an historic resource by the New York State Office of Parks, Recreation and Historic Preservation, if such structure is restored to its original condition. Where the destruction of such nonconforming structure is less than fifty (50) percent it may be restored and the nonconforming use continued, provided that the total cost of such restoration does not exceed the replacement value of the destroyed portion of the structure at the time of its destruction, and further provided that such restoration is started within a period of six months of such destruction and is diligently prosecuted to completion. Nothing in this Chapter shall prevent the strengthening or restoring to a safe condition of any wall declared to be unsafe by the Building Inspector.

F. Non-conforming lots of record.

1. Any lot of record which does not comply with the area or dimensional standards of this Chapter but which is a legal lot of record filed in the Office of the County Clerk prior to the effective date of adoption or amendment of this Zoning Law, shall be deemed a legal non-conforming lot and may be used for any principal use permitted in the zoning district in which the lot is located, provided that for any use which is to be served by an individual well and/or septic system, the non-conforming lot shall be of a size and design to meet the minimum requirements of the Ulster County Department of Health for such wells and septic systems.

2. Such a non-conforming lot shall not be further reduced in area or frontage, and if it is subsequently combined with other land in such a way as to reduce or eliminate the non-conformity, it shall not again be subdivided except in conformance with the dimensional requirements for new lots in the zoning district in which the property is located.

3. Setbacks for non-conforming lots of record shall comply with setbacks of the zoning district unless variances are granted by the Zoning Board of Appeals. A Building

Permit for construction on a vacant non-conforming lot shall only be issued after the granting of any necessary variances by the Zoning Board of Appeals.

4. If a non-conforming lot is in common ownership with abutting lands, the contiguous lots shall be considered a single parcel of land for purposes of site plan, subdivision, and/or special use permit applications, unless the parcel is resubdivided to conform to the dimensional requirements for new lots in the zoning district in which the property is located.

ARTICLE 5: OVERLAY AND OTHER DISTRICT REGULATIONS

§ 100-18. Adult Use Overlay District

A. Adult uses, as defined in § 100-8 of this Chapter, are to be restricted in the following manner, in addition to any other requirements of this code.

B. In addition to the procedure and regulations for site plan review and special use permits required in this Chapter, an adult use establishment shall be permitted in the LI (Light Industrial) Zoning District subject to the following restrictions:

1. No adult use establishment, active or passive, shall be allowed within a one-thousand-foot radius of another existing adult use establishment whether within the Town of Lloyd or any neighboring community. The one-thousand-foot radius shall be measured in a straight line from the nearest point of the wall portion of the building in which an adult use business is conducted to the nearest point of the wall on the area in question.

2. No passive adult use establishment shall be located within a five-hundred-foot radius of a residential district or a preexisting school, library, civic or youth-oriented center, a designated historic preservation site or district, park, playgrounds or place of worship, as well as an areas designated as scenic under New York State law. The five-hundred-foot radius shall be measured in a straight line from the nearest point of the wall portion of the building in which an adult use business is conducted to the nearest point of the wall on the area in question.

3. No active adult use establishment shall be located within a one-thousand-foot radius of a residential district or a preexisting school, library, civic or youth-oriented center, a designated historic preservation site or district, park, playgrounds or place of worship, as well as an areas designated as scenic under New York State law. The five-hundred-foot radius shall be measured in a straight line from the nearest point of the wall portion of the building in which an adult use business is conducted to the nearest point of the wall on the area in question.

C. Curfew. It shall be unlawful for any person maintaining or operating any adult use establishment to operate said establishment between the hours of 2:00 a.m. and 10:00 a.m. Monday through Saturday and 2:00 a.m. through 12:00 p.m. on Sunday.

§ 100-19. Agricultural Business Overlay District

A. Findings and Purpose. The Town of Lloyd finds that protection of agriculture is essential to implementing the goals of the Town of Lloyd *Comprehensive Plan*. Protection of land for agricultural purposes is a legitimate zoning objective under New York State's Statutes, which the regulations set forth in this section seek to achieve. It is also a policy of the New York State Constitution to preserve agriculture. The purposes of the Agricultural Business Overlay District (hereafter the AB-O District), among others, are as follows:

1. To implement the Town's *Comprehensive Plan*, which contains the goals of protecting rural and agricultural lands, discouraging incompatible nearby land uses, and promoting agriculture as a component of the local economy now and in the future;

2. To conserve a critical mass of productive agricultural lands in order to facilitate active and economically viable farm use of the lands now and in the future;

3. To enhance agricultural businesses that contribute to the general economic conditions of the Town;

4. To maintain a viable agricultural base to support agricultural processing and service industries;

5. To encourage the voluntary sale of development rights from farms within the AB-O District through the Town's incentive zoning program as outlined in § 100-35;

6. To separate agricultural land uses and activities from incompatible residential, commercial, industrial, and public facility development;

7. To prevent fragmentation of the Town's existing agricultural lands by non-farm development;

8. To ensure the availability of a safe, locally grown food supply; and

9. To reserve the Town's most productive soils for agriculture.

B. Applicability. The AB-O District shall apply to all lands within the Town's Agricultural (A) Zoning District which are a "farm" as defined in § 100-8 of this Chapter, and which additionally are enrolled within an agricultural district pursuant to Article 25AA, §§ 303 and 304, of the New York State Agriculture and Markets Law.

C. Landowners in the AB-O District are eligible to sell development rights through the Town's incentive zoning program, subject to availability of funds. Development rights may be sold at a density bonus lot yield rate of one (1) dwelling unit per two (2) buildable acres. Lands from which development rights have been sold shall be placed under a permanent conservation easement.

D. In addition to the permitted uses and special permitted uses for the Agricultural Zoning District listed in the Use Table in § 100-12 of this Chapter, the following permitted accessory uses and special permitted uses are also allowed for lands within the AB-O District.

1. Permitted accessory uses:

Roadside stands and farm markets ¹, in conformance with subsections E.1. and E.2. below.

On-farm retail shops¹ for the sale of agricultural products such as meats, woolen goods, flowers, herbs, feed stores, dairies and creameries, and agricultural related products, including gifts, antiques and crafts, in conformance with subsection E.2 below.

Wineries and cider mills (reuse of agricultural buildings¹ and new construction ², the latter no greater than 10,000 square feet in gross floor area) selling product in a tasting room, derived from crops at least a portion of which came from the farm premises.

Other accessory agricultural or agritourism uses and activities so long as the general agricultural character of the farm is maintained and such uses occur through reuse of agricultural buildings only. Such uses may but not be limited to:

Educational experiences such as farm tours, day camps¹ farming and food preserving classes, cooking classes, nature hikes

Value-added processing facilities¹ for farm products of which a minimum of 50 percent is grown in the Town of Lloyd

Bakeries¹ selling baked goods containing produce a portion of which is grown on the farm, and baked on site

Petting zoos, animal display, and pony rides

Wagon, sleigh, and hayrides

Seasonal outdoor crop mazes

Family-oriented animated barns (e.g. fun houses, haunted houses)

Organized meeting space¹ for use by weddings, birthday parties, and corporate picnics

Nature trails

Historical agricultural exhibits

¹ Requires minor site plan review. Minor site plan review should be limited to building elevation and design, parking, lighting, and signage, unless the Planning Board has specific concerns regarding public health, safety or general welfare and such concerns are specifically set forth in the minutes of the Planning Board meeting. The need for a public hearing will be at the discretion of the Planning Board.

² Requires major site plan review in accordance with the provisions of § 100-52 of this Chapter.

Open air or covered picnic area with restrooms

Harvest festivals and barn dances

Companion animal or livestock show

- Signs, which shall comply with the provisions of § 100-28.
- Parking, which shall comply with the provisions of § 100-29.
- Other uses customarily incidental to the permitted or special permitted use and located on the same lot.

2. Special Permitted Uses. All special permitted uses require major site plan review.

Country Inn as defined herein and in conformance with § 100-46 of this Chapter

Farm equipment sales and repair

Feed manufacturing

Sawmill incidental to the operation of the farm

Private airstrip

Multifamily (reuse of agricultural building only) provided the total number of dwelling units yielded by the property in creating such a dwelling is not exceeded

E. Supplemental Standards for Permitted Uses.

1. Roadside stands. Roadside stands, as defined in this Chapter, shall be allowed in the AB-O District as a permitted use subject to issuance of a building permit by the Zoning Enforcement Officer in conformance with the following standards:

(a) Such stand shall not exceed two hundred fifty (250) square feet in gross floor area.

(b) Such stand shall be located not less than twenty (20) feet from the edge of the street pavement and there shall be a suitable area provided where vehicles can safely park while visiting the roadside stand.

(c) Such stand shall be solely for seasonal display and sale of agricultural products grown principally on the premises or, in limited quantity elsewhere by the operator of the roadside stand.

(d) Signage can be either seasonal or permanent subject to the provisions of § 100-28.

2. Farm Markets and On-Farm Retail Shops. Farm markets, as defined in this Chapter, and on-farm retail shops, as described in subsection D3(a) of this section, shall be allowed in the AB-O District as a permitted use provided:

(a) Such market or shop shall not exceed 4,000 square feet in gross floor area.

(b) Parking area subject to Parking and Off-street Loading requirements in § 100-29.

(c) Signage can be either seasonal or permanent subject to the provisions of § 100-28.

(d) Subject to Ulster County Health Department approval for onsite water supply and sanitary sewage facilities if applicable to the proposal.

F. Siting Standards for Residential Development in the AB-O District. In order to allow for maximum flexibility in achieving a compatible arrangement of agricultural and residential land uses and to protect important farmlands and scenic vistas without impeding agricultural land use on a portion of a property or on adjacent or nearby properties, all new residential development within the AB-O District shall be designed in accordance with the procedures and requirements for conservation subdivision as outlined in §100-34 of this Chapter and the Town's Subdivision Regulations, and shall conform to the following additional standards:

1. All soils classified as prime or statewide important agricultural soils shall be avoided to the greatest extent practical, with a goal of preserving at least eighty (80) percent of such soils on the parent parcel.

2. Residential structures shall be located according to the following guidelines, which are listed in order of significance (some of which may conflict with each other on a particular site, in which case, the Planning Board may use its discretion to resolve such conflicts):

(a) On the least fertile agricultural soils and in a manner which maximizes the usable area remaining for agricultural use and permits access to active agricultural lands;

(b) Away from the boundaries of any conserved farm to reduce conflicting land uses in these areas;

(c) In such a manner that the common boundary between the new residential lots and active and/or conserved farmland is minimized in length, is of sufficient width, and is well buffered by vegetation, topography, roads or other barriers to minimize potential conflict between residential and agricultural uses;

(d) Within woodlands or along the far edges of fields adjacent to woodlands so as to avoid impacts to visually prominent agricultural landscape features and enable new construction to be visually absorbed by the natural landscape;

(e) To be as visually inconspicuous as practical when seen from State, County and local roads, and particularly from designated scenic routes;

(f) Next to other residences or building lots on adjacent properties;

(g) To minimize the perimeter of the built area by encouraging compact development and discouraging strip development along roads;

(h) On suitable soils for subsurface sewage disposal (where applicable);

(i) Any other mitigation measure imposed under SEQRA.

3. Roads and driveways servicing the residential lots shall be located so as to minimize their impact on the use of agricultural land.

4. In order to maximize the conservation of farmland, maximum residential lot size shall be limited, insofar as practicable based on topography and Ulster County Health Department standards, to one (1) acre where individual on-site water supply and sanitary sewage disposal arrangements are intended, and to the least amount of acreage determined to be feasible by the Planning Board when the presence of central facilities is proposed.

G. Partial Subdivision. To accommodate landowners who do not desire to subdivide an entire parcel at the time of their initial application for subdivision plat approval, partial subdivision of a parcel shall be permitted and the Planning Board authorized to approve the subdivision plat thereof provided the Planning Board finds as follows:



Conservation and Gradual Development on a Working Farm

1. The subdivision meets the purposes and requirements for a conservation subdivision as set forth in § 100-34 of this Chapter and the Town's Subdivision Regulations.

2. The subdivision is consistent with a farmland protection plan based on conservation principles for the entire parcel, or the two (2) or more contiguous parcels held in the same ownership or in the ownership of related parties, which identifies the development pocket for future subdivision as illustrated herein, and meeting the requirements set forth below. The farmland

protection plan shall be submitted by the applicant and shall show:

(a) The location of prime and statewide important agricultural soils within the tract, and the approximate total acreage of such lands.

(b) The location and current use, and, if different, the intended use of all existing structures and infrastructure.

(c) The location and intended use of all proposed building envelopes, roads and other major improvements.

(d) A depiction of the farm acreage to be protected, labeled in a manner to indicate that such land is not to be further subdivided for building lots and is permanently reserved for agricultural purposes.

(e) An acknowledgment of the conservation easement or similar binding legal mechanism or other additional land protection measures to be employed.

§ 100-20. Reserved

§ 100-21. Stream Corridor Overlay District

A. Findings and Purpose: The Town of Lloyd finds that special protection of the Town's stream corridors is necessary to preserve their scenic character, biodiversity, physical features and water quality. The purpose of this section is to regulate land uses within stream corridors; to protect water quality, scenic resources and the overall appearance of the community; and to reduce the risk of damage from flooding and other natural occurrences. As such, the creation of this Stream Corridor Overlay (SC-O) District is more specifically to provide protection of stream channels, flood-prone and adjacent areas; to control stream flows to keep downstream properties from flooding; to provide source control that will reduce runoff and sediment transport from upstream properties; and to control land clearing of areas where flooding and erosion hazards could occur.

B. Boundaries: The SC-O District includes all land lying within 100 feet of the top of bank on each side of the following water courses:

1. The south branch of the Twaalfskill Creek (H-116) from Chapel Hill Road through Shantz's Pond, thence through the Hamlet of Highland to the Hudson River, except as noted in subsection B.8 below.

2. The north branch of the Twaalfskill Creek (H-116) from Route 9W through and across Clearwater Road, along Grand Street and south to its connection to the south branch of the Twaalfskill Creek.

3. Mile Hill Creek (H-115) from Bridgeview Shopping Plaza to the Hudson River.

4. Reservoir Creek from the water treatment facilities on Illinois Mountain through Pratt Mills Pond to its intercept with the north branch of the Twaalfskill Creek.

5. The stream between Lily Lake and Marx Pond, including the outlet of Marx Pond 1,500 feet downstream of the Pond.

6. Black Creek (full length within the Town of Lloyd).

7. Swartekill along North Eltings Corner Road

8. The SC-O District along the south branch of the Twaalfskill within the Hamlet of Highland between Shantz's Pond and Bellevue Road includes only those parcels bordering the Twaalfskill. Parcels not bordering the Twaalfskill within this reach are not included in the SC-O District.

9. Where there is no clearly defined bank, the District boundary shall be measured from the 100-year flood elevation of the stream.

C. Regulatory Effect on Land Uses: Within the SC-O District, all of the underlying land use district rules remain in effect, except as they are specifically modified by this section.

D. Setbacks: Within the SC-O District, no structures shall be located within 100 feet of the top of the bank of a water course or within 50 feet of the 100-year flood elevation when there is no clearly defined bank except for those structures approved by the Planning Board after Site Plan Review. This setback shall not apply to docks, piers, bridges and other structures which by their nature must be located on, adjacent to or over the water course. For purposes of defining setbacks, measurements shall be horizontal distances measured from the top of bank or 100-year flood elevation, as appropriate. For lots in existence as of the effective date of this Zoning Law and for any project for which an Environmental Impact Statement has been prepared, the Planning Board may modify these setback requirements, provided that the Planning Board finds that the proposed construction will comply with subsection E.3. below.

E. Site Plan Approval Requirement:

1. Within the SC-O District, site plan approval shall be required for the following:

(a) Construction of any structure greater than 500 square feet in footprint area

(b) Within any one (1) year period:

(i) Filling or excavation of an area in excess of 5,000 square feet

on any parcel

- (ii) Clear cutting of more than 5,000 square feet of vegetation

- (iii) Grading or other alteration of more than 5,000 square feet of the natural landscape

2. Within the SC-O District, the site plan approval requirement shall not apply to:

- (a) Agriculture uses.

- (b) Repair and maintenance of existing structures.

- (c) Activities carried out pursuant to a site plan or special use permit approved prior to the enactment of this section and still in effect.

3. Within the SC-O District, the Planning Board may grant site plan approval only if it finds that, with appropriate conditions attached, the proposed activity:

- (a) Will not result in degradation of scenic character and will be aesthetically compatible with its surroundings.

- (b) Will not result in erosion or stream pollution from surface or subsurface runoff. In making such determination, the Planning Board shall consider slope stability, drainage patterns, water entry points, soil erosivity, depth of bedrock, high water table and other relevant factors. The safety factor for any type of slope failure under saturated soil conditions shall be 2.0 minimum.

- (c) Will comply with other applicable provisions of this chapter.

4. If a special permit, site plan, variance or subdivision approval is required in connection with a project subject to this section, the requirements of this section shall be considered in such proceeding and no separate site plan approval shall be required.

F. Enforcement. These provisions shall be applied by the Planning Board during site plan review, and shall be enforced by the Town of Lloyd Building Department during and after construction. Unless otherwise mandated or allowed, landowners will be required to maintain stream channels, floodways, embankments, wetlands and adjacent areas located on their property in accordance with the purpose and requirements of this section.

§ 100-22. Tourism/Recreational Resort Floating District

A. Findings and Purpose. The Town of Lloyd finds that recreational tourism implements the goals of the Town of Lloyd *Comprehensive Plan* by providing large-scale recreational amenities to local residents and enhancing the local economy without exclusive reliance on retail shopping. The purposes of the Tourism/Recreational Resort Floating District (hereafter the TRR-F District) include the following, without limitation:

1. To implement the Town's *Comprehensive Plan*, which contains the goals of capitalizing on the Town's location near major existing regional tourism attractions, such as Mohonk Preserve, Minnewaska State Park, the Catskill Mountains, the Appalachian Trail, West Point, the Franklin D. Roosevelt and Eleanor Roosevelt National Historic Sites, Vanderbilt Mansion National Historic Site, and the Kingston Rondout; and further encouraging establishment of the Town of Lloyd as a tourist destination.

2. To attract regional tourists and expand the local economy, in recognition that tourist visitors who spend the night in a community contribute proportionately more to the local economy than those who just pass through, as noted by the *Comprehensive Plan*.

3. To enhance provision of large-scale recreational services and amenities to local and regional residents.

4. To encourage the siting of such uses in the area located within a three (3) mile radius of the interchange of the New York State Thruway and Route 299, or along any New York State road, so that traffic impacts on local roads will be minimized.

5. To provide methods of providing compatibility of tourist recreation resort uses with surrounding agricultural uses, where applicable, and recognizing that recreational uses based upon enjoyment of nature and open space can coexist with nearby agricultural uses.

B. **Applicability.** The TRR-F District shall be a floating zone which may be established: within a 3-mile radius to the intersection of the New York State Thruway and Route 299 upon petition by a property owner and approval by Town Board. Within this floating district, the establishment of a tourism/recreational resort shall be permitted only upon the issuance of a special permit by the Town Board, based upon the standards set forth herein, and site plan approval by the Planning Board.

C. **Special Permit Criteria.** The Town Board may issue a special permit to authorize the establishment and operation of a tourism/recreational resort for property located within the TRR-F District, upon a finding that the following standards have been met:

1. **Location:** Property must be located within 3 miles of the intersection of the NYS Thruway and Route 299, or along any New York State road.

2. **Nature of recreational use:** The Town Board shall find that the proposed recreational use, and the manner of its operation, will benefit the region and the local community by providing needed recreational services or opportunities.

3. **Vehicular Access:** Vehicular access from the Thruway interchange to the site shall be provided over public road(s) suitably improved to handle the anticipated traffic volumes created by the proposed development.

4. **Minimum parcel size:** 30 acres

5. **Required open space buffer toward existing residential or agricultural uses:** An open space buffer shall be provided within 100 feet of any property line abutting

developed residential or agricultural property. This open space buffer may be wooded or open and may contain pedestrian or bicycle recreation trails, unless adjacent to lands in agricultural use. The Planning Board may approve parking within 50 feet of a boundary provided that sufficient landscape screening is provided as part of the site plan.

6. Off-street parking and loading requirements: Off-street parking and loading facilities for any uses or structures in a Tourist/Recreational Resort shall be provided in accordance with § 100-29. Parking areas shall be broken up to avoid the appearance of significant expanses of impervious surfaces, and shall be landscaped.

7. Lighting: All outdoor lighting shall comply with the provisions of § 100-27 of this Chapter.

8. Additional site development standards: In addition to the standards set forth in this section, the applicant shall also comply with the appropriate design, site plan and performance standards of this Chapter and the Site Plan Regulations of Article 8. However, where a conflict exists between the development standards in this section and any of the above, the standards this section shall prevail

9. Project phasing: If the project is to be phased, then a phasing plan shall be submitted and approved as part of the site plan application.

10. Emergency Services: The Planning Board, as a condition of approval, may require the applicant to supplement emergency service protection, including the provision of on-site facilities, provision of private security or other private emergency services, if it is demonstrated that existing services, facilities or equipment is inadequate to properly provide emergency protection.

11. Additional standards if property is within the A (Agricultural) Zoning District. The Town Board recognizes that some of the property located within 3 miles of the Thruway/299 interchange is located within the Agricultural District, some of which land is also within the AB-O District. In order to harmonize the purposes of the TRR-F district with the purposes of supporting nearby agricultural uses, the Town Board shall assure that the proposed tourism/recreational resort use will not produce noise, light, or similar impacts adversely impacting adjoining farm uses, and may explore any of the following measures, where practicable, in review of a Tourism/Recreational Resort:

(a) Siting buildings and/or outdoor activities in the TRR-F as far as reasonably possible from farm activities on any adjoining farm where activities would be in conflict.

(b) Encouraging grants of easements to adjoining farm owners for continued agricultural uses on the TRR-F property.

(c) Placement of supplemental landscaping, as required, to provide any needed additional buffering between TRR-F buildings or activities and adjoining farm operations.

(d) Use of architecture and site design (including setbacks, building placement) to maximize compatibility with views of adjacent farmlands, and avoid impacts to visually prominent agricultural landscape features.

(e) Siting of access roads to minimize impact on use of adjoining agricultural land, while maintaining maximum proximity to the Thruway/Route 299 interchange.

(f) The establishment of vegetative buffers to screen the adjacent agricultural property from the recreational use.

§ 100-23. Planned Unit Development

A. Purpose.

In order to meet the objectives of this chapter and to encourage and promote the most attractive and economic development of land which under appropriate conditions may include a mixture of land use types not otherwise permitted, to provide a maximum variety of housing types and densities in convenient locations within the Town, to encourage job-supporting and tax-producing new development planned in accordance with modern planning standards, to protect the quality and property values of existing development, to increase the range of services and facilities available to serve the Town's present and future population and to otherwise promote and enhance the public health, safety and general welfare, the following provisions with regard to Planned Unit Development Districts are adopted as an amendment to this chapter.

B. Establishment.

A Planned Unit Development District may be established by the Town Board either on its own motion or as a result of a petition from the owner or owners of property complying with the standards and requirements set forth in this chapter for Planned Unit Development Districts.

C. Application; review; public hearing; action.

Application, review, public hearing and action with respect to the establishment of a Planned Unit Development District shall be as follows:

D. Considerations

In determining whether exceptions to district standards should be allowed, particularly as regards the intensity of land use, the Town Board shall consider the following factors.

- A. The need for the proposed land use in the proposed location.
- B. The availability and adequacy of water service.
- C. The availability and adequacy of sewer service.

- D. The availability and adequacy of transportation systems, including the impact on the road network.
- E. The pedestrian circulation and open space in relation to structures.
- F. The character of the neighborhood in which the PUD is being proposed, including the safeguards provided to minimize possible detrimental effects of the proposed use on adjacent properties and the neighborhood in general.
- G. The height and bulk of buildings and their relation to other structures in the vicinity.
- H. Potential impacts on local government services.
- I. Potential impacts on environmental resources including wetlands, surface water, flood plains, and plant and wildlife communities.
- J. The general ability of the land to support the development, including such factors as slope, depth to bedrock, depth to water table and soil type.
- K. The potential for re-development of brownfield and other underutilized properties.
- L.. Other factors as may be deemed appropriate by the Town Board.

E. Procedures and Escrows:

1. The owner of the land or agent thereof shall submit an application for a PUD rezoning to the Town Board. An application fee set by the Town Board and amended from time to time in the Development Fee Schedule shall accompany the application. A sketch plan, drawn to scale, together with a narrative description, shall also accompany the application. The Town Board at its next regularly scheduled meeting may, if it determines the proposal merits review, refer the application with a copy of the sketch/plan to the Planning Board for its review and recommendation within 40 days of the date of the application. Any such referral to the Planning Board should not be construed as an approval of the application. If the Town Board determines that the proposal does not merit review because it does not meet the purposes of this Article, it shall not refer the application to the Planning Board and no further action on the application shall be taken. The application fee will be refunded to the applicant.

a. An escrow amount shall be established by the applicant to pay for consultant's fees, including engineering and legal fees, incurred in the evaluation of the plans and documentation for the PUD.

2. The Planning Board shall require the applicant to furnish basic site data pertaining to the boundaries of the proposed PUD or of an amendment to a PUD, existing zoning, topography, subsoil conditions and such other data as the Planning Board may deem appropriate, and such preliminary plans as may be required for an understanding of the proposed development, with the petition for the desired PUD. All applications for PUDs or for amendments to PUDs shall be accompanied by a long form environmental assessment

form as set forth in the New York State Environmental Quality Review Act. The Town Board will be the lead agency amongst all Town agencies.

3. PUDs shall be considered as a single parcel for the purpose of applying the regulations. The Planning Board will consider all zoning parameters for the district in which the PUD is located.

4. The Planning Board may request such changes in said preliminary plans as are found to be necessary. The Planning Board may request such additional requirements as are deemed reasonably necessary to protect the established or permitted uses in the district(s) and to promote and protect the orderly growth and sound development of the Town. In reaching its decision on the proposed development and changes, if any, in the preliminary plans, the Planning Board shall consider among other things, the following:

- (1) The need for the proposed land use in the proposed location.
- (2) The existing character of the neighborhood in which the use would be located.
- (3) The location of principal and accessory buildings on the site in relation to one another.
- (4) The pedestrian circulation and open space in relation to structure.
- (5) The traffic circulation features within the site and the amount, location and access to automobile parking areas.
- (6) The height and density of buildings and their relation to other structures in the vicinity.
- (7) The proposed location, type and size of display signs, driveways, loading zones and landscaping. In addition, an applicant for a PUD shall, in order to insure uniform sign design throughout such district, submit his plans pertaining to signs in the district to include the location, type and size of all proposed signs.
- (8) The safeguards provided to minimize possible detrimental effects of the proposed use on adjacent properties and the neighborhood in general.
- (9) Adequacy of drainage, storm water management, water supply and sewerage disposal facilities.
- (10) Such other matters as the Planning Board may consider pertinent.

5. The Planning Board shall approve, approve with modifications, or disapprove such application and shall report its findings to the Town Board within 62 days

following the date of referral to the Planning Board. This period may be extended with the consent of the applicant.

6. The Town Board shall within 45 days following receipt of the report from the Planning Board hold a public hearing on the proposal, with public notice as provided by law, as in the case of an amendment to this local law.

7. The Town Board may then amend this local law so as to define the boundaries of the PUD. Such action shall have the effect only of granting permission for development of the specific proposed uses, including building and area specifications, in accordance with the preliminary plans filed with the Town Board. Such amendment of this local law shall not constitute or imply a permit for construction or approval of construction plans.

8. In the event that the Planning Board has disapproved such proposal, or approved with modifications which the applicant is unwilling to make, the Town Board shall either incorporate the proposed modifications or set forth its reasons for not incorporating such modifications.

9. If construction work on the proposed development has not begun within 2 years of the Town Board approval and such work is not completed within the period of time specified by the Town Board, approval of the application shall become null and void. All rights granted under the PUD shall revert to the same regulations and restrictions as were effective before such approval, unless the Town Board for good cause authorizes an extension, which may be authorized without a public hearing.

10. Where any proposed PUD contains residential development, if the Town Board makes a finding that there is a present and anticipated future need for park and recreational facilities for the Town, and further that a suitable park or parks of adequate size cannot be located on such PUD, the Town Board may require a Payment in Lieu of Park Land Fee in an amount set by the Town Board and amended from time to time in the Town of Lloyd Development Fee Schedule. Such fees so collected shall be placed by the town into a trust fund to be used exclusively for park, playground or other recreational purposes, including the acquisition of property.

11. The tract or tracts of land under application for consideration for a PUD may be owned, leased or controlled either by a single person or corporation or by a group of individuals or corporations. An application must be filed by the owner or jointly by the deeded owners or their agent of all parcels included in the project. In the case of multiple ownership, the approved plan shall be binding upon all the owners, and such owners shall provide written certification of such binding agreements.

F. Compliance with standards.

All Planned Unit Development Districts and all buildings and uses within such districts shall be required to comply with the following specified development standards and requirements, except that the Town Board is hereby authorized to modify the standards with respect to individual buildings and lots within a planned unit development, as said Board deems appropriate.

G. Location.

A Planned Unit Development District shall have sufficient frontage on a public highway in order to ensure that adequate traffic access will be available to serve the mix of permitted land uses. Location of the Planned Unit Development shall also be in conformance with the Comprehensive Town Plan. The site of a Planned Unit Development District shall either be within an existing or future Town water and sewer special district, in which case it shall be required to connect to the special district's service facilities, or it shall be the responsibility of the applicant to provide a private central water supply and sewage disposal system, approved by the County Health Department, to serve the entire development, to be dedicated to the public and operated by the Town water and/or sewer district administration, acceptance of the private systems to be at the Town Board's option.

H. Minimum site area.

Each Planned Unit Development District shall be at least 20 contiguous acres in area outside the Town Water/Sewer District, 10 contiguous acres if within the Water/Sewer District, measured at least 250 feet of frontage on existing state highways. Each stage of development, if development occurs in stages, shall include at least 10 acres of land area.

The site plan for a PUD shall not be less than five acres for a residential development, three acres for a commercial development or five acres for an industrial development; provided, however, that where an applicant can demonstrate that the characteristics of his holdings will meet the objectives of this Article, projects with less acreage will be considered, and further provided that in the event that the Town Board is considering a project with less acreage, the affirmative vote of not less than 4/5 of the members of the Town Board shall be required to establish such a PUD. The calculation of such land area shall not include existing streets, easements, parks or otherwise dedicated land or water areas in excess of 5% of the minimum gross acreage, lands officially designated on the official map of the Town or County as they may be prepared for public purposes or lands undevelopable by reason of topography, drainage or adverse subsoil conditions. Sites proposed for development for two or more classifications shall consist of the aggregate gross land area required for each use. The proposed development shall conform to the Town of Lloyd Comprehensive Land Use Plan.

I. Permitted uses.

No building or premises shall be used and no building or group of buildings or part of a building or structure shall be erected, constructed, enlarged, altered, arranged or designed to be used, in whole or in part, except for one or more, or an appropriate mix of the uses set forth below. Only those uses listed as being permitted or an appropriate mixture of such uses, shall be permitted.

A. Permitted principal uses.

(1) Any use permitted in a one-family residence district or multiple-family residence district, except that no more than 5% of all dwelling units shall be single-family or two-family dwellings.

(2) Specific uses.

(a) Stores and shops for the conduct of retail business, banks, post office, and establishments for the performance of various personal services, provided that such uses are part of a planned shopping complex of at least three acres.

(b) Restaurants and other places serving food and beverages.

(c) Theater, disco, bowling alley, skating rink or other place of amusement, provided that all principal activities are conducted in a fully enclosed building.

(d) Institutional health care facilities, including hospitals, and long-term care facilities where the occupants reside for extended periods within the facility.

(e) Office use.

(f) Golf courses with a clubhouse and/or hotel accessory to the golf course, marinas, equestrian facilities and vineyards. [Added 4-9-2003 by L.L. No. 2-2003]

(3) Any use permitted by Article XXIV in a Planned Residential Development.

A separate special use permit shall not be required for any use if such use is shown on the approved generalized site plan for the entire planned unit development. Site development plan approval shall be required. However, any permitted principal use applied for after the original approved generalized site plan is subject to approval procedures set forth in Article 8 and shall conform to any additional requirements made in connection with such approval.

B. Permitted accessory uses.

(1) Office of a physician, lawyer, surgeon or dentist and similar professional offices, and these must be located within the nonresidential area of the Planned Unit Development District.

(2) Garages and other areas for parking of motor vehicles. In areas of open or outdoor parking only 1/10 of the area may be for commercial vehicles of one ton or less.

(3) Parish house, rectory or church schoolrooms.

(4) No more than two signs, not exceeding four square feet in area, each pertaining to a permitted nonresidential use in the district, including sale, lease or rent signs, but excluding advertising signs. Signs shall be nonmoving and, if lighted, shall be nonflashing and shielded. Such signs must be located within the nonresidential area of the Planned Unit Development District. See Signage specifications below.

(5) Swimming pool, provided that such facility is not located in the required front yard and is set back from lot lines at least the side yard distance from the main building.

(6) Any accessory use permitted by Article XXIV in a Planned Residential Development.

A separate special use permit shall not be required for any accessory use if such use is shown on the approved generalized site plan for the entire planned unit development. However, any permitted accessory use applied for after the original approved generalized site plan is subject to approval procedures set forth in Article 8 and shall conform to any additional requirement made in connection with such approval.

Once approval is granted to the PUD, the development shall be considered static. No further changes can be made to the structures or amenities of the site, nor shall any changes be made to the uses allowed in the approved plan, unless those changes are resubmitted to the Planning Board for review and approval.

J. Density.

A. The portion of the site area devoted to nonresidential or nonrecreational uses and their accessory uses shall not exceed 50% of the gross area of any Planned Unit Development District. [Amended 4-9-2003 by L.L. No. 2-2003]

B. Within a Planned Unit Development District, residential densities shall be such that there will be at least the following minimum amounts of gross land area per dwelling unit, excluding the portion of the site, if any, devoted to nonresidential uses:

Type of Dwelling Unit	Minimum Land Area Required (square feet)
Studio/0-bedroom	2,500
1-bedroom	3,500
2-bedroom	5,000

The above densities shall not apply in situations where the residential component of the site is institutional in nature (long term care facilities), subject to Town Board or Planning Board approval.

C. Residential density in the PUD Districts may be increased up to a maximum of eight (8) dwelling units per buildable acre through the Town of Lloyd's Community Benefits provisions, as outlined in § 100-35 of this Chapter. The Town Board through their approval shall determine the number of dwelling units allowed up to a maximum of eight (8) dwelling units per buildable acre based on dwelling unit types and environmental impacts as determined during the SEQR review of the application.

K. Setbacks and building coverage.

Refer to Appendix A for Design Standards for the PUD.

1. All buildings, residential and nonresidential, shall be required to set back from perimeter property lines of the Planned Unit Development District a distance equal to the normal setback requirements within the adjoining zoning district but in no case less than the height of the building as measured from finished grade or 50 feet whichever is greater.

2. Building coverage of residential uses and their accessory uses shall not be permitted to exceed 15% of the gross site area devoted to such uses, nor shall the combination of building and paved areas of such uses be permitted to exceed 50%.

3. All other normal dimensional standards and requirements related to buildings and lots within a Planned Unit Development District shall be subject to Planning Board review and determination as a part of the site development plan and/or subdivision plat approval procedure, as appropriate.

L. Streets and storm drainage.

1. All principal streets within a Planned Residential Development District shall meet the standards set forth for Town roads and shall be suitable for dedication to the public.

2. All areas covered by buildings and all paved portions of the site shall be provided with suitable storm drainage. Where the expansion, reconstruction or other alteration of off-site drainage facilities and structure is required as a result of the additional burdens imposed by a proposed development, such development shall not be approved until the necessary off-site improvements have been made, or provisions have been made for such improvements.

M. Off-street parking.

1. Off-street parking facilities shall be provided in number and design subject to the following special standards for Planned Unit Development Districts:

(a) One off-street parking space, plus 1/4 of a space per bedroom, shall be provided for each dwelling unit. At least one such space per dwelling unit shall be located out-of-doors.

(b) At least 20% of the minimum number of required parking spaces to serve dwelling units shall be designed and reserved for the use of visitors and guests.

(c) All maintenance vehicles or equipment shall be stored in enclosed structures only, which structures shall conform in architectural theme to the principal buildings of the planned unit development.

2. The Town Board may waive up to 30% of the total required residential parking facilities as part of its site plan approval, when it is determined by the Board that due to

the relationship of the land uses or the nature of the occupancy of the dwelling units, the total required facilities may not be necessary to meet the intent of these regulations. In all cases, it shall be expressly demonstrated on the site development plan that sufficient space remains for the provision of the total amount of parking required and the site development plan shall bear such designation. All such undeveloped parking space shall be used and maintained as additional landscaped grounds until required for parking. Written guaranties, satisfactory to the Town Attorney, shall be submitted by the applicant for the eventual improvement of any such spaces, which may have been waived, within six months of the date of written notice to the property owner by the Planning Board that such spaces have been determined as necessary and must be constructed.

3. Parking shall be situated so that it is adequately screened from the state highway, and to the maximum extent possible, from all other vantage points around the parcel, either by dense, year-round landscaping, or topographically concealed. Parking shall be to the side or rear of buildings.

N. Street trees and landscaping.

1. In addition to the normal requirements for buffer landscaping to screen and protect adjoining residential properties, and for on-site landscaping necessary to assure an attractive development, provide shade and prevent soil erosion, it shall be specifically required that street trees be planted within parking areas at the rate of at least one tree per 10 parking spaces and along both sides of all roadways, where determined necessary by the Planning Board, at a distance of approximately 50 feet on center. All such trees shall have a caliper of at least 2 1/2 inches at a height of three feet above finished grade.

O. Recreation area and open space.

1. Recreation area. Each planned unit development shall include a recreation area which is designed, improved and maintained for the use of the residents of the development and their guests on a not-for-profit basis. The recreation area shall provide common active recreational facilities, such as swimming pools, playing courts (tennis, basketball, volleyball), playground equipment, etc. The plan for the recreation area shall be subject to Planning Board approval as to location, design and adequacy, taking into consideration the size of the development and the anticipated occupancy of the units. Where special recreational consideration must be met, such as for senior citizens or handicapped persons, the site plan shall contain elements encompassing and satisfying those needs. If the PUD is developed in phases, the on-site recreational amenities must be designed and built to accommodate the maximum residential build-out of the entire PUD.

2. Open space. All portions of any planned unit development which are not used for one or more of the purposes permitted by this chapter shall be designed and maintained as permanent open space and shall be landscaped or preserved in accordance with plans approved by the Planning Board.

3. Walkways. Planned unit developments shall be provided with safe and convenient pedestrian walkways as determined necessary by the Planning Board to

connect residential buildings, parking facilities, public and commercial facilities, school bus stops and recreation and open space areas. Walkways should be paved, level surfaces to allow walkers of all abilities to easily move about.

P. Utilities and services.

1. All utilities shall be placed underground and shall be situated to the extent possible between the paved roadway and designated street line, or in commonly owned areas, to simplify location and repair of such lines. Wherever possible, utilities should be routed around structures, paved areas and separately owned private lands.

2. The site of a proposed Planned Residential Development District shall either be within an existing Town water and sewer service area, in which case it shall be required to connect to such service facilities, or it shall be the responsibility of the applicant to provide a central water supply and sewage disposal system, approved by the County Health Department, to serve the entire development.

3. Refuse collection, storage and disposal. Plans for the collection, storage and disposal of refuse within any planned unit development shall be subject to Planning Board approval as part of its review of site development plans. The outside storage of refuse, if permitted, shall be in rodentproof containers conveniently located and enclosed or otherwise screened from view. If the parcel is broken into individual units with either public or private garbage collection, or if refuse must be exposed to the public view in any type of development, refuse shall be placed out for collection no earlier than 18 hours prior to collection, and any containers shall be removed from public view no less than 12 hours after collection.

4. Fire protection. Planned unit developments shall be provided with proper access for fire-fighting equipment and personnel. Hydrants shall be provided in such number and location and with such water supply and pressure as may be determined adequate by the Planning Board, based upon the recommendation of the Town Engineer and the Fire Department servicing the site.

5. Exterior lighting shall be provided in accordance with a lighting plan approved by the Planning Board. Under no circumstances shall lighting be designed in such a way to allow unshielded light to project beyond the boundaries of the parcel. The design is encouraged to have some lights turn off when not required, except those lights that serve security and safety concerns. Further, consideration should be given to avoid, as much as possible, uplighting which could create sky-shine at night.

Q. Ownership; maintenance responsibilities.

1. Developments within a Planned Residential Development District may be in either single or multiple ownership. Units and/or lots may be leased or owned separately.

2. At the time of submission of a detailed site development plan to the Planning Board for approval, the applicant shall be required to prepare and submit a written program for the maintenance of any commonly owned area, including open space and

recreation areas, walkways, driveways, parking areas and other common utilities and facilities. This program shall fix the responsibility for the maintenance program on either the landlord or a home association, or a combination thereof, and shall demonstrate, to the satisfaction of the Planning Board and the Town Attorney, how such responsibility will be legally bound and enforceable. If authorized and approved by the Town Board, community areas may be dedicated to the Town by the applicant.

3. In the case of multiple ownership of land or buildings, including single-family homes developed under the reduced lot size provisions of § 281 of the Town Law and condominium or cooperative ownership of apartments or Townhouses, a homeowners' association shall be formed. Membership in this association shall be required for all owners of dwelling units within the development, and the association shall be responsible for the maintenance program. Where the development is a combination of multiple ownership and leased units, the landlord shall be a member of the homeowners' association with maintenance responsibilities proportional to the number of units which he owns.

R. Site development plan; Planning Board approval.

Prior to the issuance of any building permit within a Planned Unit Development District, a detailed site development plan shall be approved by the Planning Board, and no building or site development shall be carried out except in conformity with such approved plan.

S. Application for site development plan review.

An application for site development plan approval within a Planned Unit Development District shall be made under the procedure set forth in § 100-52 for site development plan. In addition to the information required by § 100-52, the site development plan shall contain a detailed schedule of all proposed nonresidential uses, including type of use, floor area and parking requirements.

T. Standards for site development plan review.

The provisions of § 100-52 shall apply in the review of site development plans in all Planned Unit Development Districts.

U. Public hearings; action by Planning Board; conditions and safeguards.

The provisions of §§ 100-52 [Site Plan review] shall apply in all Planned Unit Development Districts.

V. Changes in Plan

If in the site plan review process it becomes apparent that certain elements of the sketch plan, as it has been approved by the Town Board, are unfeasible and in need of significant modification, the applicant shall then present solutions to the Planning Board of the PUD site plan in accordance with the above procedures. The Planning Board shall then determine whether or not the modified plan is still keeping with the intent of the local law creating the PUD. If a negative decision is reached, the site plan shall be considered disapproved. The applicant may

then produce another site plan in accordance with the approved PUD plan. If an affirmative decision is reached, the Planning Board shall so notify the Town Board stating all of the particulars of the matter and its reason for feeling the project should be continued as modified. Preliminary site plan approval may then be given only with the consent of the Town Board.

W. Expiration of site development plan approval.

If no construction is begun within 2 years of Planning Board approval of site plan and approved PUD plan expires, the site plan shall be deemed expired.

X. No Construction Until Requirements are Met.

No building permits shall be issued for construction within a Planned Unit Development District until improvements are constructed or financial security is posted. Construction may also not occur until such other requirements and conditions as established by the Town Board and Planning Board have been met.

Y. Signs.

The following section supersedes any other sign ordinances in the Town of Lloyd Zoning Ordinance.

1. Purpose. The purpose of this section is to:

- (a) Maintain character of the community and enhance physical appearance of planned unit developments.
- (b) Ensure compatibility of design of signs relating to the commercial or other land use portions of a planned unit development.
- (c) Prevent visual and physical congestion created by signs designed to compete for the visual attention of motorists.
- (d) Protect the visual character of the Town by encouraging signs that are visually compatible with development.

2. General standards. The following standards and specifications shall be included in plans presented to the Planning Board during site plan review of the commercial portion of any proposed planned unit development or during sign permit review of proposed signs for existing planned unit developments:

- (a) Illumination and nonstationary signs.

(i) Signs shall not be designed to include neon tubing such that the tubing is part of the visible exterior of the sign. Signs shall not be illuminated by or contain flashing, blinking, rotating or sequential or other moving lights.

(ii) Signs shall not be constructed to be or to include moving, rotating or fluttering parts or banners or to have any part that projects or moves beyond the allowed surface area.

(iii) Interiorly light signs are prohibited.

(b) Design and aesthetics.

(i) General. The purpose of these design standards is to promote construction of signs that are compatible with the design and composition of the planned unit development and are legible, yet do not create visual distraction or confusion for passing motorists. The design should complement existing adjacent land uses and the visual character of the Town.

(ii) Materials, finish and coloring. Durable materials, such as wood, metal or plastic, shall be used to construct the commercial plaza sign and individual business signs. The material chosen shall be approved by the Planning Board and should be consistent with the materials used to construct residential and commercial portions of the planned unit development that are visible from the roadway and neighboring properties. Finish and coloring shall also complement the composition of the entire planned unit development project and surrounding community.

(iii) Sign colors shall be chosen to minimize or reduce significant or distracting contrast, to eliminate visible competition between the colors of the freestanding sign, its constituent identity signs and individual signs on storefronts, except for the recognized logo of stores with retail space exceeding 7,500 square feet.

(iv) Lettering, layout and composition. The composition of all signs for the complex, including the freestanding plaza sign, identity signs on the plaza sign and individual business signs, should be reasonably consistent in lettering and layout, such that:

[a] A limited variety of lettering styles can be chosen that are visually compatible and readable for motorists and customers in the complex.

[b] A form of message layout should be chosen and presented in plan details to provide a certain proportion of lettering size and quantity to overall sign space.

(v) Temporary or portable signs shall be permitted, but only with a permit from the Zoning Inspector. Such permits shall not be renewable and shall not exceed 15 days in duration.

3. Commercial plaza sign. One freestanding sign may be proposed for a roadfront location which may indicate the name of the commercial plaza and the name of the tenants.

(A) Dimensions.

(1) Height. The height of a freestanding sign for identifying the commercial plaza shall be established at the discretion of the Planning Board; however, in no case should the lighted portion of the sign exceed 25 feet as measured from the finished grade of the road surface fronting the plaza. In no case may the total height of the sign structure exceed 30 feet from the finished grade of such road surface.

(2) Sign area. There shall be a maximum of two faces for the freestanding commercial plaza sign. Each face shall be no greater than 150 square feet. The area of the freestanding sign faces may be increased, up to a maximum of 300 square feet each, at the discretion of the Planning Board. The Planning Board shall include the following criteria in its determination:

- [a] A landscaped area at the base of the sign.
- [b] Increased setback of the sign from the road frontage.
- [c] Lighting and design of the sign.
- [d] Overall visual quality of the freestanding sign.

(B) Location, orientation and setback.

(1) Location. The freestanding commercial plaza sign shall be located along the longest property border of the commercial portion of the planned unit development which faces a major roadway. Where the commercial portion of the planned unit development has significant lengths of frontage along more than one major roadway, an additional sign may be placed to identify an alternate entry to the plaza, not to exceed 10 square feet. However, only one of the road-facing signs may bear the identity signs for the individual tenants of a commercial plaza.

(2) Orientation. A freestanding sign may have two faces and may be oriented so that the width of the face is perpendicular to the roadway so that each face can be read by motorists. No sign shall have more than two faces.

(3) Setback. The required setback of the sign shall be at the discretion of the Planning Board. The Planning Board shall consider the total distance to the traveled roadway along with the other factors in its determination regarding appropriate setback requirements. The Planning Board shall establish a setback which furthers the purpose of the sign ordinance and which will minimize visual and visible congestion of the highway and will promote safe flow of traffic.

(C) Landscaping. Suitable landscaping shall be provided around the sign.

4. Individual business signs.

(A) One individual identity sign may be constructed for each tenant store located between the anchor stores. Such sign may be attached to the store's front facing a roadway or interior of a mall complex or may project perpendicularly from the front wall of the store. No other signs are permitted. Individual identity signs for tenant stores of less than 7,500 square feet may not extend above or below the fascia. For signs on the fascia, the length of said sign shall not exceed the store's frontage in linear feet minus eight feet. If the sign extends perpendicular from the store front, it may not be larger than eight square feet and shall be a minimum of 7.5 feet in height from the pavement.

(B) Anchor stores of 7,500 square feet or greater of retail space may have an individual business sign to be attached to the storefront. Such sign shall not exceed an area equal to the store's frontage in linear feet times 1.5 feet (for example: 0.25 linear feet of frontage by 1.5 feet = 37.5 square feet). Each sign shall be attached to the storefront or the fascia and shall not project above the top of the vertical portion of the front roofline. In no case shall a roof-mounted sign be permitted. A vertical sign attached to a sloping roofline shall not be permitted.

5. Administration.

(A) Plans and details for proposed signs for commercial portions of planned unit developments shall be presented for review and approval by the Planning Board during the site plan review of the planned unit development.

(B) No additional permanent or temporary signs or other advertising device shall be erected, constructed, displayed, moved, reconstructed, extended, enlarged or altered without a thorough review and approval by the Planning Board.

(C) Upon approval of said plans, the application shall be filed with the Building Inspector for a sign construction permit. Compliance with approved sign plans shall be enforced by the Building Inspector.

Planned Residential Development District

§ 100-24a. Purpose.

In order to meet the objectives of this chapter and, in particular, to provide a maximum variety of housing types and densities within the Town, to encourage and promote the most attractive and economic development of land, to preserve open space, to protect the quality and property values of existing development and to otherwise promote and enhance the public health, safety and general welfare, the following provisions with regard to Planned Residential Development Districts are adopted as an amendment to this chapter.

§ 100-24b. Establishment of district.

A Planned Residential Development District may be established by the Town Board either on its own motion or as a result of a petition from the owner or owners of property complying with all of the standards and requirements set forth in this chapter for Planned Residential Development Districts.

§ 100-24c. Application procedures.

- A. Application for the establishment of a Planned Residential Development District shall be made to the Town Board and shall be accompanied by a fee as established by the Town Board.
- B. The application shall include the name and address of the property owner(s); the name and address of the applicant, if other than the owner; the nature of the applicant's interest in the land, if the applicant is other than the owner; the proposed form of ownership for the development, including the nature of any organization which would be designated to own and maintain any common open space or other common facilities within the development; information regarding any proposed or existing covenants, easements or other restrictions imposed upon the land or buildings; the nature of any modifications requested from the existing Town ordinances; the projected schedule for plan approval and project development; and a statement describing how the proposed development will serve the public interest of the Town, particularly the purposes of this chapter.
- C. The application shall be accompanied by a generalized site plan for the entire development, which plan shall be drawn to a convenient scale and shall show the approximate location, proposed use and height of all buildings; the location of all parking areas with access and egress drives thereto; the proposed street system; the location and general nature of all existing or proposed site improvements, including storm drainage, sewage disposal and water supply systems; significant existing topographic features; identification of the zoning district or districts in which the property is located; the date the site plan was prepared; the North arrow and scale of the drawing; and the name and address of the licensed architect or engineer preparing the site plan.
- D. Either as a separate map or as a part of the generalized site plan map, there shall be submitted a site location sketch, drawn at a convenient scale, showing the relationship of the subject property to neighboring properties and streets.
- E. The application, including the accompanying generalized site plan and site location map, shall be submitted in eight copies to the Town Board, at a meeting of that Board.

§ 100-24d. Planning Board review.

- A. Upon receipt of the complete application by the Town Board, three copies shall be referred to the Planning Board for review and report. Within 45 days of the date of the Planning Board meeting at which such referral is received, the Planning Board shall report its recommendations back to the Town Board. No action shall be taken by the Town Board until receipt of the Planning Board report or the expiration of the forty-five-day period, whichever comes first.
- B. The Planning Board, in its report to the Town Board, shall either recommend the establishment of the Planned Residential Development District as applied for, the establishment of the district subject to additional modifications and requirements or the denial of the application.

C. In conducting its report and recommendations, the Planning Board shall take into consideration the requirements of the Town Development Plan, as such may be adopted and amended by said Board, and shall specifically consider the proposed nature and location of buildings on the site; traffic circulation both within and without the site; the type and arrangement of recreational areas and other open spaces on the site; the adequacy of the proposed utility systems to serve the site; and the relationship of the proposed development to the existing topography and to adjacent land and buildings.

D. The Planning Board shall not recommend the establishment of a Planned Residential Development District unless it finds that the location, size, nature and intensity of the proposed use, the size of the site in relation to it, the location of the site with respect to streets giving access to it and the availability of existing or proposed utility systems in the area are such that it will be in harmony with the appropriate and orderly development of the neighborhood in which it is located and unless it finds that the proposed development would comply with all standards for Planned Residential Development Districts as specified in this article.

§ 100-24e. Public hearing.

Within 30 days of the Town Board's receipt of the Planning Board report, or the expiration of the forty-five-day Planning Board review report, whichever occurs first, the Town Board shall hold a public hearing on the application in the same manner as prescribed by law for zoning amendments.

§ 100-24f. Action by Town Board.

Within 45 days of the date of public hearing, the Town Board shall act to either approve, approve with modifications or disapprove the application for the establishment of a Planned Residential Development District. If the Planning Board report recommends disapproval of the application, a three fourths majority vote of the Town Board shall be required for approval of said application. Any approval, with or without required modifications, shall expire within 12 months unless a detailed site development plan, and a subdivision plan if necessary, shall have been submitted to and approved by the Planning Board for all or a portion of the proposed development and unless work on the site is begun within a period of 18 months and is being reasonably prosecuted to conclusion.

§ 100-24g. Compliance with development standards.

All Planned Residential Development Districts and all buildings and uses within such districts shall be required to comply with the following specified development standards and requirements, except that the Planning Board is hereby authorized to modify the standards with respect to individual buildings and lots within a planned residential development, as said Board deems appropriate, in accordance with the provisions contained in § 281 of the Town Law.

§ 100-24h. Minimum site area.

Each Planned Residential Development District shall be at least 25 acres in area if within a public sewer and water district and at least 50 acres in area if not, and each stage of development, if development occurs in stages, shall include at least 10 acres of land area.

§ 100-24i. Development density.

Within any Planned Residential Development District, residential densities shall be such that there will be at least the following minimum amounts of land area per dwelling unit:

<u>Type of Dwelling Unit</u>	<u>Minimum Land Area Required (square feet)</u>
<u>Studio/0-bedroom</u>	<u>2,500</u>
<u>1-bedroom</u>	<u>3,500</u>
<u>2-bedroom</u>	<u>5,000</u>
<u>3-bedroom</u>	<u>6,500</u>
<u>4-bedroom</u>	<u>8,000</u>

§ 100-24j. Minimum site dimensions.

The site for any Planned Residential Development District shall be at least 500 feet in any dimension and shall have at least 500 feet of frontage on an existing public street.

§ 100-24k. Setbacks and building coverage.

All buildings shall be required to set back from adjoining property lines adjoining the Planned Residential Development District a distance equal to the normal setback requirements within the adjoining zoning district but in no case less than 1 1/2 times the height of the building as measured from finished grade. Building coverage shall not be permitted to exceed 12% of the total site area, nor shall the combination of building and paved areas be permitted to exceed 25%. All other normal dimensional standards and requirements related to buildings and lots within a Planned Residential Development District shall be subject to Planning Board review and determination as a part of the site development plan and/or subdivision plat approval procedure, as appropriate.

§ 100-24l. Street and storm drainage.

- A. All principal streets within a Planned Residential Development District shall meet the standards set forth for Town roads and shall be suitable for dedication to the public.
- B. All areas covered by buildings and all paved portions of the site shall be provided with suitable storm drainage. Where the expansion, reconstruction or other alteration of off-site drainage facilities and structure is required as a result of the additional burdens imposed by a proposed development, such development shall not be approved until the necessary off-site improvements have been made, or provisions have been made for such improvements.

§ 100-24m. Off-street parking.

Within any Planned/Residential Development District, at least one off-street parking space, plus 1/4 of a space per bedroom, shall be provided for each dwelling unit. At least one such space per dwelling unit shall be located out-of-doors.

§ 100-24n. Street trees and landscaping.

In addition to the normal requirements for buffer landscaping to screen and protect adjoining residential properties, and for on-site landscaping necessary to assure an attractive development, provide shade and prevent soil erosion, it shall be specifically required that street trees be planted within parking areas at the rate of at least one tree per 10 parking spaces and along both sides of all roadways, where determined necessary by the Planning Board, at a distance of approximately 50 feet on center. All such trees shall have a caliper of at least 2 1/2 inches at a height of three feet above finished grade.

§ 100-24o. Recreational requirements.

Any development within a Planned Residential Development District shall be required to provide at least 100 square feet of land devoted exclusively to active recreational and/or playground purposes per bedroom/studio-type dwelling unit proposed. The location, design, facilities and arrangement of such recreational lands shall be subject to Planning Board review and approval as a part of the required detailed site development plan.

§ 100-24p. Water supply and sewage disposal.

The site of a proposed Planned Residential Development District shall either be within an existing Town water and sewer service area, in which case it shall be required to connect to such service facilities, or it shall be the responsibility of the applicant to provide a central water supply and sewage disposal system, approved by the County Health Department and constructed with inspections by the Water / Sewer Administrator or other town agent, to serve the entire development.

§ 100-24q. Placement of utilities.

All utilities shall be placed underground and shall be situated to the extent possible between the paved roadway and designated street line, or in commonly owned areas, to simplify location and repair of such lines. Wherever possible, utilities should be routed around structures, paved areas and separately owned private lands.

§ 100-24r. Ownership; maintenance responsibilities.

- A. Developments within a Planned Residential Development District may be in either single or multiple ownership. Units and/or lots may be leased or owned separately.
- B. At the time of submission of a detailed site development plan to the Planning Board for approval, the applicant shall be required to prepare and submit a written program for the

maintenance of any commonly owned area, including open space and recreation areas, walkways, driveways, parking areas and other common utilities and facilities. This program shall fix the responsibility for the maintenance program on either the landlord or a home association, or a combination thereof, and shall demonstrate, to the satisfaction of the Planning Board and the Town Attorney, how such responsibility will be legally bound and enforceable. If authorized and approved by the Town Board, community areas may be dedicated to the Town by the applicant.

C. In the case of multiple ownership of land or buildings, including single-family homes developed under the reduced lot size provisions of § 281 of the Town Law and condominium or cooperative ownership of apartments or Townhouses, a homeowners' association shall be formed. Membership in this association shall be required for all owners of dwelling units within the development, and the association shall be responsible for the maintenance program. Where the development is a combination of multiple ownership and leased units, the landlord shall be a member of the homeowners' association with maintenance responsibilities proportional to the number of units which he owns.

§ 100-24s. Site development plan: Planning Board approval.

Prior to the issuance of any building permit within a Planned Residential Development District, a detailed site development plan shall be approved by the Planning Board, and no building or site development shall be carried out except in conformity with such approved plan.

§ 100-24t. Application for site development plan review.

An application for site development plan approval within a Planned Residential Development District shall be made to the Planning Board and shall be accompanied by the following information:

A. A complete copy of the approved application for the establishment of the Planned Residential Development District, including any additional requirements or modifications required by the Town Board in connection with its approval.

B. Three copies of a detailed site development plan for the entire development or the first section thereof, which section shall comprise at least 10 acres of land area but in no case less than 10% of the entire development. Such plan shall show the detailed topographic information of the area for which approval is applied, including contours at five-foot intervals, showing the existing as well as the regraded surface; the location and nature of all significant natural features, including wooded areas, wetlands, major trees, rock outcroppings, etc.; the location of proposed landscaping and planted areas, with identification of sizes and types of vegetation to be used (or a typical landscape plan); the location, size and proposed surface treatment of all parking areas with access and egress drives thereto; the location, size and design of all existing and proposed improvements, including the stormwater drainage, water supply and sewage disposal systems, retaining walls, recreational facilities, etc.; the location, size and type of any proposed signs and exterior illumination; typical floor plans of proposed dwelling units; and any additional information, including information about neighboring properties, as may be necessary to determine and provide for the proper enforcement of this chapter. In addition, the plan shall indicate the name and

address of the licensed architect or engineer preparing the site plan; the date the site plan was prepared and revision dates, if any; the North arrow and scale of the drawing; the total acreage of the site; the location and dimensions, in feet, of all lot boundaries; and a detailed schedule of the number, size and type of dwelling units proposed, sidewalks, streetlighting and hydrants.

- C. Necessary written agreements providing for the future ownership and maintenance of any commonly owned or used portions of the proposed development, including the proposed bylaws for any homeowners' association, if such is required.
- D. A proposed subdivision plat, if the land within the proposed development is to be subdivided in any way or if any of the streets within the proposed development are to be subsequently offered to or accepted by the Town as public roads. The procedure for the review of such subdivision plan shall comply with the requirements of the Land Subdivision Regulations, except that such plans shall not be approved until and unless the site development plan is approved if such subdivision involves the creation of separate individual building lots.
- E. When subdivision involves creating individual building lots, each lot shall be defined by permanent corner stakes and identified with a permanent marker showing the parcel number corresponding to the approved site plan.

§ 100-24u. Standards for site development plan review.

In reviewing any proposed site development plan, the Planning Board shall take into consideration the requirements of the Town Development Plan, as such plan may be adopted and amended by said Board, and shall also consider the proposed location of main and accessory buildings on the site, including their relationship to the existing topography; the proposed height and bulk of buildings; the proposed traffic and pedestrian circulation systems both within and without the site; the design and adequacy of off-street parking areas; the provision of buffer areas and other landscaping on the site; the location, amount and design of active recreational facilities; the display of signs; the arrangement of exterior lighting; and the proposed systems of public facilities and utilities on the site, so as to help assure that any such development will satisfy the purposes of this chapter, will promote the public safety, health and general welfare, will preserve property values, will harmoniously and satisfactorily fit in with contiguous land and buildings and adjacent neighborhoods and will provide a suitable living environment for the future residents of the development.

§ 100-24v. Public hearings.

- A. If an application for site development plan approval within a Planned Residential Development District also requires subdivision plat approval by the Planning Board, the Board shall hold a joint public hearing to consider both matters, with the same notice and timing requirements as set forth for the approval of subdivision plats.
- B. If a subdivision plat is not involved, the Planning Board may hold a public information meeting, but no such meeting nor any public hearing shall be required.

§ 100-24w. Action by Planning Board.

A. If subdivision plat approval is not required, the Planning Board shall render its decision on the proposed site development plan within 45 days of the meeting at which it was received. If subdivision plat approval is required in conjunction with the site development plan, the timing requirements for both decisions shall be the same as normally required for subdivisions.

B. The Planning Board may act to either approve, approve with modifications or disapprove any proposed site development plan within the Planned Residential Development District. No such plan shall be disapproved unless it fails to comply with one or more requirements of this chapter or the conditions of Town Board establishment of the Planned Residential Development District.

§ 100-24x. Conditions and safeguards.

The Planning Board may attach such conditions and safeguards to the site development plan approval as it determines necessary to assure both initial and continued conformance to all applicable standards and requirements.

§ 100-24y. Expiration of site development plan approval.

The site development plan approval shall expire if a building permit is not issued and construction begun within 12 months, except that the Planning Board may grant an extension of six months if requested by the applicant and if deemed in the public interest by the Planning Board.

§ 100-24z5. ~~Traditional Neighborhood Development and~~ Mixed Use Development Overlay Districts

A. ~~The Traditional Neighborhood Development Overlay (TND-O) District and the~~ Mixed Use Development Overlay (MUD-O) District ~~are~~is hereby established as an overlay districts.

B. The purpose ~~of the TND-O and~~the MUD-O Districts is to permit increased density, on a case-by-case basis, subject to review and approval by the Town Board, for lands in ~~the TND and~~ MUD Districts beyond what is allowed in those districts through the Town's incentive zoning program, as detailed in § 100-35 of this Chapter.

C. Purposes.

1. In conformance with the Town of Lloyd *Comprehensive Plan*, the purposes ~~of the Traditional Neighborhood Development (TND) District and~~ the Mixed Use Development (MUD) District are as follows:

(a) To provide a range of housing types and price levels to accommodate a variety of age and income groups and residential preferences. See § 100-36 for Affordable housing regulations.

(b) To create an interconnected network of narrow, tree-lined streets that slow traffic and promote pedestrian activity, and to provide for the connections of those streets to existing and future developments.

(c) To ensure that buildings and landscaping contribute to the physical definition of streets as public spaces.

~~(d) Purposes specific to the TND District:~~

~~(i) To ensure that development adjacent to the Hamlet of Highland is designed to conform to the hamlet's traditional compact, pedestrian-oriented neighborhood pattern.~~

(ed) Purposes specific to the MUD District:

(i) To develop a unified project designed in accordance with the conservation subdivision design provisions of § 100-34 of this Chapter and § 90-6 of the Town Code.

(ii) To create new neighborhoods with a variety of housing types and complementary nonresidential uses and containing both individual building sites and common property which are planned and developed as a unit.

(iii) To permit greater flexibility in the application of bulk and area specifications, and encourage the utilization of innovative planning and design concepts and techniques.

(iv) To more conveniently locate accessory commercial and service areas scaled to serve the day-to-day needs of the MUD District residents and designed to create a traditional, walkable neighborhood with attractive landscaping and building design.

(v) To preserve and protect forested areas, wetlands and other surface waters, significant habitats, scenic views, outstanding natural topography and geologic features, and prevent soil erosion.

(vi) To respect and further the values of Scenic Areas of Statewide Significance and the Waterfront Bluff Overlay District, if applicable, taking into consideration the historic and cultural fabric of the area.

2. In order to preserve the rural and agricultural character of the Town, density in ~~the TND District~~ and the MUD District may be increased under the Town's incentive zoning program as outlined in § 100-35, which is designed to preserve farmland in the Agricultural District.

3. All public and private roads constructed as part ~~of TND and~~ MUD projects in the Town will be encouraged to be open and connected to adjacent roads to ensure public safety with easy access to residential neighborhoods by police, fire and ambulance services and to maintain neighborhood connectivity.

D. Applicability.

1. This section uses the terms "shall" when required, "should" when recommended, and "may" when preferred.
2. In the event of any conflict, the provisions of this section shall take precedence over other sections of the Town of Lloyd Zoning Law and Subdivision Regulations.
3. Terms used throughout this section shall take their commonly accepted meanings unless defined in § 100-23Q, Definitions. In the event of a conflict between these definitions and those of other sections of the Town of Lloyd Zoning Law and Subdivision Regulations, those of this section shall take precedence. The Definitions in § 100-23Q contain regulatory language that is integral to this section.

E. General Procedures

1. Except as specifically set forth below, development of any parcel in the ~~TND-and~~MUD Districts shall comply with the requirements of Article 8 of this Chapter (Site Plan Review) and Chapter 90 of the Lloyd Code (Subdivision of Land), in addition to the requirements of this section.
2. Prior to the issuance of any building permit within the ~~TND-and~~MUD Districts, a detailed site plan shall be approved by the Planning Board, and no building or site development shall be carried out except in conformity with such approved plan.
3. ~~TND-and~~MUD site plans shall be prepared by the applicant.
4. The simultaneous planning of adjacent parcels is strongly encouraged.
5. Site plans and subdivision plans shall be developed in accordance with a survey of existing conditions showing the site, adjacent developments, connecting thoroughfares, natural and cultural features. The design of a ~~TND-and~~MUD site plan shall take into account these existing conditions to the satisfaction of the Planning Board.
6. The Town's Geographic Information System (GIS) identifies resources to be taken into account in the design of a ~~TND-and~~MUD. This includes wetlands, floodplains, and other valuable environmental resources to be protected and integrated into the neighborhoods as assets.
7. All buildings and associated site improvements are subject to design review by the Planning Board in accordance with the provisions of this section.
8. Connection to existing municipally owned facilities is the preferred means of providing water and sewer services in the ~~TND-MUD~~ District. Where municipally owned facilities are not available in ~~the TND-and in~~ the MUD Districts, water and sewer services will be provided by community systems to be included in special improvement districts at the discretion of the Town Board. Homeowners Association owned systems are not preferred.

F. Application, Review, Public Hearing, Action

1. Applications for a ~~TND-or~~MUD shall be made to the Town Board.

2. Planning Board review. Upon receipt of the complete application by the Town Board, three (3) copies shall be referred to the Planning Board for review and report. Within forty-five (45) days of the date of the Planning Board meeting at which such referral is received, the Planning Board shall report its recommendations back to the Town Board. No action shall be taken by the Town Board until receipt of the Planning Board report or the expiration of the forty-five day period, whichever comes first.

3. Public Hearing. Within thirty (30) days of the Town Board's receipt of the Planning Board report, or the expiration of the forty-five day Planning Board review period, whichever occurs first, the Town Board shall hold a public hearing on the application in the same manner as prescribed by law for zoning amendments.

4. Action by Town Board. Within forty-five (45) days of the date of the public hearing, the Town Board shall act to either approve, approve with modifications, or disapprove the application for increased density in the ~~TND-O-or~~MUD-O District.

5. To promote optimum use of the parcel in the future, applicants may be required to prepare a conceptual master plan for their entire parcel whenever an application to subdivide a portion of a larger lot is submitted for a ~~TND-and~~MUD. The development of a master plan is intended to provide the surrounding community and the Town with information about, and an opportunity to comment on, the ~~TND/MUD~~'s future development. The plan also allows the applicant and the Town to address the effects of future development. Finally, an approved master plan is intended to ensure that the uses will be allowed to develop in a manner consistent with the plan. Master plans may be completed at various levels of detail. Generally, the more specific the plan, the less review that will be required as the future permitted uses are built.

6. Sketch Plan. The ~~TND/MUD~~ site plan shall first be presented in a conceptual form as a sketch plan. Endorsement of the sketch plan does not commit the Town Board nor the Planning Board to approval of the detailed site plan, but is a way for the applicant and the Town Board and Planning Board to discuss overall planning concepts. Prior to endorsing the sketch plan, the Town Board is encouraged to hold a public informational meeting on the sketch plan before detailed engineering and site design is undertaken. An applicant wishing to develop a ~~TND-or~~MUD shall submit to the Town Board eight (8) copies of the following:

(a) A Sketch Plan, at a scale of one inch equals 100' or one inch equals 200', whichever would fit on a single standard size (for example 24" by 36") sheet. The Sketch Plan shall show the following:

(i) Aerial photograph and analysis showing the relationship of the project site to surrounding properties, streets, trails, parks, and greenway systems.

(ii) Natural features of the site, including soil types, topography (with contours at five foot intervals), wetlands, streams, water bodies, floodplains, aquifers and aquifer recharge areas, steep slopes, mature forests, isolated trees with a caliper in excess of twelve (12) inches, and habitats of endangered or threatened species. ~~For a MUD, the following additional information shall be identified:~~ active farmlands, lands within a certified agricultural district and/or soils within soil group 1 through 4 of the NYS Land Classification system. This data may be based on readily available data from published sources, such as aerial photographs, USGA topographical sheets, Town of Lloyd GIS, FEMA floodplain maps, tax maps, and NYS DEC and U.S. Fish and Wildlife Service wetlands maps.

(iii) Known cultural and historic resources, hedgerows, stonewalls, scenic viewsheds, and other similar assets.

(iv) The locations of all proposed streets and connections to adjacent streets, structures, civic spaces, recreation facilities, and parking areas; proposed lot sizes and setbacks; the disposition of buildings and their relationship to streets and parking areas; and the general building types proposed.

(v) A description of present uses, proposed uses and accessory uses. The description shall provide information as to the general amount and type of each use including, but not limited to residential, recreational, retail, services, office, and lodging, as permitted in the District in subsection F herein.

(vi) A narrative description of the project setting forth its purpose, design objectives, community benefits, and impact on the area in which the project is proposed, as well as its projected impacts on the Town, and a discussion of the project's consistency with the Town of Lloyd *Comprehensive Plan*, and the Town of Lloyd's Local Waterfront Revitalization Program. The description shall include a written analysis of the project's fulfillment of the Town's affordable housing requirements as set forth in § 100-36 of this Chapter. If the applicant is applying for incentives under the Town's incentive zoning provisions as set forth in § 100-35 of this Chapter, a written analysis of the number of incentive units and the community benefit proposed shall also be provided.

(b) Required application fee and, in addition, the applicant must pay all special consulting fees for engineers, planning consultants, and attorneys retained by the Town in accordance with § 100-56 as required by the Town Board. The applicant shall pay all required fees prior to the Town Board's consideration of the application by depositing funds with the Town and upon the request of the Town replenishing said account.

7. Detailed Site Plan. Upon endorsement of the sketch plan by the Town Board, the applicant shall submit five (5) copies of the following:

(a) An analysis of permitted density

(b) A detailed site plan for the entire development or for the phase initially proposed for development, showing the following:

(i) Relationship to surrounding properties, streets, trails, and potential greenway systems.

(ii) All improvements planned in conjunction with the proposed uses including information required in subsection 100-23D(2)(a)[4]; the vehicle circulation system, including existing and potential connections to adjacent streets and properties; the pedestrian and bicycle circulation system, including connections between major buildings and activity areas within the project boundaries; the location, size and proposed surface treatment of all vehicle parking areas; building elevations; square footage of building floor area; numbers and types of residential units, including bedroom count and proposed floor plans; impervious surface coverage; proposed landscaping and planted areas, with identification of sizes and types of vegetation to be used, and method to ensure long-term survival; the location, size and design of all existing and proposed improvements, including the stormwater drainage, water supply and sewage disposal systems, retaining walls, recreation facilities, and other similar features; the location, type, and size of any proposed signs and exterior illumination; and any additional information that will assist the Town Board in its review of the application for the TND or MUD.

(iii) Parks, greens, conservation areas, trails, and recreational facilities.

(iv) The name and address of the licensed architect or engineer preparing the site plan; the date the site plan was prepared and revision dates, if any; the North arrow and scale of the drawing; total acreage of the site; location and dimensions, in feet, of all lot boundaries; and a detailed schedule of the number, size and type of dwelling units proposed, sidewalks, streetlighting and hydrants.

(v) Written agreements providing for the future ownership and maintenance of all commonly owned or used portions of the proposed development, including the proposed bylaws for any Homeowners Association, if proposed.

(vi) A copy of any architectural design code to be enforced by the developer and/or a Homeowners Association, if any, which shall be consistent with § 100-23K. Whether or not such design code is proposed, the ~~TND~~MUD shall demonstrate compliance with § 100-23K.

(vii) The procedure for the review of a subdivision plat, if proposed, shall comply with the requirements of the Town's Subdivision Regulations, except that such plat shall not be approved unless and until the ~~TND~~MUD site plan is approved if such subdivision involves the creation of separate building lots.

(viii) When subdivision involves creating individual building lots, each lot shall be defined by permanent corner stakes and identified with a permanent marker showing the parcel number corresponding to the approved site plan, which stakes and markers shall be laid prior to the issuance of any building permit.

(ix) Information on the proposed construction sequence for buildings.

(c) Full Environmental Assessment Form (EAF).

8. Project phasing. The purpose of this subsection is to ensure that growth in a ~~TND District and~~ MUD District occurs in an orderly and planned manner that allows time for preparation to maintain high quality services for an expanded residential population, while allowing a reasonable amount of additional residential growth during those preparations. This subsection will relate the timing of development in a ~~TND District and~~ MUD District to the Town's ability to accommodate the growth in population generated by such projects.

(a) The regulations of this subsection shall apply to all applications for creation of a new dwelling unit or units in a ~~TND and~~ MUD Districts. Dwelling units shall be considered as part of a single development, for purposes of development scheduling, if located either on a single parcel or contiguous parcels of land which have been in the same ownership at any time subsequent to the date of adoption of this Local Law.

(b) The proposed sequence of phasing of the construction of infrastructure and buildings, and the ratio of residential, retail, and other non-residential floor space, if permitted, to be built in each phase, estimated dates, and interim uses of property awaiting development, shall be identified.

(c) Once a development schedule is approved, building permits shall be issued in conformity with that schedule.

(d) In determining phasing, the Town Board or the Planning Board shall be guided by the findings of the SEQR review of proposed developments which shall include an environmental assessment of traffic impacts, economic impacts, cumulative impacts including developments proposed in the Town and in surrounding communities, and other appropriate studies as determined necessary by the Planning Board. The Planning Board shall also be guided by the following criteria:

(i) Ability of the Town to adequately serve the proposed development with streets, utilities, drainage, educational and protective services. ~~TND and~~ MUD developers remain responsible for ensuring that the water and sewer service needs of the ~~TND~~/MUD developments are adequate and shall construct needed facilities or shall make a financial contribution to the construction of such facilities.

(ii) Provision of housing needs for diverse population groups. Special consideration may be given to the scheduling of developments that include units that are designated as affordable units as defined in §§ 100-8 and 100-36 of this Chapter.

(iii) Commitments already made in the development schedules for approved developments.

(iv) Site design that responds to, incorporates and protects natural features such as vegetation, topography, watercourses and views, or which is designed to respond to the character of the neighborhood.

9. Review procedures. The site plan shall identify the procedures required for review of possible future phases if the plan does not contain adequate details for those phases under the initial review.

10. Amendments to ~~TND~~/MUD Site Plans. Unless the approved ~~TND~~/MUD site plan specifically provides differently, Planning Board approval shall be required for any proposed use or development that increases the amount, frequency, or scale of a use over five (5) percent of what was approved. Examples include the number of dwelling units, number of employees, increase in floor area, or the number of vehicle trips or parking spaces. Supplemental SEQR review is required for amendments to the master plan.

11. Public Hearing.

(a) If an application for a ~~TND and~~ MUD requires subdivision plat approval by the Planning Board, the Town Board should hold a joint public hearing to consider both the site plan and subdivision, with the same notice and timing requirements as set forth for the approval of subdivision plats.

(b) Once the Planning Board has received all necessary information and the public hearing has been closed, the Board shall follow the procedures outlined in the Site Plan/Subdivision regulations in the Town of Lloyd Zoning Law and Subdivision Regulations.

G. Permitted Density.

1. Density shall be calculated based on buildable acreage in accordance with the provisions of § 100-13C of this Chapter.

~~2. Permitted density in the TND District shall be two (2) dwelling units per buildable acre.~~

3. Permitted density in the MUD District shall be one (1) dwelling unit per two (2) buildable acres. Each MUD shall include a commercial component which shall be a minimum of 5,000 square feet and shall not exceed a total of 150,000 square feet of commercial space.

4. Residential density in the ~~TND and~~ MUD Districts may be increased up to a maximum of twelve (12) dwelling units per buildable acre through the Town of Lloyd's open space incentive zoning provisions, as outlined in § 100-35 of this Chapter. The Town Board through their approval shall determine the number of dwelling units allowed up to a maximum of twelve (12) dwelling units per buildable acre based on dwelling unit types and environmental impacts as determined during the SEQR review of the application.

H. Permitted Uses and Standards

1. Principal Uses in the ~~TND and~~ MUD Districts

(a) Detached single-family dwellings, townhouses, two-family dwellings and multifamily structures designed with the appearance of a single-family home, as

illustrated in Figure 23-1.

~~(i) In the TND District, a minimum residential housing mix of three types is required, of which a minimum of forty (40) percent and a maximum of sixty (60) percent shall be single-family homes.~~

(ii) In the MUD District, a minimum residential housing mix of three types, none less than twenty (20) percent, is required. One of these types shall be detached single-family dwellings.



Figure 23-1: Multifamily Structures Designed to Resemble Single-Family Homes

(b) Continuing Care Retirement Community, subject to the provisions of § 100-45 of this Chapter.

(c) Open space uses, in accordance with the provisions set forth in this section.

~~(d) Principal Uses Specific to the MUD District only:~~

~~(id)~~ Retail and service businesses scaled to serve the day-to-day needs of the MUD neighborhood, and including:

~~[A]~~ Banks, provided that drive-through facilities are located to the rear of the building and are adequately screened from public streets.

~~[B]~~ Restaurants.

~~[C]~~ Health/recreation facilities.

~~[D]~~ Day care center and pre-school.

~~(ie)~~ Other commercial uses, including:

~~[A]~~ Offices, including business, professional and medical offices, and research uses.

_____ [B] Lodging facilities, including bed and breakfast establishments, hotels or country inns, and conference centers.

2. Accessory Uses in the ~~TND~~ and MUD Districts.

(a) Any accessory use customarily incidental to a permitted principal use, but not outdoor storage for permitted commercial uses.

(b) Class I home occupations as provided in § 100-33 of this Chapter.

(c) Swimming pool, provided that such facility is not located in a front yard and is set back from lot lines at least the side yard distance from a principal building. Swimming pools shall be fenced as required by the New York State Uniform Fire Prevention and Building Code.

3. With the exception of Continuing Care Retirement Community, a separate special use permit shall not be required for any use if such use is shown on the approved ~~TND or~~ MUD master plan.

I. Open Space Requirements.

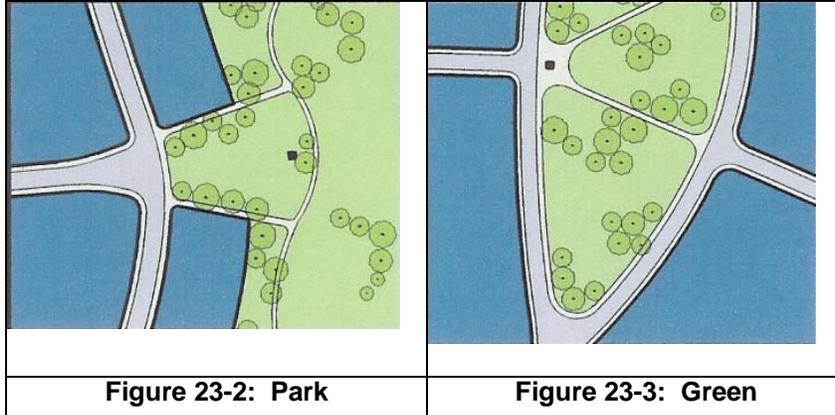
1. Open Space Requirements for the MUD District.

(a) A MUD shall preserve at least sixty (60) percent of the tract's gross acreage as permanent open space in conformance with the provisions for conservation subdivisions set forth in § 100-34D of this Chapter. Parking areas and roads shall not be included in the calculation of the minimum required open space.

(b) Open space standards shall be in accordance with the provisions for conservation subdivisions set forth in § 100-34 of this Chapter and § 90-6 of the Town Code.

(c) Permitted uses of open space lands shall be in accordance with the provisions for conservation subdivisions set forth in § 100-34 of this Chapter and § 90-6 of the Town Code. Golf courses, marinas and equestrian facilities are also permitted uses of open space in a MUD.

(d) In order to provide public gathering places for the MUD residents, each MUD shall include at least one main park or green, as defined herein and as illustrated below, which shall be centrally located in close proximity to the residential lots. The area of the park or green may be included in the open space requirement.



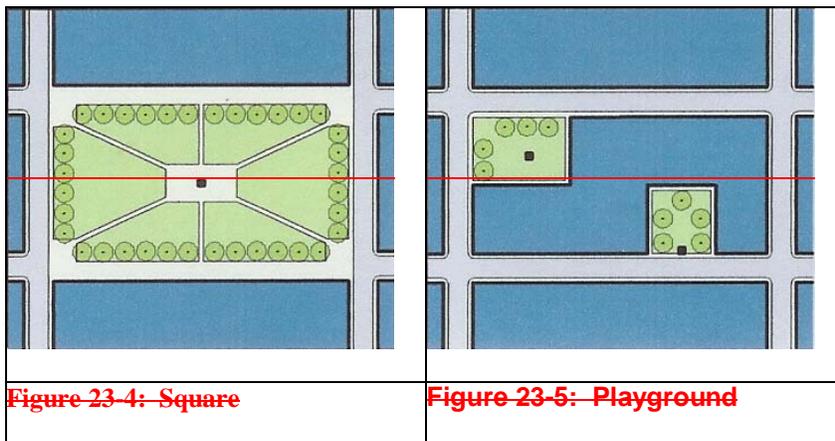
(e) Open space lands shall be permanently protected in accordance with the provisions set forth in § 100-34E of this Chapter.

(f) Methods of ownership of open space lands shall be in accordance with the provisions set forth in §90-6J of the Code.

2. ~~Open Space Requirements for the TND District.~~

~~(a) Certain places permanently dedicated for public use shall be required for each neighborhood and designated on the TND plan as civic spaces.~~

~~(b) The permitted types of open spaces are greens, squares, and playgrounds, as defined herein and as illustrated in Figure 23-3 and below.~~



~~(c) A minimum of five (5) percent of the TND's gross area should be assigned to civic space.~~

~~(d) Each civic space should have a minimum of fifty (50) percent of its perimeter fronting a street.~~

~~(e) The ongoing maintenance of the required civic space may be supported by a Homeowners Association established by the developer under State Law, or by such other method of ownership and maintenance as approved by the Town Board.~~

~~(f) One civic space in the TND may be reserved for an elementary school. The developer or the Highland Central School District may organize, fund and construct an appropriate building as the need arises.~~

~~(g) A civic buildings design and parking requirements shall be determined by the Planning Board based on the Design Standards (§100-23I) and Parking Standards §100-23) of this section, provided that civic buildings shall be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the neighborhood.~~

J. Streetscape Requirements.

1. Streets shall be designed as public spaces that encourage social interaction and that balance the needs of all users, including pedestrians, bicyclists and vehicular traffic, while providing access to lots and civic spaces. Streets shall consist of vehicular lanes and roadsides, as illustrated below and as defined herein. The vehicular lanes provide the traffic and parking capacity. The roadside is the area between the private lot line and the edge of the vehicular lanes. It includes sidewalks, tree lawns, street trees, streetlights, and curbing.

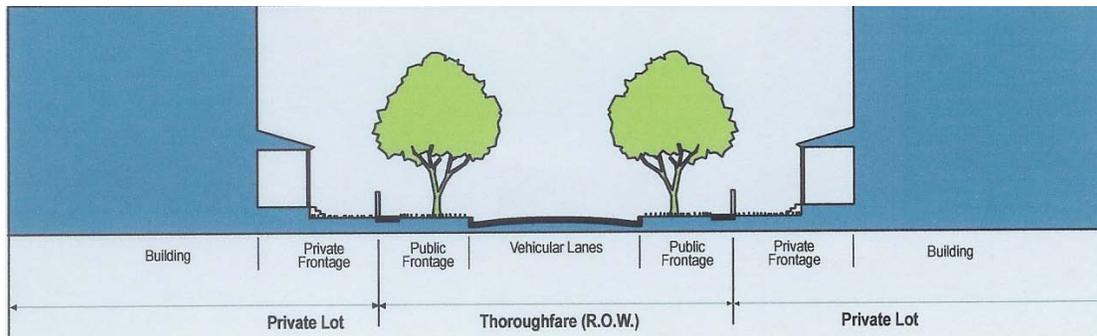


Figure 23-6: Streetscape Design

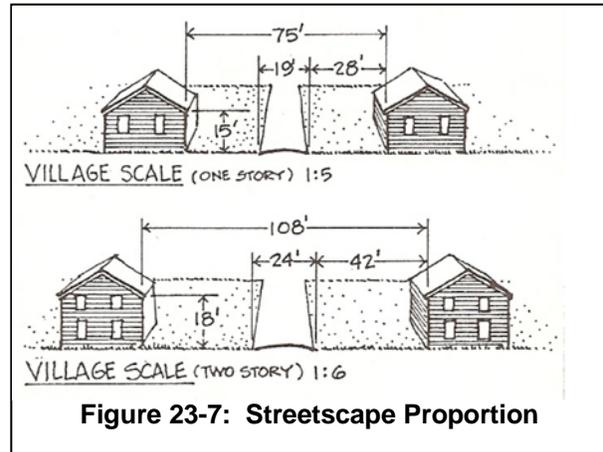
(a) Streets shall be designed for the desired design speed of the neighborhood through which they pass. Permitted street types and designs are as provided in the Town of Lloyd's Traditional Neighborhood Street Standards. The permitted street type shall be subject to Planning Board approval.

(b) The Planning Board shall give consideration to the ratio of building height to setback in the design of the streetscape. For every foot of a building's height (measured from the average finished grade to the eave) there should be no more than six feet of space in front of it, and preferably less, as illustrated below.

(c) Pedestrian comfort shall be a primary consideration of the street. Design conflict between vehicular and pedestrian movement shall be decided in favor of the pedestrian.

(d) Sidewalks shall be a minimum of four (4) feet wide and shall be ADA compliant.

(e) The street network should be designed to define blocks whose perimeter does not exceed 3,000 linear feet, measured as the sum of lot frontage lines. Longer blocks shall have pedestrian passages.



(f) All streets shall terminate at other streets, forming a network. Internal streets shall connect wherever possible to those on adjacent sites, or shall provide for potential connections to future developments. Cul-de-sacs shall be permitted only when deemed by the Planning Board to be unavoidable due to natural site conditions. Where cul-de-sacs are deemed to be unavoidable, continuous pedestrian circulation shall be provided by connecting sidewalks that link the end of the cul-de-sac with the next street or civic space through the use of pedestrian passages or paths, where feasible.

(g) To the greatest extent practical, streets shall either continue through an intersection, or terminate with a “T” intersection directly opposite the center of a building, or a view into an open space area.

(h) Lots shall front on a street, except that twenty (20) percent of the lots within each neighborhood may front on a pedestrian passage, as illustrated below.



Figure 23-8: Lots Facing Pedestrian Passages

(i) Trails, if provided, should connect to existing or proposed trail networks wherever possible.

(j) The elements of the roadside, including sidewalks, tree lawns,

street trees, and street lighting, shall be arranged as illustrated in Figure 23-6, and shall be designed in accordance with the Town's Traditional Neighborhood Street Standards in Chapter 89 of the Town Code and the following:

(i) The edge of the vehicular pavement shall be detailed as a raised curb drained by inlets, or flush to a swale.

(ii) To provide a buffer between pedestrians on the sidewalk and traffic on the road, the tree lawn shall be located between the sidewalk and the street curb or pavement.

(iii) To provide shade for parked cars and to buffer pedestrians from vehicles on the road, street trees shall be provided in the tree lawn, as provided in § 100-23L, Landscaping Standards.

(iv) The Planning Board shall require streetlights. All outdoor lighting shall comply with the provisions of § 100-27E of this Chapter.

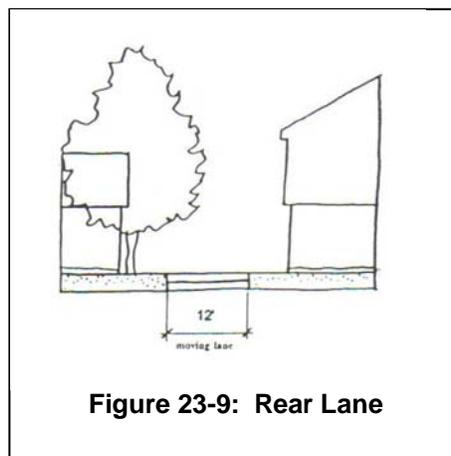
(k) Where rear lanes or alleys are provided, they shall meet the following standards:

(i) Lanes shall be permitted to access residential uses only. Alleys shall be required to access commercial or mixed uses.

(ii) Lanes and alleys shall be treated as private streets and shall not be dedicated to the Town. They may be dedicated to a Homeowners Association or as common easements across the rear portions of the lots subject to establishment of a Common Use and Maintenance Agreement.

(iii) Lighting for lanes and alleys shall be provided on garages or on lighting poles and shall be fully shielded to prevent glare.

(iv) Lanes may be paved lightly to driveway standards, with drainage by inverted crown at the center and by percolation. They shall have gravel or landscaped edges with no raised curb. Street trees shall be planted in the tree lawn next to the lane or in rear yards of lots, averaging 30' on center. Pavement width shall be twelve (12) feet as illustrated in Figure 23-9.



(v) Alleys should be paved to street standards, with drainage by inverted crown at the center or with roll curbs at the edges. Pavement width shall be 14 feet.

I. Design Standards. The Design Standards regulate the aspects of private buildings that affect the public realm, such as building disposition, lot dimensions, and private frontage types.

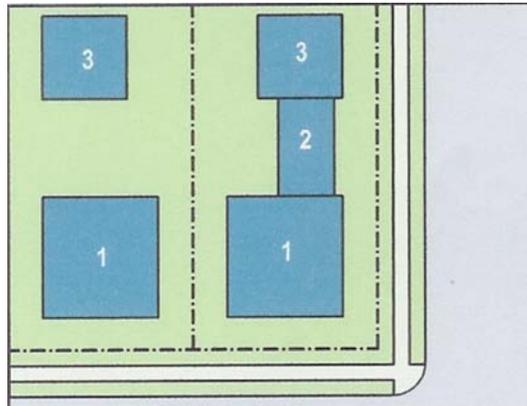
1. Buildings and landscaping should contribute to the physical definition of the street as a public space.

2. Building disposition in relation to the boundaries of the lot shall be either edge yard, side yard, or rear yard as defined herein and as illustrated below.

Figure 23-10: Appropriate Building Types	
	Yard Types
<p>Edge-yard: A building that occupies the center of its lot with setbacks on all sides. The front yard sets it back from the frontage and is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well-placed connecting building and/or garage or backbuilding.</p>	
<p>Side-yard: A building that occupies one side of the lot with the setback to the other side. The visual opening of the side yard on the street frontage causes this building type to appear freestanding. This type permits climatic orientation in response to the sun or the wind.</p>	
<p>Rear-yard: A building that occupies the full frontage, leaving the rear of the lot as the sole yard. The continuous facade spatially defines the public thoroughfare. The rear elevations may be articulated for functional purposes. In its residential form, this type is the townhouse. For its commercial form, the rear-yard can accommodate substantial parking.</p>	

3. One principal building at the frontage, and one garage or backbuilding to the rear of it, may be built on each lot. Lots with sideyards that face a street may additionally be permitted one connecting building to reinforce the streetwall, as illustrated below.

Figure 23-11: Building Disposition



- 1. Principal Building
- 2. Connecting Building
- 3. Garage

4. Facades shall be built parallel to the principal frontage line or parallel to the tangent of a curved principal frontage line.

5. Buildings shall define the public realm of the street through the use of consistent setbacks along the build-to line that shall establish the front yard setback for each block. The function of the build-to line is to spatially define the street as an outdoor room and to define the border between the public space of the street and the private realm of the individual lot. The build-to line shall be generally continued across side yard setback areas between buildings by using landscaping. The streetscape shall also be reinforced by lines of closely planted shade trees, and may be further reinforced by walls, hedges or fences which define front yards. Lots fronting on more than one street shall have a build-to line along each of the streets on which the lot fronts. In the case of an infill lot, setbacks shall match the predominant build-to line on the existing street.

6. Lots shall be platted or replatted according to the standards in Table 23-1.

Table 23-1: Lot Occupation, Setbacks, and Coverage for TND District

	TND District	MUD District
Lot Width	22 ft. min. 95 ft. max.	Lot sizes and dimensions may be freely disposed and arranged in conformity with the overall density standards and open space requirements herein.
Building Setbacks:		
Front	2 ft. min. 18 ft. max.	
Side	6 ft. min.*	
Rear (principal building)	20 ft. min.	
Rear (backbuilding)	3 ft. min. if no rear lane or alley, or 12 ft. from centerline of rear lane or alley	

Maximum Lot Coverage	35% (by right) 45% (by incentive zoning)	<u>residential uses:</u> 35% (by right) 45% (by incentive zoning) <u>commercial/mixed use:</u> 50%
Maximum Building Coverage	12% (by right) 17% (by incentive zoning)	<u>residential uses:</u> 12% (by right) 17% (by incentive zoning) <u>commercial/mixed use:</u> 15%
Maximum Building Height— Principal Building	2 stories	2 stories
Maximum Building Height— Backbuilding	25 ft. and 2 stories	25 ft. and 2 stories
Maximum Building Height— Connecting Building	14 ft. and 1 story	14 ft. and 1 story

* The Planning Board may approve a zero-foot side yard.

7. A variety of lot sizes should be provided, as illustrated in Figure 23-12, to eliminate the appearance of a standardized subdivision and to facilitate housing diversity and choice that meets the projected requirements of people with different housing needs. Lot widths should create a relatively symmetrical street cross section that reinforces the street as a unified public space.

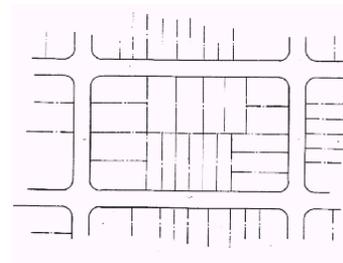


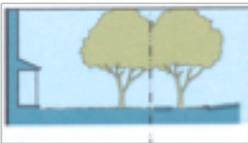
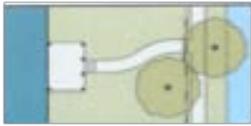
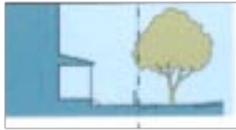
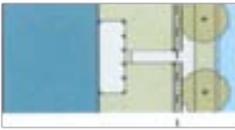
Figure 23-12: Lot size variety

8. Garages and connecting buildings shall be clearly incidental to the principal building.

9. Buildings shall have their principal pedestrian entrances on a frontage line.

10. Private frontages are permitted as shown below.

Figure 23-13: Private Frontage Types

	Section	Plan	Permitted District/Use
<p>a. Common Yard: Here the façade is set back substantially from the frontage line. The front yard remains unfenced and is visually continuous with adjacent yards. The deep setback provides a buffer from the street.</p>			MUD/residential/ lodging
<p>b. Porch & Fence: Here the façade is set back from the frontage line with an attached porch. A fence at the frontage line demarcates the yard. The porches shall be no less than 6 feet deep.</p>			MUD/residential TND/residential
<p>c. Forecourt: Here the façade is close to the frontage line and the central portion is set back. The forecourt created is suitable for vehicle drop-offs. This type should be allocated in conjunction with other frontage types. Large trees within the forecourts may overhang the sidewalks.</p>			TND /residential
<p>d. Stoop: Here the façade is aligned close to the frontage line with the first story elevated from the sidewalk to secure privacy. The entrance is usually an exterior stair and landing.</p>			TND /residential
<p>e. Shopfront and Awning: Here the façade is aligned close to the frontage line with the building entrance at sidewalk grade. This type is conventional for retail use. It has a substantial glazing on the sidewalk level and an awning that may overlap the sidewalk to the maximum extent possible.</p>			MUD/retail, service, office, lodging

11. Additional Design Standards Specific to the MUD District.

(a) A MUD shall be designed in accordance with the requirements and procedures for a conservation subdivision as found in § 100-34 of this Chapter and § 90-6 of the Town Code. The site plan shall cluster and orient structures to retain views, preserve open space, and provide visual organization to the development.

(b) MUDs located in the Waterfront Revitalization Area shall be designed in compliance with the policies and recommendations of the Town of Lloyd’s Local Waterfront Revitalization Program.

(c) MUDs located within the Waterfront Bluff Overlay District (WBOD) shall conform to the requirements of the WBOD regulations.

(d) Siting of structures and other development such as highways and signs shall be set back from the ridgeline of the Hudson River bluffs a minimum of 100 feet and shall be located in inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore. Views of development from the Hudson River shall be

concealed by vegetation and shall be permanently protected from clear cutting with a conservation easement in accordance with the provisions of § 100-34E of this Chapter.

(e) The site shall maintain and add vegetation to provide interest, blend structures into the site, and obscure unattractive elements.

(f) Use of appropriate materials, in addition to vegetation, to screen unattractive elements should be encouraged.

(g) In order to be consistent with the scale of buildings in traditional villages and hamlets, the maximum footprint for a retail or service building shall be 5,000 square feet, and the maximum footprint for office buildings shall be 8,000 square feet.

(h) The maximum footprint for all other non-residential buildings shall be 25,000 square feet.

(i) Equestrian facilities shall have a minimum lot area of ten (10) acres. Buildings or other fully enclosed structures associated with the facility shall be located not less than one hundred (100) feet from any property line, and not less than two hundred and fifty (250) feet from any neighboring residence. No riding ring or manure storage areas shall be located within one hundred (100) feet of any lot line, nor shall any manure storage area be located within two hundred (200) feet of any stream or other water body or well providing a source of potable water, nor within two hundred (200) feet of the nearest neighboring residence.

(j) For any commercial facility, the applicant shall set forth the likely hours of operation and the number of employees.

K. Parking Standards.

1. Off-street parking facilities shall be provided in accordance with the requirements of § 100-29 of this Chapter, and shall be subject to the following special standards for the TND and MUD Districts:

2. For Residential Uses in the ~~TND and~~ MUD Districts:

(a) All garages shall be located in the third layer, as illustrated in Figure 23-14.

(b) Parking shall be permitted in a driveway in the second or third layer. A driveway in the second layer may be used for parking if it is no more than 12 feet wide.

(c) Off-street parking shall be accessed from the frontage by means of a driveway, or from a rear lane or alley.

3. For Commercial Uses in the MUD District:

(a) All off-street parking areas shall be located in the third layer, as illustrated in Figure 237-14, and shall be screened from view from a secondary frontage by a streetscreen or appropriate landscaping as determined by the Planning Board.

(b) Off-street parking should be accessed from a rear alley.

(c) Pedestrian access to all parking lots should be directly from a frontage line by means of a pedestrian passage.

(d) In order to minimize the amount of impervious surfaces, on-street parking available along the frontage lines that correspond to each lot may be counted toward the parking requirement of the building on the lot.

L. Architectural Standards.

1. To enhance the local sense of place, buildings shall be either traditional in their architectural character, or be a contemporary expression of traditional styles and forms. Buildings shall reflect the scale, proportion, character and materials of historic village structures

~~in the TND District~~, and of historic riverfront structures compatible with the landscape and scenic views from the Hudson River ~~in the MUD District~~.

2. To affirm to continuity and evolution of society, existing buildings, if determined to be historic or architecturally significant, shall be protected from demolition or encroachment by incompatible structures or landscape development. The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall be used as the criteria for renovating historic or architecturally significant buildings.

3. A variety of architectural features and building materials is required to give each building or group of buildings a distinct character. Repetitive, cookie-cutter architecture shall not be permitted.

4. Buildings of 40 feet or more in width along a frontage shall be visually divided into smaller increments to reduce their apparent size and contribute to a human-scale development. The mass of these buildings shall be de-emphasized in a variety of ways through architectural details such as divisions or breaks in materials, window bays, separate entrances and entry treatments, and variation in roof lines, as illustrated in Figure 23-15.

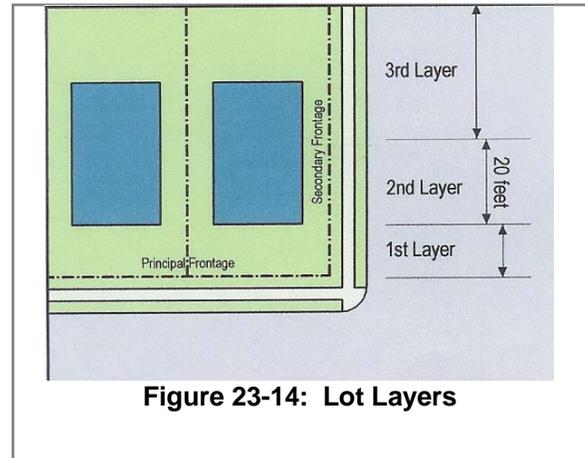


Figure 23-14: Lot Layers



Figure 23-15. Variety of Façade and Roof Treatments for Large Buildings

5. The exterior finish materials on all facades shall be limited to natural building materials such as brick, stone, stucco, wood, and wood shingles. Smooth finish fiber cement siding is also permitted if it simulates the natural material and has equal or better weathering characteristics. Balconies and porches shall be made of wood, wood composite and/or earth-based materials such as brick, stone, fiber cement siding and/or stucco. Railings shall be made of wood, wood composite, or metal. Vinyl shutters, plastic gutters, or similar materials should be avoided.

6. Buildings shall have sloped roofs, with the exception of townhouses and non-residential structures, which may have mansard roofs or flat roofs with articulated parapets and cornices; in such cases, parapets shall be a minimum of 42 inches high, or as required to conceal mechanical equipment to the satisfaction of the Planning Board. Sloped roofs shall have a minimum pitch of 9:12, except for porches and attached sheds, which may be no less than 2:12. Larger buildings may require a combination of roof types and pitches to break up the façade, as illustrated below. Roofs should be covered in shingle (slate, wood, and asphalt/fiberglass) or metal (such as standing seam).

7. All windows, with the exception of storefronts, shall be vertical in proportion. Multiple panes divided by muntins are encouraged, in accordance with the style of the building. True divided lights or simulated divided lights shall be used rather than windows with snap on grids. Mirrored, reflective, or darkly tinted glass shall not be permitted.

8. Along frontages, doors and windows that operate as sliders are prohibited.

9. The facades on retail frontages shall be detailed as storefront and glazed no less than 70 percent of the sidewalk-level story.

10. Front porches shall be no less than 6' deep.

11. Fences, if provided, shall be located at the frontage line as illustrated in Figures 23-6 and 23-13, and may be provided at lot lines. The maximum height of a fence in a front yard shall be three (3) feet; corner lots shall be considered to have two front yards. The maximum height of a fence on the rear yard shall be six (6) feet. Fences along a side yard shall have a maximum height of three (3) feet from the frontage line to the building façade, and a

maximum of six (6) feet from the building façade to the rear yard line. Fences shall be installed with the finish side out, and shall not be made of chain link.

12. Wherever possible, building materials and systems should be used that meet the established standards and practices of the U.S. Green Building Council and “Leadership in Energy and Environmental Design” (LEED) program.

M. Landscaping Standards.

1. The introduced landscape shall consist primarily of native species requiring minimal irrigation, fertilization and maintenance. Invasive species shall not be used.

2. All street trees shall have a minimum caliper of 2½ inches measured at breast height at time of planting.

3. Street trees shall be located in the tree lawn between the sidewalk and the street curb or pavement.

4. Multiple species of street trees shall be used on each street.

5. Street trees shall be hardy varieties, tolerant of soil compaction and salt, drought resistant, and free of objectionable droppings such as seed pods. Appropriate species include, but are not limited to: Pin Oak, Northern Red Oak, Green Ash, Ginko Biloba (male), Thornless Honeylocust, London Planetree, Japanese Zelkova.

6. Street trees shall be planted a maximum of 30 feet on center. The spacing may be adjusted to accommodate specific site conditions, such as topography and building entrances.

7. For “porch and fence” and “forecourt” frontage types (as illustrated in Figure 23-13), a minimum of one (1) tree matching the species of street trees planted in the tree lawn shall be planted within the front yard of the private lots for each thirty (30) feet of frontage line.

8. For the “common yard” frontage type (as illustrated in Figure 23-13), street trees shall be located on both sides of the sidewalk and shall be naturalistically clustered.

N. Lighting Standards. All outdoor lighting shall comply with the provisions of § 100-27 of this Chapter.

O. Sign Standards.

~~1. Signs in the TND District shall be permitted as provided in § 100-28G(1) and (2) of this Chapter.~~

21. For all commercial uses in the MUD District, signs shall be permitted as provided in § 100-28H(1) of this Chapter, with the additional provision specific to the MUD District that any illuminated signs shall be lit externally from the top down with no glare for

pedestrians or motorists. Internally illuminated signs are prohibited.

P. Utilities and Services.

1. Central or municipal water and sewer facilities are required.

2. Management of on-site stormwater shall be in accordance with Chapter 55 of the Town of Lloyd Code (Stormwater Management and Erosion and Sediment Control) or the New York State Stormwater Management Guidance Manual (as may be amended from time to time), whichever is more stringent.

3. The developer shall provide all necessary water and sewer facilities, storm drainage, highway access, paved streets, sidewalks, pedestrian paths, street trees, parking and loading facilities, and lighting.

4. Utility services shall be provided underground.

5. Plans for the collection, storage and disposal of refuse within any ~~TND~~ ~~and~~-MUD shall be subject to Planning Board approval as part of its review of site development plans. The outside storage of refuse, if permitted, shall be in rodent proof containers conveniently located and enclosed or otherwise screened from view.

6. Proper access for fire-fighting equipment and personnel shall be provided. Hydrants shall be provided in such number and location and with such water supply and pressure as may be determined adequate by the Planning Board, based upon the recommendation of the Town Engineer and the Fire Department servicing the site.

Q. Expiration of Approval. Any site plan or subdivision plan approval for a ~~TND~~ ~~and~~-MUD shall expire if a building permit is not issued and construction begun within three (3) years of the date of approval, except that the Planning Board may grant two (2) six month extensions if requested by the applicant and if deemed in the public interest by the Planning Board.

R. Definitions. Unless otherwise stated, the following terms shall, for the purposes of § 100-23 have the meanings herein indicated:

ALLEY – A vehicular way located to the rear of lots providing access to service areas and parking for commercial uses, and which may contain underground utility easements.

BACKBUILDING – A single-story accessory building, located towards the rear of the same lot as a Principal Building. It is sometimes connected to the Principal Building by a Connecting Building. Backbuildings shall not exceed 600 square feet of habitable space, excluding parking areas. See Figure 23-11.

BUILD-TO LINE – A line extending through a lot which is generally parallel to the street curb and marks the location from which the principal vertical plane of the front building facade, exclusive of porches, bay windows, and similar appurtenances, must be erected. Intended to create an even building façade line on a street, which enhances the street as a public space. Lots that front on more than one street shall have a build-to line along each of the streets on which the lot fronts. The build-to line is established on the final site plan and subdivision plat, if any.

CONNECTING BUILDING – A single-story accessory building connecting a principal building to a backbuilding. See Figure 23-11.

EDGE-YARD BUILDING – A building that has setbacks on all sides. See Figure 23-10.

ENTRANCE, PRINCIPAL – The main point of access of pedestrians into a building.

FAÇADE – The exterior wall of a building that is set along a Frontage Line.

FRONTAGE LINE – Those lot lines that coincide with a roadside. Facades along Frontage Lines define the public realm.

GARAGE – A type of backbuilding.

GREEN – An open space available for unstructured recreation. A green may be spatially defined by landscaping rather than building frontages. Its landscaping shall consist of lawn and trees, naturally disposed. The minimum size shall be one-quarter (¼) acre and the maximum shall be six (6) acres. See Figure 23-3.

LANE – A vehicular driveway located to the rear of lots providing access to parking and backbuildings on residential lots and which may contain underground utility easements. See Figures 23-9.

LAYER – A portion of a lot within which certain elements are permitted. See Figure 23-14.

LODGING – Premises available for daily and weekly renting of bedrooms, but excluding boarding or rooming houses. The area allocated for food service shall be calculated and provided with parking according to retail use.

LOT WIDTH – The length of the principal Frontage Line of a lot.

PARK – A natural preserve available for unstructured recreation. A park may be independent of surrounding building frontages. Its landscaping shall consist of paths and trails, meadows, woodland and open shelters, all naturalistically disposed. Parks may be linear, following the trajectories of natural corridors. The minimum lot size shall be fifteen (15) acres.

PEDESTRIAN PASSAGE – A pedestrian connector passing between buildings, providing shortcuts through long blocks and connecting rear parking areas to building frontages. Passages should connect directly with the sidewalk network. Passages may be roofed over.

PLAYGROUND – An open space designed and equipped for the recreation of children. A playground shall be fenced and may include an open shelter. Playgrounds shall be interspersed within residential areas and may be placed within a block. Playgrounds may be included with greens and squares. There shall be no minimum size and the maximum shall be one (1) acre. See Figure 23-5.

PRINCIPAL BUILDING – The main building on a lot, usually located toward the frontage. See Figure 23-11.

PRIVATE FRONTAGE – The privately held layer between the frontage line and the principal building facade. The structures and landscaping within the Private Frontage may be held to specific standards. The variables of Private Frontage are the depth of the setback and the combination of architectural elements such as fences, stoops and porches. See Figure 23-6.

REAR-YARD BUILDING – A building that occupies the full frontage line, leaving the rear of the lot as the sole yard. The continuous façade spatially defines the public realm of the street. For its residential function, this type yields a townhouse. For its commercial function, the rear yard can accommodate substantial parking. See Figure 23-10.

ROADSIDE – The public or commonly-owned right-of-way adjacent to a street from the edge of the curb or pavement to the front property line of adjoining parcels, where sidewalks, tree lawns, street trees, streetlights, and curbing are located. Also known as the “public frontage.”

SETBACK – The area of a lot measured from the lot line to a building facade or elevation. This area must be maintained clear of permanent structures with the exception of: galleries, fences, garden walls, arcades porches and stoops no more than six (6) feet deep, balconies, bay windows, patios and decks (that align with the first story level), which are permitted to encroach into the Setback.

SIDE-YARD BUILDING – A building that occupies one side of the lot with a setback to the other side. See Figure 23-10.

SQUARE – An open space area available for unstructured recreation and civic purposes. A square is spatially defined by building frontages and serves as a central focus for surrounding properties. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares should be located at the intersection of important thoroughfares. The minimum size shall be one-quarter (¼) acre and the maximum shall be two (2) acres. See Figure 23-4.

STORY – A habitable level within a building. Basements that emerge less than two (2) feet from finished grade, or attics not exceeding four (4) feet at the knee-wall are not considered stories for the purposes of determining permitted stories.

STREETSCAPE – The urban element that establishes the major part of the public realm. The streetscape is defined by elements such as neighboring buildings, pavement width, sidewalks, trees, lighting, signs, benches and other “furniture.”

STREETSCREEN – An opaque, freestanding wall built along the frontage line, or coplanar with the facade, often for the purpose of masking a parking lot from the street. Streetscreens should be between 3½ and 6 feet in height and constructed of a material matching the adjacent building facade. The streetscreen may be a hedge or fence by Waiver. Streetscreens shall have openings no larger than is necessary to allow automobile and pedestrian access. In addition, all streetscreens over 4 feet high should be thirty (30) percent permeable or articulated to avoid blank walls.

TERMINATED VISTA – A location at the axial conclusion of a street.

TREE LAWN – The area between the sidewalk and the street curb that accommodates street trees and streetlights and which, in conjunction with cars parked along the road, serves to protect pedestrians on the sidewalk from vehicular traffic. Tree lawns should be a minimum of 4’ in width.

| **§ 100-~~252~~6. Waterfront Bluff Overlay District.**

A. Authority and purpose.

1. These regulations are enacted under the authority of § 10 of the Municipal Home Rule Law, Article 16 of the Town Law and Article 42 of the Executive Law of New York State, in order to protect and enhance the physical and visual environment of the Town of Lloyd and for the protection, order, conduct, safety, health and well-being of people and property within the Town.

2. Purpose; district established.

(a) The land and water area of the Town of Lloyd's Hudson River waterfront represent a unique mix of natural and man-made resources. It has historically played an important role in the development, economy and cultural heritage of the Town and the region. The state-designated Poughkeepsie Deepwater Habitat (19 NYCRR Part 602), the general water quality, the visual, scenic, natural and cultural character, including the vegetated bluffs, open water areas and historic structures, and the Esopus/Lloyd and Estate District Scenic Areas of Statewide Significance (19 NYCRR Part 602) are some of the primary elements comprising and documenting these important natural and man-made resources.

(b) The Town of Lloyd Waterfront Bluff Overlay District is hereby established. It is the purpose of the Waterfront Bluff Overlay District (WBOD) to afford priority to waterfront-compatible, well-designed uses and to control development in ways that protect and enhance the Hudson River waterfront's natural, scenic and cultural resources. Further, it is the purpose of the WBOD to protect and preserve sensitive environmental areas; prevent soil erosion, sedimentation and slope failure due to removal of vegetation; protect and enhance to the maximum extent possible, the scenic qualities of the Town's waterfront area by maintaining, creating and continuing the vegetative corridor of the Mid-Hudson River region; prevent, to the

maximum extent possible, the loss alteration or diminution of public view of the Hudson River and opposite shore; prevent activities which will cause water pollution; and to implement the policies and purposes of the Town of Lloyd Local Waterfront Revitalization Program. Further, it is the intent of the Town of Lloyd to protect and preserve the scenic resources of the Town, to ensure that the benefits provided by the Hudson River views will not be lost for present and future generations and to protect the broader public interest.

3. The WBOD regulations are not intended to be substituted for other zoning district provisions. The overlay district is to be superimposed on the primary zoning district provisions and should be considered as additional requirements to be met by the applicant or applicant, prior to project approval. If there should arise a conflict between the provisions of the WBOD and the provisions of the underlying zoning district, the more restrictive shall apply.

4. Regulated land use activities proposed in the WBOD, as defined by Chapter 100, Zoning, the Town of Lloyd, shall require site plan review and approval by the Town of Lloyd Planning Board, pursuant to the provisions of the WBOD and all other applicable sections of Chapter 100, Zoning, of the Town of Lloyd. The Planning Board will at the same time review the proposed use for consistency with the policies and purposes of the Town of Lloyd Waterfront Revitalization Program, pursuant to specific provisions of the Town of Lloyd Waterfront Consistency Review Law.

C. Location, boundaries and maps.

1. The location and boundaries of the Town of Lloyd Waterfront Bluff Overlay District shall be delineated on the Official Town of Lloyd Zoning Map on file in the Town Clerk's office and the Town Building and Zoning Department.

2. The Town of Lloyd Waterfront Bluff Overlay District shall be mapped as that area from the Town's easternmost boundary located within the Hudson River to a distance of 100 feet west of the bluff line. The "bluff line" is hereby defined as the line at the top bluff, cliff or steep slope rising from the Hudson River shoreline, or at the upper elevational limit of a slope of twenty (20) percent or more above the Hudson River shoreline.

3. Where the WBOD overlays any primary zoning district delineated on the Official Zoning Map of the Town of Lloyd, the requirements of the WBOD shall be met in addition to any requirements specified for development in the respective primary zoning district.

D. Permitted uses. All uses permitted in the underlying zoning district are permitted in the WBOD, subject to applicable standards of the underlying zoning district and of the WBOD and subject to site plan review and approval.

E. Regulated activities. No person shall conduct any of the following regulated activities within the WBOD in the Town of Lloyd, unless such person has first applied for and obtained site plan approval by the Planning Board in accordance with the provisions of the WBOD and in accordance with all applicable provisions of the underlying zoning district. (Other permits may be necessary from state or federal agencies pursuant to requirements of other state

and federal laws.)

1. Construction of new residential structures or structural additions to or modifications of existing residential structures. This shall not include interior alterations, or normal and routine maintenance and repair of existing structures, provided that the use does not change.

2. Construction of all new nonresidential structures or structural additions to existing nonresidential structures.

3. A significant and substantial change in use of an existing nonresidential structure. A significant and substantial change in use shall be deemed to have occurred if there is:

(a) Any change in use affecting 2,000 or more square feet of an existing nonresidential structure;

(b) An increase of 50% or more in total square footage of an existing nonresidential structure;

(c) An increase of 50% in water and sewer demand;

(d) An increase of 50% in the generation of solid wastes;

(e) An increase of 50% in required parking; or

(f) Potential use of hazardous materials.

4. Construction or placement of any new on-site sewage disposal system, including individual sewage disposal systems, septic tanks, septic drainage or leach fields.

5. Filling or excavating activities in excess of 200 cubic yards of material.

6. Cutting down of any trees over 18 inches in diameter measured four feet above the base of the tree on any property within the district. Also included shall be any tree and vegetative clearing and removal activities that either directly or indirectly will cause soil to be exposed and subject to erosion. This shall not include normal and routine tree and shrub care and maintenance, including removal of only dead trees and vegetation.

7. Discharge of stormwater associated with human activity and/or construction and placement of stormwater runoff systems.

8. Permanent outside storage of materials and equipment on property within the district. This shall not include normal accessory residential storage activities.

9. Construction of vehicular public or private roads, trails and bridges.

10. Construction of docks, boat launching facilities and fishing facilities, including associated parking areas.

11. The construction, modification or restoration of erosion protection structures within the district.

F. Exempt activities. The following activities are exempt from the provisions of the WBOD:

1. Lawn care and maintenance.

2. Home gardening activities.

3. Normal and routine tree and shrub care and maintenance, including removal of dead vegetation. However, this shall not include any tree and vegetative clearing and removal activities that either directly or indirectly will cause the soil to be exposed and subject to erosion.

4. Removal of structures.

5. Repair and maintenance of existing structures.

6. Replacement, repair and maintenance of faulty or deteriorated on-site sewage disposal systems, including individual sewage disposal systems, septic tanks, septic drainage or leach fields.

7. Commercial agricultural activities, except those activities involving the construction or reconstruction of structures or the cutting down of any trees over 18 inches in diameter measured four feet above the base of the tree. However, this shall not include any tree and vegetative clearing and removal activities that either directly or indirectly will cause the soil to be exposed and subject to erosion.

8. Any actual or ongoing emergency activity which is immediately necessary for the protection and preservation of life, property or natural resources.

G. Development standards/conditions and review procedures during site plan review.

1. General provisions.

(a) Applications for site plan approval within the WBOD shall be made in writing to the Town Planning Board on forms available in the Planning Board office. Such an application shall be signed by the property owner and may be made by the property owner or his/her agent and shall be accompanied by any materials or information deemed appropriate by the Town Planning Board, including but not limited to all of the information required by the site plan review provisions and the following additional information, specific to

the WBOD:

(i) The location of all existing and proposed impervious surfaces such as roads, driveway, sidewalks, etc., on the property or within 100 feet of the proposed work site.

(ii) Existing and proposed contour levels for the property at two-foot contour intervals within 100 feet of the proposed work site or within the property limits. For purposes here, the term "work site" shall be defined as that area for which human disturbance activities are proposed.

(iii) The location of all proposed waterfront public access/recreation provisions, if applicable.

(iv) The location and types of all existing and proposed tree, shrub and vegetation masses, as well as all trees with a diameter of 18 inches or more, measured four feet above the base of the tree within 100 feet of the work site or within the property limits.

(v) The location of fire and other emergency zones, including the location of the nearest water supply for fire emergencies.

(vi) For all new structures proposed, except accessory structures, a comprehensive scenic landscape protection report shall be provided. Such report shall include, at a minimum, information about existing and proposed vegetation, color of structures and landscaping proposed in order to protect, enhance and continue the vegetative corridor of the Mid-Hudson River region. Color of structures and landscaping shall be an integral part of the report. The report shall include but not be limited to the following:

[A] A detailed narrative description, with accompanying maps, sketches, photographs, simulations, etc., of how the proposed development or activity will provide a scenic buffer and blend into the landscape of the WBOD. Such information shall include a description of existing and proposed vegetation, proposed color of structures and proposed landscaping. The types of information that shall be included in this report are:

[1] A general description of the condition of existing trees and vegetation;

[2] The general location, size and species of trees to be preserved, and those to be removed; and

[3] The general location, size and species of proposed trees and other vegetation to be planted.

[B] The report shall describe in a detailed narrative, and accompanied by any other pertinent maps, drawings or similar information, how the proposed development will be consistent with the scenic elements and aesthetic significance of the

Esopus/Lloyd Scenic Area of Statewide Significance (SASS) (19 NYCRR Part 602), which is within the Town of Lloyd Coastal Area, and how the proposed development will be consistent with the scenic elements and aesthetic significance of the Estates District Scenic Area of Statewide Significance (SASS) (19 NYCRR Part 602), which is located on the opposite shore of the Hudson River across from the northern part of the Town of Lloyd.

[C] The report shall address the functional aspects of landscaping such as ongoing maintenance, drainage, erosion prevention, wind barriers and reduction of glare. Any plant material proposed shall be selected for its ability to survive the climate along the Mid-Hudson River Region, its structure, texture and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design and of attractive appearance should be selected.

(vii) The location, design and size of all signs and lighting facilities.

(viii) The approximate locations and dimensions of areas proposed for neighborhood parks, playgrounds and other permanent open space.

(ix) Description and location of erosion control measures including proposed location of sediment sink/settling ponds and interceptor swales, etc.

(x) The location and design of all stormwater management facilities.

(xi) A drainage report including supporting design data and copies of computations used as a basis for the design capacities and performance of closed drainage facilities.

(xii) Record of application and approval status of all necessary permits from federal, state and county officials.

(xiii) A completed SEQR visual environmental assessment form.

2. Development standards/conditions.

(a) Site plan approval to undertake any regulated activity within the WBOD shall not be issued by the Town Planning Board unless the applicant can adequately demonstrate to the Planning Board's satisfaction that:

(i) To the extent possible, structures, storage and parking areas shall be set back from the identified Hudson River bluff ridge line to reduce opportunities for erosion, sedimentation and slope failure; and to protect the scenic qualities of the Town's waterfront area by maintaining, creating and continuing the vegetative corridor of the Mid-Hudson River region. Structures proposed below the bluff ridge line shall make use of natural vegetation and topography and shall be designed in such a way as to enhance visual, scenic and

cultural character of the Town's Hudson River waterfront area.

(ii) The proposed land use activity will avoid excessive or unnecessary grading, indiscriminate earth moving or clearing of property and removal of trees and vegetation which would disfigure natural land forms.

(iii) As appropriate to the type of proposed land use activity, the scenic landscape protection buffer measures should protect and enhance, to the maximum extent possible, the scenic qualities of the WBOD area, the Esopus/Lloyd SASS and the Estates District SASS by maintaining, creating and continuing the vegetative corridor of the Mid-Hudson River region. While complete vegetative screening is not required, sufficient plant material shall be provided to protect, enhance and continue the vegetative corridor of the Mid-Hudson River region.

(iv) The proposed activity, in addition to vegetation, should incorporate other means to protect and enhance the scenic landscape of the WBOD area, the Mid-Hudson River region, the Esopus/Lloyd SASS and the Estates District SASS through such means as building color, use of appropriate scale, form and materials to ensure that all buildings, structures and activities are compatible with and add interest to the landscape. The design of all structures is to be compatible with that of surrounding structures and landscapes. Compatibility shall be determined by a review of proposed use of materials, scale, mass, height, color, texture, location of the structure of structures with reference to the bluff line on the site and compatibility with the Esopus/Lloyd SASS and the Estates District SASS. To properly blend with the surrounding visual/natural environment, structures should be neutral, or earth tones and natural materials such as wood, stone or brick should be used. The use of building color should allow proposed structure to blend into the background of the landscape as much as possible.

(v) The proposal would not impair the scenic elements and aesthetic significance of the Esopus/Lloyd SASS and the Estates District SASS. The following siting and facility-related guidelines from the Esopus/Lloyd SASS and Estates District SASS will be used to evaluate a proposal's consistency with the SASS. These guidelines are explained in further detail in the Impact Assessments section of the Esopus/Lloyd SASS and Estates District SASS Narratives as approved by the New York State Secretary of State and are available for review at the Town of Lloyd Planning Board office:

[A] Siting structures and other development such as highways, power lines and signs, back from shorelines (and back from the bluff line along the Town's Hudson River waterfront) or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;

[B] Clustering or orienting structures to retain view, save open space and provide visual organization to a development;

[C] Incorporating sound, existing structures (especially historic buildings) into the overall development scheme;

[D] Removing deteriorated and/or degrading elements;

[E] Maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest;

[F] Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters.

[G] Using appropriate materials, in addition to vegetation, to screen unattractive elements; and

[H] Using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

(vi) To minimize the impact of parked vehicles on the view from the Hudson River and from public ways and adjacent land uses, parking areas shall be treated with such things as building wall extensions, segmented parking areas with elevation differences, plantings, berms or other means.

(vii) Project features which may have negative visual impacts upon adjacent properties, such as parking lots, service entrances, loading zones, mechanical equipment, etc., shall be visually buffered from the adjacent properties.

(viii) Monotony of design in single and multiple building projects shall be avoided. Variation of detail, form and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.

(ix) All proposed buildings and structures are to be clustered together to the maximum extent possible, where appropriate, and depending on the nature of the proposed activity, to ensure that the surrounding visual/natural environment is maintained as much as possible, to retain the quality and extent of view from adjacent public streets through the property to the Hudson River, to save open space and to provide visual organization to the development.

(x) Excavations or cuts made to the steep slope associated with a bluff shall only be permitted where such activities involve bluff cuts made in directions that take advantage of the natural contours of the land or are at oblique angles to the shoreline in order to minimize erosion, control runoff and protect scenic resources. Side slopes and other disturbed on-roadway areas must be stabilized with vegetation or other approved physical means. Completed paths, access ways or roadways must be stabilized and appropriate drainage provided.

(xi) No building or structure shall exceed 2 ½ stories or thirty-five (35) feet in height. (Elevations of any proposed structures, or additions to existing structures,

should be provided including proposed height, design, color and materials.)

(xii) Plants or other acceptable ground cover shall be re-established in disturbed areas immediately upon completion of development activity so as to prevent uncontrolled erosion or slipping of soil, or cause sediment to be discharged into the Hudson River, wetlands or into the tributaries, or both, and in order to maintain the natural resource and scenic characteristics of the Hudson River coastal area.

(xiii) Additional stormwater drainage associated with proposed construction (during and after construction) shall not cause erosion or siltation, contribute to slope failures, pollute surface waters or cause damage to or flooding of property. Drainage systems shall be designed and located to ensure slope stability. Best management practices shall be used to prevent erosion and the introduction of runoff contaminants from entering the waters within the surrounding the WBOD. The following guidelines further specify practices and concerns that shall be applied as appropriate or used for mitigation of identified problems:

[A] Runoff or other nonpoint pollutant sources from any specific development activity must not be greater than would be the case under natural conditions. Appropriate techniques to minimize such effects shall include but not be limited to the use of stormwater detention basin, rooftop runoff disposal, rooftop detention, parking lot and impervious surface storage and cistern storage systems.

[B] Natural ground contours should be followed as closely as possible and grading minimized.

[C] Extreme care should be exercised to locate artificial drainage ways so that their final gradient and resultant discharge velocity will not create additional erosion problems.

[D] The amount of time that disturbed ground surfaces are exposed to the energy of rainfall and runoff water should be limited.

[E] Natural protective vegetation should remain undisturbed if at all possible; otherwise plantings should compensate for the disturbance.

[F] The velocity of runoff water on all areas subject to erosion should be reduced below that necessary to erode the materials.

[G] Sufficient ground cover should be applied to restrain erosion on that portion of the disturbed area undergoing no further active disturbances.

[H] Runoff from a work site should be controlled to avoid transportation of sediment from the site.

[I] The angle for graded slopes and fills should be limited to an angle no greater than that which can be retained by vegetative cover or other

erosion control devices or structures.

[J] The length, as well as the angle, of graded slopes should be minimized to reduce the erosive velocity of runoff water.

(xiv) Any new parking lot or area, road, trail or bridge shall be so located, designed and constructed so as to minimize its visibility from the river and minimize alteration or destabilization of the soils.

H. Additional requirements. Where this section imposes greater restrictions than are imposed by the provision of any law, regulation or private agreement, this section shall control. Where there are restrictions by any law regulation, or private agreement greater than those imposed by this Article, such greater restrictions shall control.

I. Enforcement. The Town Zoning Code Enforcement Officer shall be responsible for enforcing this Chapter. No work or activity on a project in the Coastal Area which is subject to review under this Chapter shall be commenced or undertaken until the Zoning Code Enforcement Officer has been presented with a written determination from an agency that the action is consistent with the Town's LWRP policy standards and conditions. In the event that an activity is not being performed in accordance with the Chapter or any conditions imposed thereunder, the Zoning Code Enforcement Officer shall issue a stop-work order, and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop-work order is in effect.

§ 100-~~2627~~. Waterfront Consistency Review.

A. Applicability. This section applies to all Type I or unlisted actions as defined in SEQRA regulations (6 NYCRR 617.2) undertaken by any agency of the Town of Lloyd, including boards, departments, officers, or other body.

B. Review of actions.

1. Whenever a proposed action is located in the Town's Coastal Area, an approving agency shall, prior to approving, funding or undertaking the action, make a determination that the action is consistent with and shall fully comply with the LWRP policy standards and conditions set forth herein, and whenever practicable, will advance one or more of them.

2. Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direct action to be located in the Coastal Area, the applicant, or, in the case of a direct action, the agency, shall prepare a coastal assessment form (CAF) to assist the consistency of the proposed action.

3. The agency shall refer a copy of the completed CAF to the Town of Lloyd Planning Board within ten (10) days of its submission and, prior to making its determination,

shall consider the recommendation of the Planning Board with reference to the consistency of the proposed action.

4. After referral from an agency, the Planning Board shall consider whether the proposed action is consistent with the LWRP policy standards and conditions set forth in subsection I(7) herein. The Planning Board shall require the applicant to submit all completed applications, CAF's and any other information deemed to be necessary to its consistency recommendations.

5. The Planning Board shall render its written recommendation to the agency within thirty (30) days following referral of the CAF from the agency, unless extended by mutual agreement of the Planning Board and the applicant or in the case of direct action, the agency. The recommendation shall indicate whether, in the opinion of the Planning Board, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards or conditions and shall elaborate in writing the basis for its opinion.

6. The Planning Board shall, along with its consistency recommendation, make any suggestions to the agency concerning modification of the proposed action to make it consistent with LWRP policy standards and conditions or to greater advance them.

7. In the event that the Planning Board's recommendation is not forthcoming within the specified time, the referring agency shall make its decision without the benefit of the Planning Board's recommendation.

8. The agency shall make the determination of the consistency based on the CAF, the Planning Board recommendation and such other information as is deemed to be necessary in its determination. The agency shall issue its determination within thirty (30) days following receipt of the Planning Board's recommendation and submission by the application to any additional required information. The agency shall have the authority, in its finding of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with this Chapter.

9. Actions to be undertaken within the Coastal Area shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described in § 3 of the Town of Lloyd LWRP, a copy of which is on file in the Town Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions shall consult with § IV of the LWRP in making their consistency determination. The action shall be consistent with the following policies to:

(a) Revitalize the deteriorated and underutilized waterfront areas of Town of Lloyd (Policies 1, 1A, 1B and 1D).

(b) Retain and promote commercial and recreational water-dependent uses (Policy 2).

(c) Ensure that development occurs where adequate public

infrastructure is available to reduce health and pollution hazards (Policy 5).

(d) Expedite local permit procedures and use performance standards for development within the waterfront area (Policies 6 and 6A).

(e) Protect significant and locally important fish and wildlife habitats from human disruption and chemical contamination (Policies 7a, 8 and 8A).

(f) Encourage and expand commercial fishing facilities to promote commercial and recreational fishing opportunities (Policies 9, 9A, 9B, 10 and 10A).

(g) Minimize flooding and erosion hazards through nonstructural means, carefully selected, long-term structural measures and appropriate siting of structures (Policies 11, 12, 13, 13A, 14, 14A, 15, 16, 17 and 17A).

(h) Safeguard economic, social and environmental interests in the coastal area when major actions are undertaken (Policies 18 and 18A).

(i) Maintain and improve public access to the shoreline and the water-related recreational facilities while protecting the environment (Policies 1, 1A, 1B, 1C, 1D, 2, 9, 9A, 9B, 19, 19A, 19B, 20, 20A, 20B, 21, 21A, 21B, 21C, 22, 22A and 22B).

(j) Protect and restore historic and archaeological resources (Policies 23 and 23A).

(k) Protect and upgrade scenic resources (Policies 24, 25 and 25A).

(l) Conserve and protect agricultural lands (Policy 26).

(m) Site and construct energy facilities in a manner in which will be compatible with the environment and contingent upon the need for a waterfront or water location (Policies 27, 30, 31, 35, 35A, 36, 38, 39, 40, 41, 42, 43 and 44).

(n) Prevent ice management practices which could damage significant fish and wildlife and their habitat (Policy 28).

(o) Protect surface and groundwaters from direct and indirect discharge of pollutants and from overuse (Policies 30, 31, 32, 33, 34, 35, 35A, 36, 37, 38, 39, 40 and 44).

(p) Perform dredging and dredge spoil in a manner protective of natural resources (Policies 15, 35 and 35A).

(q) Handle and dispose of solid and hazardous wastes and effluents in a manner which will not adversely affect the environment (Policies 34, 36, 39 and 39A).

- (r) Protect air quality (Policies 41, 42 and 43).
- (s) Protect freshwater wetland (Policy 44).

10. If the agency determines that the action would not be consistent with one or more of the LWRP policy standards and conditions, such action shall not be undertaken unless the agency makes a written finding with respect to the proposed action that:

- (a) No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policy standards and conditions.
- (b) The action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions.
- (c) The action will advance one or more of the other LWRP policy standards and conditions.
- (d) The action will result in an overriding village, regional or statewide public benefit.
- (e) Such a finding shall constitute a determination that the action is consistent with the LWRP policy standards and conditions.
- (f) Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Planning Board. Such files shall be made available for public inspection upon request.

ARTICLE 6: SUPPLEMENTARY REGULATIONS

§ 100-~~2728~~. Outdoor lighting.

A. Purpose. The purpose of this section is to provide standards for outdoor lighting to encourage lighting that conserves energy and resources while providing safety, utility and security; minimizes glare; protects the privacy of residences; reduces atmospheric light pollution; and enhances the Town's night-time ambience and historic character.

B. Applicability and Submission of Plans. An application for any work involving outdoor lighting fixtures that requires Subdivision, Special Use Permit and/or Site Plan approval shall submit, as part of the application, evidence that the proposed work shall comply with the standards of this section. The submission shall contain the following:

- 1. Plans indicating the location, height, orientation, type of illuminating device, and wattage of each outdoor lighting fixture;

2. Description of the illuminating fixtures, lamps, supports, reflectors, and other devices, including, but not limited to, catalog cuts by manufacturers and drawings (including sections where required);

3. Photometric data, such as that furnished by manufacturers, or similar showing the angle of cut-off or light emissions;

4. Additional information that the Planning Board or Code Enforcement Officer determines is necessary, including, but not limited to an iso-lux plan indicating levels of illumination in footcandles, at ground level.

C. Lamp or Fixture Substitution. Should any outdoor lighting fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the Code Enforcement Officer for revised approval. The Code Enforcement Officer, in consultation with the Town Engineer and Town Planner, shall review the change request to assure compliance with this section. If the change request is not substantial, the Code Enforcement Officer may approve it. If the change request is substantial, the Code Enforcement Officer shall forward such request to the Planning Board for an amended approval, which must be received prior to substitution.

D. General Requirements: All Zoning Districts.

1. General Standards. All outdoor lights and illuminated signs shall be designed, located, installed, and directed in such manner as to prevent objectionable light at and across the property lines, and to prevent direct glare at any location on or off the property. The lighting levels for outdoor lighting shall be as described in § 100-27F.

2. Prohibitions.

(a) To prevent sky glow and energy waste, uplighting is prohibited, unless the applicant can demonstrate a unique circumstance. Externally lit signs, displays, buildings, structures, streets, parking areas, recreational areas, landscaping, and other objects lit for aesthetic or other purposes must be lit from the top and shine downward.

(b) Roof mounted area lighting is prohibited.

(c) The use of laser lighting for outdoor advertising or entertainment, and the operation of searchlights for advertising purposes are prohibited.

(d) The use of Mercury Vapor lamps and low pressure sodium lamps is prohibited.

(e) Unshielded wallpack type fixtures are prohibited.

(f) Neon roping or trimming is prohibited, unless the applicant can demonstrate a unique circumstance.

(g) Utility lighting unless on a public utility pole located in the public right-of-way.

3. **Shielding.** All outdoor fixtures, with the exception of those using lamps not requiring shielding cited in the “Shielding Requirements” Table below, shall be fully-shielded and installed in such a way that no light is emitted above a horizontal plane running through the lowest part of the fixture. The lighting shall also be shielded to prevent direct glare and/or light trespass, and shall be, as much as physically practical, contained to the target area. All light fixtures that are required to be fully shielded shall be installed and maintained so that the shielding is effective as described in the definition of a fully shielded fixture in this section. Floodlighting is discouraged, and if used, must be shielded to prevent: direct glare for drivers and pedestrians; light trespass beyond the property line; light above a horizontal plane.

<i>Shielding Requirements</i>	
Fixture Lamp Type	Shielded
High Pressure Sodium, Metal Halide, Quartz, and Fluorescent over 50 watts	FULLY
Incandescent greater than 100 watts	FULLY
Incandescent 100 watts or less	NONE
Any light source of 50 watts or less, with the exception of wallpack type fixtures	NONE
Other sources	As approved by the Planning Board

4. **Light Trespass.** Light trespass from a property shall be designed not to exceed 0.25 footcandles at the property line, unless permitted by the Planning Board for purposes of public safety. Adjacent to residential property, no direct light source shall be visible at the property line at ground level or above.

5. **Height.** Unless specified otherwise herein, the maximum allowable height of a freestanding luminaire shall be 20 feet above the average finished grade. The maximum allowable height of a building or structure-mounted luminaire shall be 20 feet.

6. **Spacing.** The space between fixtures should be approximately four times the height.

7. **Time Controls.** All non-essential lighting shall be turned off after business hours, leaving only the necessary lighting for site security, which shall be reduced to the minimum level necessary. “Non-essential” can apply to: display, aesthetic, parking and sign lighting. Motion-sensor security lighting is recommended to promote safety and reduce the amount of night lighting in the Town.

8. **Electrical Feeds.** To improve the aesthetics of the area, electrical feeds to lighting fixtures and standards shall be run underground, not overhead.

9. Auto/Truck Filling Stations. Island canopy ceiling fixtures shall be recessed into the canopy ceiling so that the bottom of the fixture is flush with the ceiling.

10. Holiday lights and decorations with no commercial messages are permitted during the holiday seasons.

11. Recreational Facilities, Public or Private. Lighting for outdoor recreational facilities shall be permitted to exceed the 20 foot height maximum and shall be allowed by special use permit provided that:

(a) The proposed pole height is required to illuminate the center of the field while minimizing glare on adjacent properties;

(b) Surrounding vegetation or topography will screen views of the poles from adjacent properties;

(c) The fixtures will be fully shielded to prevent light spillage on adjacent properties and to prevent sky glow;

(d) The proposed lighting levels conform to the recommendations of the Illuminating Engineering Society of North America for playing fields;

E. Streetlights. Streetlights shall be provided in the R-¼, R-½, and TND Districts in accordance with the following standards. In other districts, streetlights shall be provided at the discretion of the Planning Board.

1. Streetlights shall be located in the tree lawn between the sidewalk and the street curb or pavement.

2. Streetlights shall be provided on one or both sides of all streets at the intervals specified in the “Streetlight Spacing” Table below as measured on center, and at all intersections. The spacing may be adjusted to accommodate specific site conditions, such as driveways.

<i>Streetlight Spacing</i>	
District	Spacing
TND	75'
R-¼	85'
R-½	100'

3. Streetlights shall utilize cast-iron or cast-iron style posts not exceeding 12 feet in height.

4. Lighting posts and fixtures for streetlights shall be of consistent architectural style throughout the neighborhood and shall complement the predominant architectural style.

5. Existing street lighting shall be brought into conformance with the provisions of this section when fixture or light source replacements are made or when funding becomes available to undertake a comprehensive lighting replacement program

F. Illuminance and Uniformity. Parking lots should have an average lighting level at or below one (1) footcandle. High security areas should have lighting levels of no more than five (5) footcandles, and 2 (two) to 5 (five) footcandles is the recommended range. The uniformity ratio (average to minimum) should not exceed 3/1 for parking and traffic areas, or 4/1 for pedestrian areas. However, lighting levels for ATM machines shall be in accordance with the New York State ATM Safety Act. Design should establish a hierarchy of lighting to assure a smooth transition from bright areas to those with subdued lighting. Light levels shall be maintained at design levels with lamp or luminaire replacement as needed.

G. Recommended Outdoor Lighting Types. The Table below presents recommended outdoor lighting types. For better color quality, visibility, and security purposes, clear white metal halide lighting is recommended in pedestrian and commercial areas.

<i>Outdoor Lighting Options</i>		
Lighting Type	Color	Comments
Incandescent	full spectrum, white light	Attractive low wattage accent and display lighting, or for residential uses
Metal Halide	clear white light	Best for pedestrian and retail areas; products look good and parking lots feel brighter, safer
High Pressure Sodium	yellowish cast	Recommended only where light distribution is valued more than appearance, such as highway lighting

H. Exemptions. The following uses shall be exempt from the provisions of this section:

1. Temporary circus, fair, carnival, religious, historic, or civic use.
2. Construction or emergency lighting, provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.

3. Temporary lighting, including holiday lighting with no commercial messages during the holiday.

4. All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels.

5. Outdoor light fixtures installed on, and in connection with those facilities and land owned or operated by a public utility, the federal government, the State of New York, the County of Ulster, the Town of Lloyd, or any department, division, agency or instrumentality thereof. Voluntary compliance with the intent of this section at those facilities is encouraged.

I. Inspections. The Town of Lloyd reserves the right to request a post installation nighttime inspection to verify compliance with the provisions of this section and, if appropriate, to require remedial action.

J. Maintenance. Lighting fixtures shall be maintained so as to always meet the requirements of this section.

K. Nonconforming Outdoor Lighting. No replacement or installation of new lighting fixtures shall be permitted unless in conformance with this section. Non-conforming outdoor lighting located on a site that is the subject of Subdivision, Special Use Permit and/or Site Plan applications, Certificates of Occupancy, Non-violation Letters, or other permit, approval, entitlement, or authorization from the Town of Lloyd shall be subject to all of the terms and conditions of this section.

§ 100-~~2829~~. Signs.

A. The purpose of this section is to promote and protect the public health, safety, and welfare by regulating signs of all types. It is intended to encourage the use of signs as a means of communication, protect pedestrian and vehicular safety, protect property values, and enhance the Town's aesthetic environment.

B. Permit Required.

1. A sign, as defined in this Chapter, may be placed, erected, constructed, altered, relocated, enlarged, reconstructed, displayed, lit or maintained only as expressly permitted in this section and upon issuance of a sign permit from the Code Enforcement Officer, unless the sign is exempt from the provisions of this section as provided for in subsection C below.

2. Permanent signs require review and approval of the Planning Board. The Planning Board, within 30 days of its receipt of an application for a sign permit, shall consider the application and shall approve, approve with modifications, or deny the application and notify the Code Enforcement Officer of its decision on this matter. If the sign application is approved, the Code Enforcement Officer shall issue a sign permit.

C. Exempt Signs. The following signs are exempt from the permit requirements of this section:

1. For a dwelling unit, one (1) non-illuminated nameplate with an area of not more than one (1) square foot per face.

2. Memorial signs or tablets denoting names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.

3. Non-illuminated signs communicating information incidental to the conduct of business such as hours of operation, but no more than one (1) square foot in size.

4. Non-illuminated real estate “for sale” or “for rent” signs used for the purpose of selling or leasing land or buildings for which subdivision approval is not required, and displayed only on the premises for sale or lease, provided such sign is located on the front wall of a building or, if freestanding, does not exceed four (4) feet in height and is not located nearer than fifteen (15) feet to any street or lot line. All such signs shall not exceed four (4) square feet in sign area per side, shall be limited to one (1) per premise, and shall be removed immediately upon sale or lease of the premise.

5. Non-illuminated real estate “for sale” or “for rent” signs used for the purpose of selling or leasing land or buildings for which subdivision approval is not required and displayed off-premises, provided such signs do not exceed three (3) square feet in sign area per side and shall be removed immediately upon sale or lease of the premise.

6. Non-illuminated “garage sale”, “yard sale”, “barn sale”, “tag sale”, or similarly descriptive sign provided that such sign is only located on the property on which such sale is being conducted, and does not exceed two (2) square feet per face in area. Such signs shall not exceed one (1) per premise and may be displayed for a period of up to seven (7) day in advance of the sale and up to twenty-four (24) hours after the sale. Not more than one (1) such sign may be posted for one property within any one (1) calendar year.

7. Traffic or other municipal signs; legal notices; railroad crossing signs; danger and other similar temporary emergency signs; signs which are solely devoted to prohibiting trespassing, hunting, or fishing; the sign, banner, or insignia of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event; the sign, poster, flag, pennant or insignia of any government; or any sign reasonably necessary for the exercise of First Amendment rights.

8. Signs advertising the sale of agricultural produce, grown primarily on land that is considered part of the same farming operation and available seasonally, provided that such a sign does not exceed sixteen (16) square feet per side and is located not nearer than fifteen (15) feet from the edge of pavement of any road.

9. Signs indicating the sale price per gallon and octane rating of petroleum products displayed on fuel dispensing devices as required by the regulations of the New York State Department of Agriculture and Markets, Division of Bureau of Weights and Measures,

found at 1 NYCRR Part 224.

D. Prohibited Signs. All signs not specifically permitted are prohibited. Prohibited signs include but are not limited to:

1. Roof signs
2. Off-premise signs and billboards
3. Signs that may be confused with or obstruct the view of any authorized traffic sign or signal or the sight distance for any street intersection.
4. Signs with flashing, blinking, intermittent, or moving lights or images, except those displaying time and/or temperature.
5. Signs that contain or consist of banners, pennants, ribbons, balloons, streamers, spinners or similar moving, fluttering or revolving devices, and rotating signs, including all signs and devices that are not permanent in their orientation
6. Mounted or portable search lighting used to project moving or stationary overhead light beams.
7. Abandoned signs.

E. Temporary Signs

1. Except for exempt signs as listed in the preceding subsection, every temporary sign must receive a permit issued by the Code Enforcement Officer before being displayed. Planning Board approval is not required for temporary signs. The permit and the sign shall show the dates to be displayed and removed.

2. Temporary signs are permitted to advertise:

- (a) Activities or events, but such signs shall not exceed:
 - (i) A duration of display over four (4) weeks prior to the event, nor four (4) days after it.
 - (ii) A frequency over twice per year on any one premises.
 - (iii) An area of ten (10) square feet in business or agricultural district, nor two square feet two (2) square feet in residential districts.
- (b) Approved real estate subdivisions, but not to exceed:
 - (i) A duration of display longer than one (1) year after subdivision approval, subject to one (1) year renewals of the permit by the Code Enforcement Officer.

(ii) A density of one (1) sign per approved lot.

(iii) An area of ten (10) square feet per sign, six (6) feet in height, and shall not be located nearer than fifteen (15) feet to any street or lot line or any building, unless attached directly to said building.

F. General Provisions for All Signs

1. Permit Number and Date. Every sign that requires a permit shall carry, clearly legible and in a conspicuous place thereon, the date of erection and the sign permit number. Temporary signs shall also display the date the sign must be removed.

2. Aesthetics and Directions. Signs shall be unobtrusive in size, lettering, and lighting, and compatible with the architecture of the building and the neighborhood.

3. Abandoned signs. Such signs shall be removed. The Code Enforcement Officer shall give written notice to the last named owner of the real property where the sign is located and to the permit holder if not the same as the owner, at the last know address(es) of record, who shall, unless good cause is shown, remove the sign within thirty (30) days from date of notice. If no action is taken by the owner or permit holder within said time period, the Code Enforcement Officer shall cause the sign to be removed and the reasonable costs incurred for removal shall be added to the property's next real property tax assessment on the rolls of the Town.

4. Maintenance. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.

5. Unsafe signs. The Code Enforcement Officer may have removed, immediately and without notice to the owner or permit holder, any sign which presents a peril to persons or property.

6. Non-conforming signs other than billboards. Any on-premise sign which does not conform to the provision herein, whether or not as a consequence of a variance, but was legal when placed, shall be deemed non-conforming and may be changed in placement, size, form, or lighting only to a conforming sign upon issuance of a permit by the Code Enforcement Officer.

7. Non-conforming billboards. Unless compensation therefore is provided pursuant to § 88 of the Highway Law, any billboard which is leased or rented for profit shall be deemed a non-conforming sign. Pursuant to New York General Municipal Law § 74-C(2), such billboards shall be removed by the owner of the property or the permit holder upon written notice sent to the owner of the property or the permit holder to their last known address of record by certified mail, return receipt requested by the Code Enforcement Officer. Said billboard shall be removed on or before ten (10) years from the date of the adoption of this local law and such lapse of time shall be deemed sufficient to amortize the cost thereof.

G. Permanent Signs Within Residential and Agricultural Districts.

1. For each permitted Class I home occupation, one (1) non-illuminated sign with an area of not more than two (2) square feet per face.

2. For each permitted Class II home occupation, one (1) non-illuminated sign with an area of not more than four (4) square feet per face.

3. For mobile home parks, or condominium, townhouse, co-op, or apartment complexes, one (1) non-illuminated monument sign containing an area of not more than twenty-five (25) square feet and located not more than six (6) feet above ground level at its highest point, identifying the mobile home park, or complex, may be displayed at each access from a main road.

4. For nonresidential uses within the Agricultural Business Overlay District, a single identity sign not more than twelve (12) square feet per face may be provided for each business or activity on the premises. Unless attached to a building, no such sign shall be located closer than fifteen (15) feet to the front property line, nor closer than twenty (20) feet to any other property line.

5. Signs for lawful non-conforming uses in residential districts shall comply with the requirements for signs in the Central Business District provided below.

H. Permanent Signs Within Other Districts

1. Central Business and Waterfront Business Districts.

(a) Not more than one (1) primary sign per establishment. Such sign shall be located on the establishment's principal façade, and shall be one of the following sign types:

(i) Wall sign not more than one (1) square foot per three (3) linear feet of the establishment's principal façade or a maximum of 25 square feet, whichever is less; or

(ii) Projecting sign not more than six (6) square feet per face; maximum projection of four (4) feet from the building face; minimum clearance from the ground eight (8) feet and maximum clearance ten (10) feet.

(b) In addition to (a), not more than one accessory sign per establishment, which shall be one of the following sign types:

(i) Window signs not more than twenty (20) percent of the total window area of the principal façade. Lettering up to eight (8) inches high.

(ii) Awning signs projecting at least five (5) feet into the sidewalk but no more than seven (7) feet. Lettering up to six (6) inches in height and on the valance only. The extent of lettering may cover a maximum of eight (8) feet in width or fifty (50) percent of the valance width, whichever is less.

(c) Signs for lawful residential uses shall comply with the requirements of § 100-28G, Permanent Signs Within Residential Districts.

2. Designed Business District and General Business District

(a) For lots with a single stand-alone business establishment, the following signs shall be permitted:

(i) Not more than two (2) wall signs, which shall be located on the establishment's principal façade. The total sign area of all wall signs shall not exceed one (1) square foot per three (3) linear feet of the establishment's front building wall length or a maximum of fifty (50) square feet, whichever is less.

(ii) Not more than one monument sign with a sign area no larger than fifty (50) square feet per face, and a height maximum of six (6) feet (including the base). The sign must be set back fifteen (15) feet or more from the edge of pavement and must be fully located on the applicant's property.

(iii) One (1) sign at each point of access to the lot, for internal direction, shall be permitted provided that the individual signs are no more than two (2) square feet per face and are limited to generic text such as "entrance," "exit," "office," and "parking." Permits will be granted only if the applicant can clearly demonstrate necessity to the Planning Board based on motorist safety and that any such on-site directional sign will be set back at least five (5) feet from any public right-of-way or property line.

(b) Shopping Plaza, Office or Business Centers. Where two (2) or more establishments share a lot or parcel or are part of a shopping plaza, office or business center, the following signs shall be permitted:

(i) Not more than one (1) wall sign per establishment, which shall be located on the establishment's principal façade and may be as large as one (1) square foot per three (3) linear feet of the establishment's front building wall length or a maximum of fifty (50) square feet, whichever is less.

(ii) A Master Sign Plan shall be required to create visual unity among the signs within the Plan area and to ensure compatibility with surrounding establishments and structures. The Plan shall include specifications to which all signs within the Plan area shall conform, including: sign size, shape, materials, colors, lighting, and location on the establishment as well as the specifications for the freestanding sign permitted under § 100-28H.2(b)(iii) below. Within these standards, variety of graphic design is encouraged.

(iii) Not more than one (1) common monument sign identifying the name of the shopping plaza, office or business center and a maximum of two (2) individually listed establishments. Such monument sign shall have a maximum sign area of fifty (50) square feet per face, and a height maximum of six (6) feet (including the base). The sign must be set back fifteen (15) feet or more from the edge of pavement and must be fully located on the applicant's property.

(iv) If the shopping plaza contains a movie theatre, the movie theatre shall be permitted one freestanding changeable sign advertising the name of the theater and indicating movies currently being shown. Such changeable sign shall be a maximum of fifteen (15) feet in height, shall be allowed twenty-five (25) square feet to display the name of the theater, and shall be allowed an additional maximum area of nine (9) feet by nine (9) inches per number of movie screens existing at the establishment to list the name of the movies currently being shown in lettering no more than six (6) inches high. The bottom portion of the area of the sign with lettering shall be no more than six (6) feet from the ground. The sign must be set back a minimum of fifteen (15) feet from the edge of pavement and must be fully located on the applicant's property.

(v) One (1) sign at each point of access to the lot, for internal direction, shall be permitted provided that the individual signs are no more than two (2) square feet on each of two (2) sides and are limited to generic text such as "entrance," "exit," "office," and "parking." Permits will be granted only if the applicant can clearly demonstrate necessity to the Planning Board based on motorist safety and that any such on-site directional sign will be set back at least five (5) feet from any public right-of-way or property line.

4. Light Industrial District.

(a) Light Industrial District. Not more than one (1) primary sign per establishment. Such sign shall be a wall sign located on the establishment's principal façade, and may be as large as one (1) square foot per three (3) linear feet of an establishment's front building wall length or a maximum of forty (40) square feet, whichever is less.

(b) Signs for lawful residential uses shall comply with the requirements of § 100-28G, Permanent Signs Within Residential Districts.

(c) For adult uses, not more than one (1) wall sign of two square feet in size shall be permitted. Advertisements, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways or other areas, public or semipublic, and such displays shall be considered signs.

§ 100-2930. Off-Street Parking, Loading and Vehicular Access

A. Purpose. The purpose of this section is to ensure that off-street parking and loading facilities are treated as accessory uses, are adequate to serve design day needs, do not predominate the site, are placed so as to minimize their visibility from public roads, and feature quality landscaping to reduce the visual impact of glare, headlights, and parking lot lights from roads and neighboring properties. Off-street parking areas should ~~complement~~complement the buildings on a site, improve the appearance of the Town of Lloyd, protect the character of residential, business, institutional, and natural areas, and conserve the value of land and buildings on surrounding properties.

B. General provisions. All structures and land uses hereafter erected, enlarged, created or extended shall be provided with the amount of off-street automobile parking space and

loading and unloading space required by the terms of this section to meet the needs of persons making use of such structures or land. A permit for the erection, replacement, reconstruction, extension or substantial alteration of a structure, or the development of a land use, shall not be issued unless off-street automobile parking facilities and, where required, loading and unloading spaces shall have been laid out in the plan, in accordance with the appropriate requirements for structures and uses as set forth herein unless there should occur a decrease in intensity of use. As used herein, parking facilities shall be construed to include loading and unloading spaces as required.

C. Existing structures and uses.

1. Structures and land uses in existence, or structures and uses for which building permits have been approved on said date, shall not be subject to the parking or loading space requirements set forth herein. However, any parking and loading facilities now existing to serve such structures or uses shall not, in the future, be reduced except where they exceed such requirements, in which case they shall not be reduced below such requirements.

2. Whenever a building or structure or any land use shall undergo any increase in intensity of use in the number of dwelling units, floor area, seating capacity, or other unit of measurement specified hereinafter for required parking facilities or from other causes, and further when said increase would result in a requirement for additional parking facilities through application of the schedule of requirements of this section, additional parking facilities shall be provided on the basis of total units of measurements of the new use or of the alteration or expansion of the existing use.

D. Layout and location of off-street parking facilities.

1. The off-street parking facilities which are required by this section shall be provided on the same lot or premises with such structure or land use; except that off-street parking spaces required for structures or land uses on two or more adjoining lots may be provided in a single common facility on one or more of said lots.

2. All off-street parking should be located behind or to the side of the principal building(s). Parking spaces shall be screened from public view to the maximum extent practicable, provided such screening does not interfere with safety standards for sight distance.

3. To reduce the perceived mass of the parking facilities and to minimize impacts of stormwater runoff, parking shall be provided in smaller parking courts with a significant number of shade trees and surrounded by low hedges, stone walls, or attractive fencing. The design of parking lots should avoid more than ten (10) parking spaces in a continuous row and more than twenty (20) spaces in any single parking area defined by perimeter landscaping.

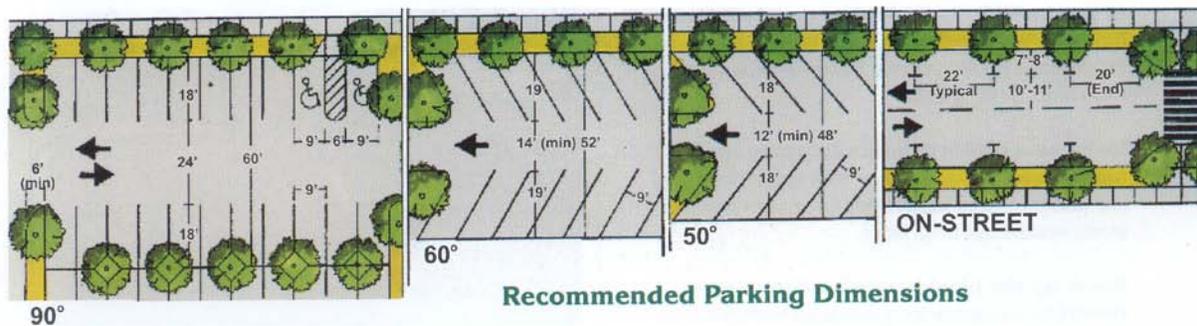
4. In any residential district, no off-street parking facility shall be developed within any required front yard setback, or required side yard setback adjacent to a street line, or within any other side or rear yard within five feet of the lot line.

5. Required off-street parking facilities which after development are later dedicated or leased to and accepted by the Town shall be deemed to continue to serve the uses or structures to meet the requirements for which they were originally provided.

E. Size of off-street loading spaces. Off-street loading spaces shall be not less than twelve (12) feet wide, thirty-five (35) feet long, and fourteen (14) feet high (if covered in any manner), except that where one such loading space has been provided, any additional loading space lying alongside, contiguous to and not separated from such first loading space need not be wider than twelve (12) feet.

F. Submission of plans. The site plan submitted by an applicant in accordance with the requirements of Article VIII of this Chapter shall show, by means of a plot plan drawn to scale, the specific location and size of the off-street parking and loading facilities required to comply with the requirements of this section and the means of access to such parking and loading spaces from public streets or highways. The Planning Board shall review the traffic access, traffic circulation and general layout of parking facilities, for the adequacy of the parking facilities and the safety of traffic and pedestrians both on and off the site.

G. The gross area devoted to parking, including maneuvering, traffic circulation aisles, and landscaping, shall generally average at least 350 square feet per parking space to assure adequate vehicular maneuvering area and safe traffic flow. Recommended stall and aisles dimensions are shown in the illustration below.



H. Interior parking lot landscaping standards. Parking lot landscaping is in addition to all other landscaping requirements of the Zoning Law. In all off-street parking areas containing twenty (20) or more parking spaces: a) at least fifteen (15) percent of the interior area of the parking lot shall be curbed and landscaped with trees, shrubs and other plant materials; b) at least one shade tree with a minimum caliper of 2½ inches measured at breast height at time of planting, shall be provided within the interior area of the parking lot for each ten (10) parking spaces, said trees to be planted in median dividers or landscape islands to relieve the monotonous expanse of asphalt and provide shade for parked vehicles; and c) each parking space shall be located within forty (40) feet of a tree. Such trees and landscaped areas shall be arranged and designed in such a way as to provide vertical definition to major traffic circulation aisles and to entrances and exits and shall be of such type and location as will provide the

maximum of shade without interfering with sight lines or impeding the safe flow of traffic.

I. Perimeter landscaping of parking lots. To minimize the perceived mass and scale of the parking lot, a ten (10) foot wide landscape strip shall be provided around the perimeter of the lot, to be planted with shade trees and low shrubs, naturalistically clustered. A minimum of one (1) shade tree for every 35 feet of lot perimeter shall be provided, but not necessarily at 35 feet on-center. In the judgment of the Planning Board, additional shade trees and shrubs may be necessary to effectively shade/screen the parking lot. Such perimeter landscaping shall be located and designed so as not to impair sight distance for vehicles exiting the site.

J. Screening from residential uses. Whenever a parking lot of five (5) spaces or more abuts the side or rear lot line of a lot in a residential district, or any land in residential use, a minimum ten (10) foot wide landscape strip shall be provided between said parking lot and the residential lot, to be planted with evergreen trees and shrubs, naturalistically clustered, to minimize the perceived mass and scale of the parking lot. In the judgment of the Planning Board, a wall, fence, or berm, may also be necessary to effectively shade/screen the parking lot.

K. Parking areas shall be graded, paved, drained and suitably maintained to the satisfaction of the Planning Board to the extent necessary to avoid nuisance of dust, erosion or excessive water flow across public ways or adjacent lands. The Planning Board may require the plan to provide for suitable markings to indicate individual parking spaces, maneuvering area, entrances and exits. Required parking facilities shall be reserved at all times to those persons who are employed at or make use of the premises. The owner or lessee of the premises shall maintain the parking area in a clean and orderly condition, including clearing or removal of snow when necessary. Parking areas shall comply with all applicable requirements of the Americans with Disabilities Act.

L. In all off-street parking areas containing 25 or more parking spaces, adequate provisions shall be made for the storage of snow with minimal loss of parking capacity. The location of such snow storage areas shall be indicated on the site plan and shall be appropriately related to the storm drainage system.

M. Final certificates of compliance for all off-street parking facilities. Required off-street parking facilities shall be completed before a final certificate of compliance shall be issued, and said parking facilities shall be maintained as long as the structure or use which the facilities are designed to serve exists.

N. Schedule of off-street parking and loading requirements.

1. Minimum parking and loading requirements for residential uses.

Use	Minimum Off-Street Parking Spaces	Loading
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<i>Residential</i>		
Single-family dwelling	2 for each dwelling unit	None
Accessory Apartment	1 for each apartment	None
Assisted living facility	1 for each 4 beds, plus 1 per employee	None
Nursing home	0.33 for each resident	None
All other residential uses	1½ for each dwelling unit with one bedroom 2 for each dwelling unit with two or more bedrooms	None

(a) The above requirements may be reduced for dwelling units of less than 1,000 sq. ft. of floor space, senior citizen housing, mixed-use development, within 500 feet of a municipal parking lot, or other appropriate circumstances if the Planning Board determines that such reductions are warranted.

2. Minimum parking and loading requirements for non-residential uses in all Zoning Districts except the Central Business District where no off-street parking for non-residential uses is required.

Use	Minimum Off-Street Parking Spaces	Loading
<i>Non-residential</i>		
Cemetery	1 per full-time employee	None
Home Occupation, Class II except bed and breakfast	1 for each employee, in addition to the parking requirement for the dwelling unit	None
Bed and Breakfast	1 for each bedroom rented, in addition to the parking requirement for the dwelling unit	None
Retail/service	4 for each 1,000 sq. ft. of gross floor area	None required for first 10,000 sq. ft. of gross floor area, then 1 per 30,000 sq. ft. up to 65,000 sq. ft.
Motor vehicle sales, service and repair	2½ for each 1,000 square feet of gross floor area interior sales space plus 1½ for each 1,000 sq. ft. of external display plus 3 per service bay	1 per 10,000 sq. ft. up to 50,000 sq. ft. gross floor area plus 1 for each 50,000 sq. ft. thereafter

Use	Minimum Off-Street Parking Spaces	Loading
Restaurant, theater, club, and other places of public assembly	1 for every 3 seats, or 1 for every 3 persons in permitted capacity	1 per 30,000 sq. ft. of gross floor area
Office	3 for each 1,000 sq. ft. of gross floor area	None for the first 30,000 sq. ft. of gross floor area then 1 thereafter
Hospital, nursing home	1 per 3 beds, plus 1 per 4 medical staff, plus 1 per 2 employees, plus 1 per 5 average daily outpatient treatment	1 per 100,000 sq. ft. gross of floor area
Hotel, Motel, or Country Inn	1 for each bedroom plus 1 space for each non-resident employee and 1 space for every 200 square feet of floor space for meetings and functions; if food service is provided, the area allocated for food service shall be calculated and provided with parking according to restaurant use	As required for restaurant
Industrial	2 for each 1,000 sq. ft. of gross floor area or 1 per employee, whichever is greater	1 per 10,000 sq. ft. up to 50,000 sq. ft. of gross floor area plus 1 for each 50,000 sq. ft. thereafter
Cold Storage Facility	1 space per non-resident employee during season of maximum usage	To be established by the Planning Board
Greenhouse and Nursery	1 space per non-resident employee, plus 4 spaces for each 1,000 sq. ft. of gross floor area dedicated to retail use.	To be established by the Planning Board
Winery and Cider Mill	1 space per non-resident employee, plus 4 spaces for each 1,000 sq. ft. of gross floor area dedicated to tasting room and retail use	To be established by the Planning Board
Private or public school	1 per 3 student capacity	To be established by the Planning Board
Warehouse, self-storage	3 spaces at the office; access to individual storage units shall provide for loading of vehicles without impeding traffic flow through the facility	None
Warehouse and wholesale sales/storage	1 for each 2,000 sq. ft. of gross floor area plus any required spaces for offices, sales, or similar use	1 per 50,000 sq. ft. of gross floor area

Use	Minimum Off-Street Parking Spaces	Loading
Other Uses	As determined by the Planning Board to be appropriate to the circumstances	

O. Alternate method of providing parking spaces.

1. Where, because of limitations of size, dimensions or topography of lot, an applicant for the building permit in a business district finds it impracticable to provide all or a portion of the off-street parking spaces required in connection with a proposed building or addition, the applicant may offer a dedication to the Town of Lloyd and the Town Board at its sole discretion may accept appropriately located and developed land for commercial parking in an equivalent amount, provided that said land is permanently conveyed to the Town.

2. No person shall establish, conduct or maintain any parking place for which a charge is made to accommodate automobiles or other vehicles, or which is connected with any business, trade, occupation or other activity for profit, or to which the general public is invited or permitted to enter, upon any property situated in any residential district, except in connection with such commercial accessory uses as are permitted in residential districts, and no owner, lessee or occupant of such property shall permit the use of the same in violation of this section.

P. Maximum allowable number of spaces. The number of parking spaces for any particular use shall not exceed the number of spaces required by this section by more than twenty-five (25) percent.

Q. Joint use of parking space. The Planning Board may approve the joint use of parking space by two or more establishments on the same lot or on contiguous lots, the total capacity of which is less than the sum of the spaces required for each, provided that the Planning Board finds that the capacity to be provided will substantially meet the intent of this section.

R. Set-aside for future parking. If the Planning Board determines that the immediate need for parking spaces is substantially less than the total required by subsection L, the Planning Board may temporarily waive the paving of up to one-half (½) of the required spaces. In such cases, the Planning Board may require the applicant to set aside land to meet potential future parking needs. In such cases, such land may remain in its natural state or be attractively landscaped, but may not be used in a manner that would prevent it from being developed for parking in the future. For uses subject to seasonal fluctuations, overflow parking may be developed using pervious surfaces such as gravelpave or grasspave where the interstices of cellular blocks are filled with gravel, or with earth and planted with grass.

§ 100-~~303~~1. Design Standards and Guidelines for Business Districts.

A. Applicability. These design standards and guidelines for business districts shall apply in the DB and GB Districts throughout the Town of Lloyd as further described in

Appendix A included at the end of this Chapter. The regulations established herein are not intended as a substitute for other district provisions but are additional standards to be met by the applicant or developer, prior to project approval. If there should be a conflict between the provisions of this section and other provisions of this Chapter, the more restrictive shall apply.

B. Regulated actions. The only actions that shall be subject to the Design Standards and Guidelines for Business Districts in Appendix A are those that require approval by the Planning Board pursuant to Article 8, Site Plan Review, or Article 7, Special Use Permits. Actions by public agencies or special districts shall not be subject to the Design Standards and Guidelines.

C. Review procedures.

1. No separate application for approval under this section is required.

2. In addition to data and plans required to be submitted for site plan approval or special use permit approval, every application shall also comply with the standards and guidelines set forth in Appendix A.

3. Prior to approval of a site plan or special use permit subject to the provisions of this section, the Planning Board shall make a determination that the proposed action complies with the Design Standards and Guidelines for Business Districts set forth in Appendix A to this Chapter and set forth such findings in its resolution of approval.

§ 100-~~3132~~ Adaptive Reuse Buildings.

A. Applicability. An adaptive reuse building as defined in § 100-8 is permitted in any district provided it is served by municipal sewer and water.

The following is a list of structures that may be used for adaptive reuse. Other buildings may be considered upon application to the Town Board for inclusion in this list.

- (87.20-5-22) 155-157 Vineyard Ave (old grape juice building)
- (88.17-8-1.100) 134 Vineyard Ave. (Vintage Village)
- (88.17-9-48) (Vintage Village warehouse building)
- (88.17-9-48) (pole building)
- (88-69-5-28.110) 15 Washington Ave (garage)
- (88.69-10-26.110) 9 Commercial Ave (ice house)
- (88.69-10-32) Lincoln Ave (detail shop)
- (88-17-9-5.100) Commercial Ave (truck terminal)
- (88.17-9-4) 14 Commercial Ave (garage/coal barn)
- (88.17-9-3) Phillips Ave (New Life Church)
- (88.13-10-1) 23 New Paltz Road (Babe's Auto)
- (88-17-10-1) 33 White Street (Cider Mill)
- (88.69-7-28.100) 30 White Street (Cider Mill)
- (88.13-1-20.200) 56 New Paltz Road (truck terminal)
- (88.13-9-12.100) 35 North Road (truck terminal)

- (88.13-9-15.100) 27 North Road (offices)
- (88.1-4-8.100) 85 North Road (Nardone’s cooler)
- (88.69-1-10) 1 Grove St. (Village View)

B. Permitted uses. Permitted uses in an adaptive reuse building include retail businesses, service businesses, and apartments. Density requirements for apartments are waived because of critical community benefits. A mix of uses is allowed.

C. Dimensional standards. The following dimensional standards shall apply to adaptive reuse buildings:

Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Minimum Building Setbacks			Maximum Building Height/Stories
			Front	Side	Rear	
¼ acre	50’	100’	--	--	25’	35’/3 Or existing Building Height

D. Minimum floor area requirements. The following minimum floor area requirements per dwelling unit are required for dwelling units in an adaptive reuse building:

Type of Dwelling Unit	Minimum Floor Area Required
Efficiency apartment	450 sq. ft.
1-bedroom apartment	700 sq. ft.
2-bedroom apartment	900 sq. ft.
3-bedroom apartment	1,050 sq. ft.
4-bedroom apartment	1,200 sq. ft.

E. Site plan review is required in accordance with the provisions of Article 8.

F. Site Design Standards.

1. Off-street parking and loading shall be provided for the proposed uses as required by § 100-29 of this Chapter.

2. Signs shall be permitted in accordance with the allowable signage for the Central Business and Waterfront Business Districts in § 100-27H.1 of this Chapter.

3. Outdoor lighting shall comply with the provisions of § 100-27 of this Chapter.

4. Sidewalks shall be provided along the frontage of the subject lot(s) where practicable.

G. Buffer. No Buffer is required.

§ 100-~~3233~~. Small Wind Energy Facilities

A. Purpose. The purpose of this section is to guide the construction and operation of small wind energy facilities and wind measurement towers in the Town of Lloyd subject to reasonable conditions that will protect the public health, safety and welfare. This section is not meant to regulate or infringe upon the use of wind energy facilities as part of an agricultural farming operation which is certified and recognized as such under the Agriculture and Markets Law.

B. Applicability. The requirements of this section shall apply to all small wind energy facilities and wind measurement towers proposed, operated, modified, or constructed within the municipal boundaries of the Town of Lloyd.

C. Location.

1. Non-commercial small wind energy facilities shall be allowed in the Agricultural Zoning District, R2 Zoning District, Illinois Mountain Conservation Zoning District, and Light Industrial Zoning District, subject to the requirements of this section.

2. Commercial small wind energy facilities shall be allowed only within the Illinois Mountain Conservation Zoning District, subject to the requirements of this section.

D. Permits

1. Permit Requirement. No small wind energy facility or wind measurement tower shall be constructed, reconstructed, modified, or operated in the Town of Lloyd except by first obtaining, as applicable, a small wind energy facility permit or wind measurement tower permit as provided under this section.

2. Permitting Authority. The Town of Lloyd Planning Board, as established pursuant to § 100-54 of the Town of Lloyd Zoning Law, or the Town Board shall have authority to review, consider and issue small wind energy facility permits and wind measurement tower permits in accordance with this section.

3. Exemptions. In the event that an applicant or permittee intends to undertake in-kind replacement of a small wind energy facility or wind measurement tower, the

Town Code Enforcement Officer, Building Inspector or other Town designee shall be notified prior to any such replacement. The Town Code Enforcement Officer, Building Inspector or other Town designee may approve such in-kind replacement or refer the applicant or permittee to the Planning Board to determine whether a small wind energy facility or wind measurement tower permit must first be obtained.

E. Definitions. As used in this section only, the following terms shall have the meanings indicated:

ACCESSORY FACILITIES OR EQUIPMENT – Any structure other than a wind turbine, related to the use and purpose of deriving, collecting or distributing energy from such wind turbines, located on or associated with a small wind energy facility or wind measurement tower.

PERMIT – A permit issued pursuant to this section granting the holder the right to construct, maintain and operate a small wind energy facility or wind measurement tower.

PUBLIC ROAD – Any federal, state, county, city, or town road which is open to the public, or private road regularly used by multiple persons for access to separate off-site parcels of land, access to which is unrestricted by the owner(s) of said private road.

RESIDENCE – Any dwelling located off-site which is suitable for habitation on the date a small wind energy facility or wind measurement tower permit application is received by the Town and deemed complete by the Planning Board in accordance with subsection H of this section, and for which a valid certificate of occupancy has been issued or should have been issued prior to such date. A residence may be part of a multifamily dwelling or mixed-use building, and shall include buildings such as hotels or motels, hospitals, day care centers, dormitories, sanitariums and nursing homes.

SETBACK AGREEMENT – Any agreement, contract, easement, covenant or right in land which burdens land for the benefit of an applicant or permittee, such that the burdened land is similar in character to land on which any small wind energy facility is to be sited. A setback agreement must expressly release any right which the owner(s) of such burdened land may have in the enforcement of this section, and acknowledge the applicable requirements of this section. All setback agreements shall run with the land and be recorded to apprise any potential purchasers of such land of the same at least for as long as any permit issued under this section shall remain in effect. In the event a setback agreement lapses prior to full decommissioning of the small wind energy facility or wind measurement tower, the previously burdened land shall be considered off-site and the applicant, permittee or owner of the same shall be required to bring the project into conformance with the requirements of this section.

SITE – The parcel(s) of land where a small wind energy facility or wind measurement tower is to be placed. The site can be publicly or privately owned by an individual or a group of individuals controlling single or adjacent properties. Where multiple lots are in joint ownership, the combined lots shall be considered as one for purposes of applying setback requirements. Any property which has a small wind energy facility or wind measurement tower or has entered an agreement for said facility or a setback agreement shall not be considered “off-site.”

SMALL WIND ENERGY FACILITY – A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics and electrical collection and distribution equipment, and accessory facilities or equipment, which has a nameplate capacity of not more than 100 kilowatts. Small wind energy facilities shall be divided into the following types:

1. Non-commercial small wind energy facilities designed primarily to convert wind energy to electrical energy for use on the parcel or parcels of land where such facilities are to be constructed.

2. Commercial small wind energy facilities designed to convert wind energy to electrical energy primarily for distribution to the electrical grid for public consumption.

TOTAL HEIGHT – The highest point above ground level of any improvement related to a small wind energy facility or wind measurement tower. Total height as applied to wind turbines shall include the highest point of any wind turbine blade above the tower.

WIND MEASUREMENT TOWER – A tower used for the measurement of meteorological data such as temperature, wind speed and wind direction.

WIND TURBINE – A wind energy conversion system consisting of a tower, nacelle and associated control or conversion electronics and equipment contained within or atop the tower.

F. Application Requirements. A complete application for a small wind energy facility permit or wind measurement tower permit shall include:

1. A completed application for a permit on a form provided by the Town Code Enforcement Officer or other Town designee.

2. A site plan prepared by a licensed professional engineer, including:

(a) Property lines and physical dimensions of the Site;

(b) Location, approximate dimensions and types of existing structures and uses on the site, public roads, and adjoining properties within 500 feet of the boundaries of any proposed wind turbines, or 1½ times the total height of such wind turbines, whichever shall be greater;

(c) Location of each proposed wind turbine, wind measurement tower and accessory facilities or equipment;

(d) Location of all above and below ground utility lines on the site as well as transformers, the interconnection point with transmission lines, and other ancillary facilities or structures, including, without limitation, accessory facilities or equipment;

- (e) Locations of setback distances as required by this section;
- (f) All other proposed facilities, including, without limitations, access roads, electrical substations, storage or maintenance units, and fencing;
- (g) All site plan application materials required under Article 8 of the Zoning Law of the Town of Lloyd; and
- (h) Such other information as may be required by the Planning Board.

3. The proposed make, model, picture and manufacturer's specifications of the proposed wind turbine and tower model(s), including noise decibel data, and material safety data sheet documentation for all materials used in the operation of the equipment shall be provided for each proposed wind turbine. If a particular wind turbine has not been selected by the applicant at the time of application due to a constraint as to the availability of equipment or the inability of the applicant to obtain appropriate supplier commitments, such information shall nevertheless be provided to the Planning Board with an acknowledgement that the type of wind turbine may be modified during application review.

4. A proposed lighting plan to be submitted to and reviewed by the Federal Aviation Administration for any structure equal to or more than 200 feet above ground, or as may otherwise be required by the Federal Aviation Administration or local, state or federal law or regulation.

5. A construction schedule describing anticipated commencement and completion dates, including a traffic analysis with a description of the routes to be used by construction and delivery vehicles.

6. An operations and maintenance plan providing for regular periodic maintenance schedules, any special maintenance requirements and procedures and notification requirements for restarts during icing events.

7. List of property owners, with their mailing address, within 500 feet of the outer boundaries of the proposed Site.

G. Environmental Review

1. Compliance with the State Environmental Quality Review Act ("SEQRA") shall be required.

2. Applicants shall submit Part 1 of a full Environmental Assessment Form to the Town of Lloyd Planning Board.

H. Application Review Process

1. Applicants must arrange a pre-application meeting with the Planning Board and consultants retained by the Town for application review.

2. Following the pre-application meeting, five copies of the application shall be submitted to the Planning Board. Payment of all application fees shall be made at the time of submission.

3. The Planning Board shall, within 180 days of receipt of an application, or such longer time as may be accepted by the applicant, determine if all information required hereunder is included in the application, and if so, the Planning Board shall accept the application as complete and appropriate for further review. If the application is deemed incomplete, the applicant shall be provided with a written statement listing missing data. If the applicant fails to provide data within 180 days after receipt of such notice, the application shall expire. Upon submission of an application which the Planning Board deems to be complete, the Planning Board shall proceed with its review.

4. The Planning Board shall hold at least one public hearing on the application. Notice shall be published in the Town's official newspaper, no less than 10 days before any hearing, but, where any hearing is adjourned by the Planning Board to a specific time, date and place to hear additional comments, no further publication shall be required. The public hearing may be combined with public hearings on any Environmental Impact Statement or requested waivers. All adjoining property owners within 500 feet of the outer boundary of the Site shall be given written notice of a public hearing via certified mail at the expense of the applicant.

5. Notice of the project shall also be given, if applicable, to the Ulster County Planning Department, as required by General Municipal Law § 239-m, and to all neighboring municipalities, as required by General Municipal Law § 239-nn.

6. Following the holding of the public hearing and completion of the SEQRA process, the Planning Board may approve, approve with conditions, or deny the permit application, in accordance with the standards in this section. All approvals and denials shall be in writing setting forth competent reasons for such approval or denial.

I. Setbacks, Noise and Height Limits

1. Small wind energy facility wind turbines and wind measurement towers shall be setback from off-site property boundaries and residences at least one and half (1.5) times the structure height.

2. Except as provided herein, the sound pressure level generated by a small wind energy facility shall not exceed 50 dB(A) at off-site property boundaries. Compliance shall periodically be determined by the Town Code Enforcement Officer, or such other officer or employee which the Town Board may designate. This shall be the only project operation phase noise requirement applicable to a project under this section, except that the Planning Board may impose appropriate additional requirements in accordance with subsection K of this section.

3. The setback and noise requirements set forth at subsections I.1 and I.2 above shall not apply in the event that a proper setback agreement is obtained by the permittee or applicant, or if the property is on-site.

4. Non-commercial small wind energy facility wind turbines and wind measurement towers shall not exceed 50 feet in total height. Commercial small wind energy facility wind turbines and wind measurement towers shall not exceed 200 feet in total height. Any small wind energy facility wind turbine or wind measurement tower that exceeds 200 feet shall require the preparation of a Draft Environmental Impact Statement in accordance with the requirements of SEQRA and shall entail the consideration of a waiver as set forth at subsection O of this section.

J. Required site safety measures for small wind energy facilities and wind measurement towers

1. All wind turbines shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades and turbine components.

2. With the exception of electrical collection and distribution lines, accessory facilities or equipment shall be gated or fenced to prevent unrestricted public access to the facilities.

3. Warning signs shall be posted at the entrances to the wind energy facility and at the base of each tower warning of electrical shock or high voltage and containing emergency contact information.

4. The minimum distance between the ground and any part of the rotor or blade system shall be 15 feet for any wind turbine associated with a small wind energy facility.

K. Issuance of small wind energy facility and wind measurement tower permits and certificates of compliance.

1. The Planning Board shall, within 180 days of either issuing SEQRA findings or a SEQRA negative declaration or conditioned negative declaration, issue a written decision with the reasons for approval, conditions of approval or disapproval fully stated. This time period may be extended with consent of the applicant. Should the applicant not consent to such an extension and the time period elapse without a decision, the application shall be considered approved without conditions.

2. The Planning Board is hereby expressly empowered to impose conditions governing the issuance of the Permit as well as construction and operational phases of the project which it deems necessary and appropriate to ensure compliance with this section, the State Environmental Quality Review Act, conformity of project construction and operation with representations made by the applicant during the application review process, as well as with any

determinations or findings issued by the Planning Board or any other involved agency under the State Environmental Quality Review Act, compliance any other federal, state or local laws or regulations applicable to the project, and as may be necessary to promote the public health, safety and welfare.

3. If approved, the Planning Board shall direct the Town Code Enforcement Officer, Building Inspector or other designee authorized by the Town Board to issue a permit upon satisfaction of any and all conditions precedent set forth under this section, the terms of approval or conditions of the permit or any additional requirement of the Town Board imposed in connection with any other project approval or agreement deemed necessary to the issuance of the Permit.

4. The decision of the Planning Board shall be filed within 5 days in the office of the Town Clerk and a copy mailed to the applicant by first class mail.

5. If any approved small wind energy facility or wind measurement tower is not substantially commenced within two years of issuance of the permit, the permit shall expire unless the Planning Board shall have granted an extension.

6. Upon commissioning of the project, which for purposes of small wind energy facilities shall mean the conversion of wind energy to electrical energy for on-site use or distribution to the electrical grid, and for purposes of wind measurement towers shall mean the collection of wind speed and/or other data by the wind measurement tower equipment, the Town Code Enforcement Officer, Building Inspector or other designee authorized by the Town Board shall determine whether the project is in compliance with the Permit. If the Town Code Enforcement Officer, Building Inspector or other designee determines the project is in compliance with the permit, a certificate of conformity shall be promptly issued to the permittee.

L. Abatement. If any wind turbine stops converting wind energy into electrical energy and/or distribution of that energy for on-site use or transmission onto the electrical grid for a continuous period of twelve (12) months, the applicant /permittee shall remove said system at its own expense following, if applicable, the requirements of the decommissioning plan required under this section or any permit.

M. Permit Revocation. All small wind energy facilities and wind measurement towers shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. Operational condition includes meeting all noise requirements and other permit conditions. Should a wind turbine or wind measurement tower become inoperable, or any part of a wind energy facility or small wind energy facility be damaged, or should a violation of a permit condition occur, the permittee, owner or operator shall remedy the failure within 90 days. Upon a failure to perfect a timely remedy, project operation shall cease. Application of this subsection shall in no way extend or toll any time periods set forth under subsection K.

N. Fees. An application for a small wind energy facility permit or wind measurement tower permit shall be accompanied by a fee as established by the Town Board.

The applicant must pay all special consulting fees for engineers, planning consultants, and attorneys retained by the Town, and for any consultant and/or experts necessary to assist the Town in reviewing and evaluating permit applications, including but not limited to, site inspections, the construction and modification of the site once permitted, and any requests for certification or recertification that the project is in conformity with the Permit or this section, in accordance with § 100-56 of this Chapter. The applicant shall pay all required fees prior to the Planning Board's consideration of the application by depositing funds with the Town and upon the request of the Town replenishing said account.

O. Waivers and Immaterial Modifications

1. Waivers.

(a) The Planning Board may, after a public hearing held upon at least 10 days advanced published notice and written mailed notice to owners of property located within 500 feet of the site, grant a waiver from the strict application of the provisions of this section to improve the quality of any small wind energy facility or wind measurement tower and to better protect the health, safety and welfare of the Town. Area requirements including setbacks, noise requirements and height limits shall not be waived by the Planning Board except as described in subsection I of this section.

(b) The Planning Board shall consider the impact of the waiver on the neighborhood, including the potential benefits or detriment to nearby properties, the benefits or detriments to the applicant, feasible alternatives and the magnitude of the request. The Planning Board may attach such conditions as it deems appropriate to waiver approvals to ensure that such waiver adequately protects the public health, safety and welfare.

2. Immaterial Modifications.

(a) Unless expressly limited by a condition imposed in the permit, the Town Code Enforcement Officer, Building Inspector or other Town designee may, during project construction, allow immaterial modifications to the design of the project as represented in the final set of site plans reviewed and considered by the Planning Board. Such immaterial modifications shall only be allowed, if at all, in response to a written request by the applicant or permittee. All such requests shall be submitted in writing, addressed to the authorized Town designee, with copies to the Chairperson of the Planning Board, the Town Planner or other Town designee, and the Town's designated consultants.

(b) Immaterial alterations shall only include a change in the location, type of material or method of construction of a small wind energy facility or wind measurement tower that will not: result in any material increase in any environmental impact of the project as compared to the impacts reviewed and accepted for the project by the Town Planning Board; cause the project to violate any applicable setbacks or other requirements of this section; or cause the project to not conform to the SEQRA determination or findings issued by the Planning Board. The applicant or permittee shall be required to acknowledge to the Town in written form that the requested modification is immaterial in accordance with the requirements of this

subsection. At the request of the Town designee, Planning Board, Town's designated consultants or the Town Board, the Town may commission appropriate analyses to verify this acknowledgment, and the cost of any such analysis shall be paid in accordance with subsection N.

P. Enforcement and Penalties

1. Enforcement Officer. The Town of Lloyd Town Board shall designate an officer of the Town to enforce the provisions of this section. Such designated officer may, with the consent of the Town Board, contract with professional consultants to assist in the enforcement and administration of this section. Such professional fees shall be the responsibility of the applicant to pay in accordance with subsection N. In the absence of a designated Enforcement Officer, the Town Code Enforcement Officer shall be considered the Enforcement Officer for purposes of this section.

2. Penalties. Any person owning, controlling, operating or managing a small wind energy facility or wind measurement tower in violation of this section or in noncompliance with the terms and conditions of any permit issued pursuant to this section, or any order of the enforcement officer, and any person who shall assist in so doing, shall be guilty of a violation of this section and subject to a fine of not more than \$1,000.00 per day per violation.

3. Special Proceeding. The designated enforcement officer may, with the consent of the Town Board, institute an action or proceeding available at law to prevent, correct or abate any unlawful construction, erection, structural alteration, reconstruction, modification and/or use of a small wind energy facility or wind measurement tower in the Town. This shall be in addition to other remedies and penalties herein provided or available at law.

| § 100-~~333~~34. Home Occupations.

A. Purpose. The conduct of small-scale low-impact business and professional uses on residential properties shall be permitted under the provisions of this section. It is the intent of this section to: ensure the compatibility of home occupations with other uses; maintain and preserve the rural and historic character of the Town; and allow residents to engage in gainful employment on their properties while avoiding excessive noise, traffic, nuisance, fire hazard, and other possible adverse effects of non-residential uses.

B. Use Regulations. ~~If permitted by the Use Table in § 100-12,~~ Class I home occupations are permitted ~~as-of-right~~, provided they are in ~~strict~~ compliance with the criteria and standards of this section, and Class II home occupations require a Special Use Permit and Site Plan approval.

C. Requirements. All home occupations, both Class I and Class II, shall comply with the following:

1. The home occupation may be conducted within a dwelling unit and/or

within accessory buildings.

2. The home occupation shall be incidental and secondary to the use of a dwelling unit for residential purposes. It shall be conducted in a manner which does not give the outward appearance of a business, does not infringe on the right of neighboring residents to enjoy the peaceful occupancy of their dwelling units, and does not alter the character of the neighborhood.

3. No alteration of the residential appearance of the premises shall occur, including creation of a separate entrance in the dwelling.

4. Automobile and truck traffic generated by the home occupation shall not exceed the volume of traffic that would normally be generated by a residential use, and the home occupation shall not receive deliveries by other than letter or parcel carriers.

5. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials shall be used or stored on the site other than substances normally used in a household.

6. There shall be no outside operations or exterior storage, or display of materials, products, equipment, vehicles or other supplies used in conjunction with the home occupation, with the exception of one (1) commercial vehicle as provided for in § 100-15A8.

7. No process shall be used which is hazardous to public health, safety, or welfare; no home occupation shall create noise, smoke, dust, electrical interference, or glaring light disruptive to the surrounding neighborhood, or observable beyond the boundaries of the property on which it is conducted.

8. Off-street parking shall be provided in accordance with § 100-29.

9. A sign shall be permitted as provided in § 100-28G.

D. Additional requirements for Class II home occupations. The Planning Board may consider a special use permit request for a Class II home occupation in accordance with requirements of § 100-40 and the following:

1. With the exception of bed and breakfast establishments, the Special Use Permit granted for a Class II home occupation shall expire when the occupation changes or the property is sold.

2. Bed and breakfast establishments shall be subject to the following conditions:

(a) Not more than six (6) rooms may be rented to transient guests. A breakfast may be served to these overnight guests, but no other services beyond room cleaning shall be provided.

(b) Approval has been granted by the Ulster County Health Department for any required on-site sanitary or water supply system, including, as may be applicable, a determination that the water supply and sewage disposal facilities are adequate to accommodate the additional demands of the bed and breakfast establishment.

3. Family home day care shall be subject to the following conditions, in addition to all State regulations:

(a) The minimum lot size shall be increased by a ratio of one hundred (100) square feet per child in excess of five (5).

(b) All accessory structures, including but not limited to playground equipment and pools, must be located in a rear yard.

(c) If an outdoor play area is provided, it shall not be located within the front yard.

(d) The residential appearance of the site shall be maintained. This also applies to the driveway used for dropping off and picking up children.

(e) Hours of operation: for periods not to exceed eighteen (18) hours within any twenty-four (24) hour period.

§ 100-~~3435~~. **Conservation subdivision.**

A. Purposes. In conformance with the Town of Lloyd *Comprehensive Plan*, the purposes of conservation subdivisions are as follows:

1. To conserve important open lands, including those areas containing unique and sensitive natural features such as steep slopes, floodplains, stream corridors, and wetlands by permanently setting them aside from development;

2. To protect areas of the Town with productive agricultural soils for continued or future agricultural use, by conserving areas of land large enough to allow for efficient agricultural operations;

3. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, with a strong neighborhood identity;

4. To provide multiple options for landowners to minimize impacts on environmental resources and natural or cultural features such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings and sites, and fieldstone walls;

5. To provide greater economy, efficiency and convenience in the siting of services and infrastructure, including the opportunity to reduce road lengths, utility runs, and the amount of paving required;

6. To provide for a balanced range of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups and residential preferences, so that The Town of Lloyd's population diversity may be maintained;

7. To provide a reasonable setback for new development adjacent to lands in agricultural production due to potential incompatibility of such new development with agricultural uses;

8. To implement policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Town's *Comprehensive Plan*, including provisions to create a greenway trail system and other areas for active or passive recreational use for the benefit of present and future residents;

9. To conserve scenic views and elements of the Town's rural character by limiting views of new development from existing roads; and

10. To promote development in harmony with the goals and objectives of the Town's *Comprehensive Plan*.

B. Authorization.

1. Authorization is hereby granted to the Planning Board to modify applicable provisions of this Chapter to provide an alternate permitted method for the configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks and landscaping in order to preserve the natural and scenic qualities of open lands when approving conservation subdivision plats pursuant to Chapter 90, Subdivision of Land. The Planning Board is not authorized to change or modify the types of residential dwelling units permitted in each district, as set forth in § 100-8 of this Chapter. Additional standards for conservation subdivisions are found in Chapter 90, Subdivision of Land. of the Town Code.

2. In accordance with the Dimensional Table of § 100-13, the Planning Board shall mandate conservation subdivision design for development of lands within the Town's Agricultural Zoning District.

3. The Planning Board may mandate conservation subdivision in any district to accommodate natural resources, historic or cultural resources, scenic features, or preservation of neighborhood character at any time during the subdivision process. The basis for the Planning Board's decision to mandate conservation subdivision shall be set forth in the minutes of the Planning Board meeting. The following are examples of features deemed worthy of conservation:

(a) Steep slopes.

(b) Water resources: wetlands, aquifer and aquifer recharge areas, municipal water supply watershed areas, and flood-prone areas as shown on Federal Emergency Management Agency maps, New York State Protected Streams, or a Town Designated Protection Area, if any.

(c) Agricultural lands: active farmland within a New York State certified Agricultural District, lands within 2,000 feet of a New York State certified Agricultural District, or soils classified in groups 1 to 4 of the New York State Land Classification System.

(d) Community water and/or sewer: sites where community sewer, community water, or community water and sewer are available or planned.

(e) Critical Environmental Areas: lands within or contiguous to a Critical Environmental Area designated pursuant to Article 8 of the Environmental Conservation Law.

(f) Designated open space areas: lands contiguous to publicly owned or designated open space areas, or privately owned or designated open space areas.

(g) Historic structures and sites: historic structures or areas of national, state or local importance.

(h) Scenic viewsheds and special features: sites contiguous to designated State, County or Town Scenic Roads, or “special features” identified in the Town’s *Comprehensive Plan*.

(i) Significant natural areas and features: areas with rare vegetation, significant habitats, or habitats of endangered, threatened or special concern species as determined by the New York State Department of Environmental Conservation (Natural Heritage Program) or the Town Conservation Advisory Council, mature forests or trees over 100 years old, or unique natural or geological formations.

(j) Trails: existing and potential trails, bikeways, and pedestrian routes designated by the Town, State or County.

(k) Recreation: lakes, ponds or other significant recreational areas, or opportunities or sites designated in the Town’s *Comprehensive Plan*.

4. Applicant Request: Any applicant before the Planning Board may request approval of a conservation subdivision.

C. Density.

1. The permitted number of dwelling units shall not exceed the number of units that, in the Planning Board's judgment, would be permitted if the land were subdivided into lots fully conforming to minimum lot size, bulk area requirements, and other requirements of the Town of Lloyd Zoning Law and Subdivision Regulations applicable to the district or districts in which such land is situated and conforming to all other requirements of the Town of Lloyd Code. To determine a maximum unit count, the applicant shall submit a Yield Plan meeting the requirements set forth in § 90-6D of the Code. The yield plan shall be realistic and must not show potential house sites or streets in areas that would not ordinarily be legally permitted in a conventional subdivision. If necessary, the Planning Board may require the applicant to provide an analysis of potential compatibility or incompatibility of the yield plan with the "*Standards for Issuance of Permits and Letters of Permission*" found in 6 NYCRR 663.5 when sites involve State protected freshwater wetlands or other resources for which discretionary permits would be required.

D. Dimensional standards. Except as specified herein, all dimensional standards normally applicable to other subdivisions and uses shall also be applicable to conservation subdivision.

1. Minimum required open space. In all Zoning districts, a conservation subdivision shall preserve a minimum of sixty (60) percent of the tract's gross acreage as open space land. Parking areas and roads shall not be included in the calculation of the minimum required open space.

2. Bulk standards. Lot sizes and dimensions, and structure locations may be freely disposed and arranged in conformity with the overall density and open space standards herein. No minimum lot size is specified, but the Planning Board may consider 8,000 square feet as a guideline for minimum lot size for subdivisions where central water supply and sanitary sewage disposal facilities exist or are proposed, subject to adjustment according to health and safety considerations. In the Agricultural Zoning District, the maximum residential building lot size shall be ½ acre, in so far as practicable based on topography and Ulster County Health Department standards.

E. Permanent protection of open space. Open space of ten acres or more shall be permanently protected with a conservation easement as provided in this subsection unless such land is dedicated in fee simple to the Town or other government entity. Open space of less than 10 acres may be protected by filing of a restrictive declaration and notation on the final plat to the satisfaction of the Planning Board and its Attorney, provided that such deed restriction and plat notation shall state that the deed restriction can only be changed with Planning Board approval, and provided the Planning Board may in its discretion require that the open space be protected with a conservation easement. The following regulations shall apply to all conservation easements:

1. The conservation easement shall permanently restrict development of the open space land, allowing use only for agriculture, forestry, passive recreation, protection of natural resources, or similar conservation purposes, pursuant to § 247 of the General Municipal

Law and/or § 49-0301 through § 49-0311 of the Environmental Conservation Law and shall be granted to a qualified easement holder acceptable to the Planning Board.

2. The conservation easement or restrictive covenant shall permanently restrict the open space from future subdivision and shall define the range of permitted activities. Under no circumstances shall any development be permitted in the open space at any time, except for the following uses:

(a) Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow). The clearing of woodland shall generally be prohibited, except as necessary according to silvicultural best management practices, and to create trails, active recreation facilities, and to install subsurface sewage disposal systems. The determination of necessity shall lie with the Planning Board.

(b) Agriculture.

(c) Game preserve, wildlife refuge, or other similar conservation use.

(d) Woodlots, arboreta, and silviculture in keeping with established standards for selective harvesting and sustained-yield forestry.

(e) Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Planning Board.

(f) Active non-commercial recreation areas, such as playing fields, playgrounds, and courts, provided such areas do not consume more than half of the minimum required open space land or five acres, whichever is less. Playing fields, playgrounds, and courts shall not be located within 150 feet of abutting properties nor shall such facilities be equipped with lighting. Parking facilities for the same shall also be permitted, and they shall generally be gravel-surfaced, unlighted, properly drained, provide safe ingress and egress, and contain no more than ten parking spaces. Such recreation uses may be a public park or recreation area owned and operated by a public or private nonprofit agency, but shall not include storage of materials, trucking or repair facilities, or private or municipal sanitary landfills.

(g) Golf courses may comprise up to eighty (80) percent of the required open space land, but shall not include miniature golf. Their parking areas and any associated structures shall not be included within the open space requirement; their parking and access ways may be paved and lighted.

(h) Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the open space area.

(i) Easements for drainage; access, sewer or water lines, or other public purposes.

(j) Underground utility rights-of-way. Above ground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required open space land.

3. The conservation easement shall contain appropriate provisions for proper reverter or retransfer in the event that the qualified easement holder becomes unwilling or unable to continue carrying out its functions and shall provide that the Town of Lloyd shall be the contingent holder and third party enforcer of the easement should default occur by the initial holder of the easement.

4. A restrictive stewardship fund shall be established if required by the qualified easement holder.

§ 100-~~3536~~. **Community Benefits Incentive Zoning**

A. Purpose and objectives.

1. The Town Board of the Town of Lloyd, consistent with § 261-b of the Town Law of the State of New York and the Town of Lloyd *Comprehensive Plan*, has determined that it is appropriate to make adjustments to permissible density in the Traditional Neighborhood Development (TND) District and Mixed Use Development (MUD) District for the specific purpose of increasing community benefits at a minimum cost to the residents and taxpayers of the Town.

2. To achieve this intent, it is the purpose of this section to authorize the Town Board to grant incentives to the private sector engaged in the land development process for the specific purpose of providing community benefits, in accordance with the Town of Lloyd *Comprehensive Plan* and in coordination with other community planning mechanisms or land use techniques.

3. This authority may be used by the Town Board to assist in implementing the following objective from the Town's *Comprehensive Plan*:

(a) To enhance community benefits and infrastructure.

B. Applicability. This section applies only to the following zoning districts: TND District, PUD District and MUD District.

C. Definitions. For the purpose of this section, the terms used are defined as follows:

COMMUNITY BENEFITS – Open spaces, including farmland and other open space lands that have ecological, economic, aesthetic or recreational benefit to the residents of the community.

INCENTIVES – Adjustments to the permissible density of the Zoning Law of the Town of Lloyd in exchange for a specific community benefit that provides for the significant preservation of open space.

INCENTIVE ZONING – The system by which specific incentives are granted, pursuant to § 261-b of the Town Law of the State of New York and the provisions of this section, on condition that specific open space benefits would inure to the community.

D. Permitted incentives. The Town Board may grant the following specific incentives in accordance with the procedures set forth in this section:

1. Incentive A. Single-family residential incentives: increases in single-family dwelling unit density beyond the base density in the TND and MUD Districts.

2. Incentive B. Two-family, townhouse or multifamily incentives: increases in two-family, townhouse or multifamily dwelling unit density beyond the base density in the TND and MUD Districts.

E. Community benefits.

1. The following community benefits may, at the discretion of the Town Board, be accepted in exchange for an incentive as provided in “permitted incentives” above. These community benefits shall be provided off the site of the subject application and may involve one or more parcels of land.

(a) Creation of a park or other recreational facility of at least equal size to the development for which the developer wishes to increase density.

(b) Cash in accordance with the “Special Conditions” below, paid to the Town of Lloyd for infrastructure modification or to create new infrastructure that will enable affordable housing, as is described in § 100-36 of this chapter, to be created or developed.

(c) Cash in accordance with the “Special Conditions” below, paid to the Town of Lloyd for the installation or renovation of public pedestrian pathways, including but not limited to sidewalks, walking paths, hiking pathways, and other paved or unpaved walkways.

(d) For any community benefit the Town Board determines to be in the best interest of the community.

2. These community benefits will be in addition to any other mandated requirements pursuant to other provisions of the Town of Lloyd Code and any other applicable law or regulation.

F. Special conditions.

1. All proposed community benefits to be provided by the applicant must show a demonstrable benefit to the benefit area.

2. The Town Board shall be authorized to grant incentives only in accordance with the following conditions:

(a) Determination of incentive. The incentive granted shall be based on the development potential of the buildable acreage in accordance with the provisions of § 100-13C and as described in the table below, as determined by the Town Board at the time of application. Buildable acreage shall be determined based upon a formula method yield plan or an engineered yield plan as set forth in § 90-6D1 of the Town Code.

<i>Determination of Community Benefit Required Dwelling Unit Incentive</i>		
Development	Development Increase	Benefit Required
Single-family residential	one (1) additional dwelling unit	4 acres buildable acreage or \$30,000* per dwelling unit
Two-family, townhouse or multifamily	one (1) dwelling unit per the minimum required buildable acreage	3 acres buildable acreage or \$20,000* per dwelling unit; a Two-Family would require 6 acres buildable acreage or \$40,000

*Fee to be reviewed annually by the Town Board based on the estimated average appraised value of development rights for acreage in the Agricultural District, and adjusted as necessary after review and recommendation by the Planning Board.

(b) Increases will be granted in increments according to the Table above and shall not exceed the permitted density increase over the original base zoning of the incentive site as stipulated in § 100-23 of this Chapter.

G. Criteria and procedure for approval.

1. Optional pre-application review. It is recommended that the applicant meet informally with Town planning staff prior to completion of an application for open space incentive zoning for purposes of gathering information for the proposed benefit/incentive exchange. The applicant is advised to review the Town's *Comprehensive Plan* and any other materials the Town may have on file regarding the open space incentive zoning program.

2. Applications requesting incentives in exchange for providing community benefits shall be submitted to the Town Board and shall be submitted simultaneously with an application rezoning to TND, PUD or MUD. The application shall include the following information:

- (a) The requested incentive.
- (b) The proposed community benefit.

- (c) A narrative which demonstrates the following:
 - (i) The benefits to the community, including the benefit area, from the proposed amenity.
 - (ii) Consistency with the goals and objectives of the Town's *Comprehensive Plan*.
 - (iii) The relative importance and need for the benefit.
 - (iv) That there are adequate sewer, water, transportation, waste disposal and fire protection facilities, available or proposed, in the zoning district in which the TND or MUD is proposed to accommodate the additional demands the incentive may place on these facilities beyond the demand that would be placed on them if the district were developed to its fullest base density potential.
 - (v) That all conditions and other applicable requirements of the law are met.
- (d) Full Environmental Assessment Form.
- (e) Any other information or support materials as needed or requested by the Planning Board.

H. Review by the Town Board. The Town Board may engage a consultant to assist in the review of the application, the cost of which shall be borne by the applicant. When required by § 239 of the General Municipal Law, the application shall be copied to the Ulster County Planning Department for its review. The Town Board may also refer the application to other local and county officials, representatives of federal and state agencies and consultants as deemed appropriate. Suggested modifications to the proposal in order to achieve consistency with the purposes and objectives of this section may also be provided by the Planning Board to the applicant.

I. Compliance with SEQR. Every decision by the Town Board concerning an application for use of incentive zoning on a particular project shall fully comply with the provisions of SEQR.

J. Public Hearing. Prior to its final decision the Town Board shall conduct a public hearing on the application. The public hearing on the incentive zoning application should be conducted in conjunction with the application for subdivision plat approval and/or site plan approval for the proposed TND or MUD project. The public hearing should preferably be conducted in conjunction with any public hearing required under SEQR. At least five days' notice (14 days if a draft environmental impact statement or supplemental environmental impact statement is required) of the time and place of the hearing shall be published in the official newspaper of the Town.

K. Findings and final decision.

1. Following the public hearing and completion of the SEQR process, the Town Board may approve, approve with modifications or conditions, or deny the proposed incentive zoning application. The basis for the Town Board's decision shall be reflected in the record. The record will include, but not be limited to, the following:

(a) SEQR: that all requirements of SEQR have been met, including the required findings under that law.

(b) Development capacity: that the proposed project, including the incentive, can be adequately supported by the public facilities available or provided as a result of the project, including but not limited to sewer, water, transportation, waste disposal and fire protection.

(c) Public benefit: that the community benefit provided by the applicant is commensurate with the incentive granted by the Town Board.

(d) Project quality: that the project is in harmony with the stated objectives of this section and will promote the purposes herein, and that the project is sufficiently advantageous to render it appropriate for grant of an incentive.

2. The Town Board may impose conditions on a project to ensure that the above findings are ensured through the subsequent plan review and construction phases of the project.

§ 100-3637. Affordable housing regulations.

A. Intent and purpose. The Town of Lloyd recognizes that there is a lack of affordable housing opportunities in the Town and the region for moderate income households, such as residents of retirement age with fixed or reduced incomes, young adults of modest means forming new households, government and school district employees in moderate income ranges, single parent families, and health care, retail and service personnel needed to serve the expanding residential and commercial base in the Town. The inadequate supply of housing in the Town and the region for persons of moderate income results in commuting from outside the area to places of employment within the Town, thereby overtaxing existing roads and transportation facilities, significantly contributing to air and noise pollution, and engendering greater than normal personnel turnover in the business, industry and public agencies of the Town, all adversely affecting public health, safety and welfare and resulting in an added financial burden on the citizens of the Town. Without intervention, the trend toward increasing housing prices and the local and regional shortage of affordable housing for Town residents and local employees will have a negative impact on the ability of local employers to maintain an adequate local work force. The purpose of this section is to enhance the public health, safety, and welfare by promoting high quality, moderately priced housing located in neighborhoods throughout the community for households of moderate income levels in order to meet the Town's goal, as expressed in the Town's *Comprehensive Plan*, of preserving and promoting a culturally and

economically diverse population in the Town, and to meet existing and anticipated future employment and volunteer needs in the Town.

B. Exemptions. Affordable dwelling units that are constructed with federal or state subsidies and/or with tax incentives shall be exempt from the provisions of this section.

C. Covered development projects.

1. The provisions of this section apply to all developments that result in or contain ten (10) or more residential dwelling units or lots in the Town of Lloyd. The types of development subject to the provisions of this section include, without limitation, the following:

(a) A development that is new residential lots, new residential construction, or new mixed-use construction with a residential component.

(b) A development that is the renovation or reconstruction of an existing multifamily residential structure that increases the number of residential units from the number of units in the original structure.

(c) A development that will change the use of an existing building from non-residential to residential.

(d) A development that includes the conversion of rental property to condominium property.

2. In calculating whether a covered development contains a total of ten (10) or more dwelling units for the purposes of this section, the development includes all land at one location owned or controlled by the applicant. An applicant must not avoid this section by submitting piecemeal applications or approval requests for subdivision plats, site or development plans, or building permits. Any applicant may apply for an approval for fewer than ten (10) dwelling units or lots at any time, but the applicant must agree in writing that the applicant will comply with this section when the total number of dwelling units or lots at one location reaches ten (10) or more.

D. Inclusionary percentage. Ten (10) percent of the total number of residential units or lots in any covered development shall be affordable to moderate income households and shall be located on the site of the covered development. Resulting fractional obligations shall be rounded as follows: a fraction of 0.5 or more shall be rounded up, and a fraction of less than 0.5 shall be rounded down.

E. Density Bonuses. For all covered developments under this section, a density bonus shall be provided equal to one (1) market rate unit for each affordable housing unit required under this section.

F. Affordable housing plan. As part of the approval of a covered development project, the applicant shall submit to the Town of Lloyd Planning Board an affordable housing plan that outlines and specifies the covered development's compliance with each of the applicable requirements of this section. The plan shall specifically contain, at a minimum, the

following information:

1. A general description of the development, including whether the development will contain rental units or individually owned units, or both.
2. The total number of market rate units or lots and affordable units or lots in the development.
3. The number of bedrooms in each market rate unit and each affordable unit.
4. The square footage of each market rate unit and each affordable unit.
5. The location within any multifamily residential structure, mixed-use building, townhouse, and single-family detached residential development of each market rate unit or lot and each affordable unit or lot.
6. The pricing for each affordable dwelling unit or lot.
7. The phasing and construction schedule for each market rate unit and each affordable unit.
8. Documentation and plans regarding the exterior appearances, and exterior and interior materials and finishes of the development and each of its individual units.

G. Development standards. Affordable housing units must meet the following standards:

1. Location of affordable dwelling units or lots. All affordable housing units or lots shall be dispersed among the market rate units or lots throughout the covered development.
2. Exterior appearances and finishes. The exterior finishes and appearances of the affordable dwelling units shall be indistinguishable from the market rate units in the covered development and shall be constructed of the same quality building materials.
3. Interior finishes. Affordable dwelling units may differ from market rate units with regard to interior finishes and the developer may substitute different appliances and interior hardware as long as the following minimum construction standards are met:
 - (a) Kitchen cabinets and vanities shall be new and doors shall be made from solid wood or plywood. (No flakeboards, pressboard, etc.)
 - (b) Moisture resistant sheetrock shall be used in bathrooms.
 - (c) Doors, windows, boilers, furnaces, hot water heaters, air conditioning units (if applicable) and appliances shall meet Energy Star specifications.

(d) Kitchen and bath faucets shall be ceramic valve type.

(e) Flooring for kitchen, bath and entry foyer (if applicable) shall be ceramic tile, hardwood, or vinyl composite tile/vinyl sheet flooring of .075 (inch) mil thickness or greater.

(f) Overhead light fixtures in bedrooms, apartment hallways and dining areas shall be permanently installed and activated by switches.

(g) Each unit shall contain a thirty (30) inch wide stove and a refrigerator of nineteen (19) cubic feet or larger.

(h) Carpets shall be pile type, builder grade with appropriate underlayment. No indoor/outdoor types shall be used.

4. Size. Affordable dwelling units may differ from market rate units with regard to size, provided that:

(a) The housing types (multifamily, townhouse, single-family detached, etc.) of the affordable units shall be in equal proportion to the market rate units in the covered development, unless the Planning Board has determined that there is a lack of diversity in affordable unit types, and an analysis of the list of eligible households shows a clear need for different housing types, in which case the Planning Board may approve alternative types of affordable units.

(b) In all Zoning Districts except the TND District, the bedroom mix of affordable units shall be in equal proportion to the bedroom mix of the market rate units, except that no affordable unit shall have more than three (3) bedrooms. In the TND District, the goal shall be that 50 percent of the affordable units shall contain three bedrooms, 25 percent shall contain two bedrooms, and 25 percent shall contain one bedroom.

(c) The gross floor area of the affordable dwelling units shall meet the following minimum size requirements:

Number of Bedrooms	Unit Type	
	Detached Single Family	All Other Types
Efficiency (studio)	--	450 square feet
1	--	600 square feet
2	1,000 square feet	750 square feet
3	1,200 square feet	1,100 square feet

5. Phasing of Construction. For all phased developments, the construction of required affordable units or lots shall be sequenced to coincide with the construction of market rate units or lots, as provided below. Certificates of occupancy (CO) shall be issued for market

rate units when the required percentage of affordable dwelling units for the respective phase has been completed.

Percentage of Market Rate Units Receiving CO	Percentage of Affordable Units Receiving CO
20%	none
40%	at least 20%
60%	at least 60%
80%	at least 100%
100%	100%

6. Development of Affordable Residential Lots. In cases where the covered development project results in the subdivision of residential lots without development of dwelling units, the following provisions shall apply:

(a) Where such lots are ultimately to be developed by the applicant or are restricted such that they are required to be developed by a specific developer upon sale of the lots, the applicant or developer shall construct the required affordable dwelling units on the lots in accordance with the provisions of this section.

(b) Where such lots are to be sold without development and without restrictions regarding who may develop the lots, the lots shall be encumbered with a restrictive covenant stipulating that said lots can only be developed with an affordable dwelling unit that satisfies the requirements of this section.

H. Determining applicant eligibility. Applicant eligibility shall be determined by the Town’s housing administrator as follows:

1. To be eligible to purchase an affordable dwelling unit, the household’s aggregate annual income shall not exceed 80 percent of the Kingston Ulster County Metropolitan Statistical Area median family income, as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development (HUD), and adjusted for household size.

2. To be eligible to rent an affordable dwelling unit, the household’s aggregate annual income shall not exceed 65 percent of the Kingston Ulster County Metropolitan Statistical Area median family income, as established and defined in the annual schedule published by the Secretary of the U.S. Department of HUD, and adjusted for household size.

3. The Town Board shall annually revise the standard of eligibility, which shall specify moderate-income levels for varying sizes of households, and shall include different income eligibility standards for buyers and renters.

I. Preference to purchase or rent.

1. Once a household is determined to be eligible to participate in the affordable housing program based on income limits as set forth above, the Town's housing administrator will give preference to purchase or rent affordable housing units to eligible households on the basis of the factors listed below. For the purpose of determining preferences, a household shall include any and all household members who have reached the age of majority and who will occupy the affordable dwelling unit as their primary residence. Households seeking priority preference based on employment or voluntary service must provide a certification letter from an authorized person within such organization attesting to the household's length of employment or volunteer service. First preference shall be given to a household in which, as of the time of application, at least one person has lived and/or worked in the Town of Lloyd for two or more years. In accordance with the Fair Housing Act, the Town of Lloyd prohibits discrimination based on race, color, national origin, religion, sex, familial status, physical or mental disability, or any other classifications protected by law.

(a) An active and continuous member of a Volunteer Fire Department or emergency medical service within the Town of Lloyd with a minimum of 24 months consecutive active service: six points (maximum 12 points per household).

(b) Health care workers, including skilled professions such as paramedics, nurses and medical technicians, as well as orderlies, working at a facility located within 20 miles of the border of the Town of Lloyd, minimum of 24 months employment: six points (maximum 12 points per household).

(c) Full-time municipal employees of the Town of Lloyd minimum of 24 months employment: four points (maximum eight points per household).

(d) Employees of a public or private school serving to educate children living within the Town of Lloyd, minimum of 24 months employment: four points (maximum eight points per household).

(e) Residents of the Town of Lloyd or their immediate relatives (children or parents): four points (maximum eight points per household).

(f) Veteran of U.S. Armed Services, active or honorably discharged: four points (maximum eight points per household).

(g) Senior (65 years of age or older) or disabled residents of the Town of Lloyd: two points (maximum four points per household).

2. Eligible households lacking the minimum two-year residency or work standard shall constitute a second and subordinate class of preferred purchasers or tenants, and the same priorities set forth in subsection I.1 shall apply within this class.

J. Period of affordability.

1. Affordable dwelling units shall be resold or rented to moderate-income

households in perpetuity. At the time of subdivision or development approval for any covered development, the applicant and the developer, if different, shall execute and record restrictive covenants to restrict the future sales price and/or rental terms of the affordable dwelling units in accordance with the provisions of this section. The restrictive covenants shall assure that:

(a) The restrictions of this section run with the land in perpetuity.

(b) The covenants shall bind the applicant, any heir, assignee, mortgagee or buyer, and all other parties that receive title to the property. The covenants shall be subordinate only to the First Mortgage lien held by an Institutional Lender on the affordable dwelling unit and in no way shall impair the Institutional First Mortgagee's ability to exercise all remedies available to it in the event of any default of such mortgage, as set forth more fully in the Town's Affordable Housing Executive Regulations.

(c) The covenants shall include a provision requiring that every deed conveying title to an affordable dwelling unit shall include the following paragraph, subscribed to in the instrument by both seller and buyer, to inform all future sellers and buyers that this unit is an affordable dwelling unit subject to the provisions of this section:

“This dwelling has been constructed for use by moderate-income families pursuant to Chapter 100 Section 35 of the Town of Lloyd Code. Its future sale (including resale) or rent must be to persons who qualify under that Section's income requirements at a price in accordance with the Lloyd Town Code. The Town of Lloyd shall have the power to enforce this clause and to recover reasonable attorney's fees and other costs incurred in successful efforts to remedy breaches of said provisions of local law. This covenant shall run with the land.”

K. Calculations of initial sales price and permissible rent. Maximum rental and sales prices for affordable dwelling units shall be set by resolution of the Town Board, and amended from time to time in accordance with the following procedures:

1. Initial sales price. The initial sales price for a particular affordable housing unit shall be calculated such that the annual cost of the sum of principal, interest, taxes, insurance and common charges, as applicable, shall not exceed 30 percent of the income for an eligible household, as determined by subsection H.1 above. Prices shall be calculated on the basis of an available fixed-rate thirty-year mortgage consistent with the average rate published from time to time by Freddie Mac, and a down payment of no more than five (5) percent of the purchase price.

2. Permissible yearly rent. The maximum yearly rent, including utilities (heat, water and electric), for a particular affordable housing unit shall not exceed 30% of the income for an eligible household, as determined by subsection H.2 above.

3. In calculating the maximum rental and sales prices of affordable dwelling units, the following relationship between unit size and household size shall apply:

Efficiency and one-bedroom units:	1-person household
Two-bedroom units:	3-person household
Three-bedroom units:	4-person household

L. Improvements. Neither owners nor renters of affordable dwelling units shall make any improvements that require a building permit without prior written permission from the Town's housing administrator. Under no circumstances shall the Town's housing administrator approve any increase in the size of the habitable space of any affordable dwelling unit.

M. Resale of affordable dwelling units.

1. Affordable dwelling units shall only be resold to eligible moderate income households.

2. The owner of an affordable dwelling unit shall notify the Town's housing administrator, as provided for in subsection Q, of their intent to sell prior to contact with any realtor or purchaser.

3. The Town's housing administrator will calculate the maximum resale price for an affordable dwelling unit according to the following factors:

(a) The base must be the original price paid for the unit, plus an allowance equal to the rate of increase in the consumer price index for New York-New Jersey and Long Island between the month and year of initial sale and the current month and year.

(b) To this base, the Town's housing administrator must add the current fair market value of capital improvements, as determined by the Town's housing administrator, made to the unit after the date of purchase. Improvements must be permanent in nature and clearly add to the market value of the unit. Normal owner maintenance, general repair work, and decorative items or work must not be included in the resale price determination.

(c) The owner must provide an itemized list of all capital improvements and upgrades for which credit is requested as part of the resale price. All improvements claimed must be documented with receipts, contracts or other evidence supporting their value. The Town's housing administrator may establish standard fair market values for certain improvements, and this value may be used by the Town's housing administrator rather than cost data records of the improvements submitted by the owner.

(d) All affordable dwelling units shall be maintained at the original builder's specification level. At the time of resale, if the Town's housing administrator determines that there is evidence of physical deterioration, abnormal wear and tear, or obsolescence because of neglect, abuse, or insufficient maintenance, the value allowed for the

improvements may be reduced based on a depreciation schedule adopted by resolution of the Town Board.

(e) Normal owner maintenance includes, but is not limited to, replacement of major building systems (roof, hot water heater, furnace, deck/porch) which have reached their useful life (e.g. replacement of a roof after 20 years). The Town reserves the right to establish a schedule outlining the “useful life” of common major building systems.

(f) Capital improvements completed without a building permit as required by NYS Building Code and any applicable local regulations shall not be added to the maximum resale price.

(g) Appliances shall be depreciated on a 10 year straight-line basis from the initial purchase price.

(h) The owner must permit a representative of the Town to inspect the unit upon request to verify the existence and value of any improvements that are being claimed by the owner.

N. Continued eligibility to rent.

1. An applicant(s) for an affordable rental unit shall, if eligible and selected for occupancy, be entitled to a lease for a term of no more than two (2) years. As long as the resident remains eligible and complies with the terms of the lease, said resident shall be offered two-year lease renewals.

2. The rental resident(s) shall annually provide a verified statement of the identity of household occupants and their respective incomes to the Town's housing administrator, and shall otherwise comply with additional reasonable requests for household income verification made by the Town, as a condition of the right to continue in residence. If a rental unit's occupying household's income shall come to exceed by more than 20% the maximum then allowable, as defined in this section, and if there is at that time another eligible household, said occupants may complete the current lease term and shall be offered a market rate rental unit in the development, if available as of the end of the lease term. In the event such market rate unit is not available, the occupants shall be allowed to sign one additional one-year lease for the affordable rental dwelling unit, but renewal of the lease shall not be offered at expiration of the one-year lease.

3. All leases shall include a clause, suitable to the Town's housing administrator, that the landlord is obligated to take all relevant and timely steps, including litigation, to recover possession of an affordable dwelling unit in which ineligible occupants hold over beyond a legitimate lease term and that the holdover occupants will be responsible to defray the expenses, including but not limited to reasonable attorney's fees and court costs incurred by the landlord in pursuit of efforts to recover possession.

O. Occupancy requirements.

1. Standards.

(a) At the time of purchase or rent, the maximum number of residents who may reside in an affordable dwelling unit shall be two persons for efficiency and one-bedroom units, four persons for two-bedroom units, and no more than two persons for each additional bedroom thereafter.

(b) Three bedroom affordable housing units shall not be sold or rented to 1-person households.

2. Residency. All affordable dwelling units shall be the primary residence of the owners or renters. Owners may not rent their unit to others and renters may not sublet their unit. These restrictions shall not apply to the developer of the affordable units. Partial rentals, such as renting out a bedroom, and seasonal rentals are also prohibited.

P. Tax assessment. The Town Assessor shall consider the limited resale value of affordable dwelling units when determining the appropriate assessment of such units.

Q. Administration and enforcement.

1. The Town Board may administer the affordable housing requirements of this section. Alternatively, the Town Board may appoint an employee(s), establish a committee, or contract with an outside entity to administer the affordable housing requirements of this section (the "Town's housing administrator").

2. Prior to the issuance of a certificate of occupancy, the Town's housing administrator shall inform the owner and/or the project manager of the maximum rental or sales price which may be established for the affordable dwelling unit(s) and the maximum gross household income for eligibility for occupancy of said units. On or before April 1 of each year thereafter, the administrator shall notify the owner and/or the project manager of any annual changes in such information.

3. The owner and/or the project manager, as appropriate, shall annually provide proof to the Town's housing administrator, on or before June 1 of each year, that the current rental price of all affordable units complies with the terms of this section.

4. The owner of an affordable unit, before the sale of such unit, shall provide proof to the Town's housing administrator that the sales price complies with the terms of this section and shall provide a copy of the proposed deed to the administrator for approval in advance of sale.

5. The following identifies additional responsibilities and duties of the Town's housing administrator:

(a) Maintain eligibility priority list, annually certify and recertify applicants for affordable housing.

(b) Establish lottery procedures for selecting applicants that have equal priority.

(c) Review certification for owners and lessors of rental units certifying that units are occupied by eligible households.

(d) Maintain list of all affordable units in the Town.

| § 100-~~37~~38. **Mining.**

A. Permits for mining. Mining shall be allowed only by Town Board permit except for the mining of less than 700 cubic yards of minerals within 12 successive calendar months, which does not require a permit from the Town Board. Applications for permits may be submitted for annual terms running from one to five years but not to exceed five years. Mining permits shall expire at the end of their terms in accordance with their issue and expiration dates and may be renewed upon application of the Town Board at least 30 days prior to the expiration date of the permit. A renewal application shall be submitted on forms provided by the Building Department.

B. Application for permits. A permit application for mining shall be submitted to the Town Board on forms provided by the Building Department. A permit applicant for mining subject to state jurisdiction shall submit to the Town Board copies of all applications and other materials submitted to the New York State Department of Environmental Conservation ("DEC") in connection with its application for a Mined Land Reclamation Law permit.

C. Permit procedure for mining subject to state jurisdiction. In determining whether to grant or deny a permit application for mining subject to state jurisdiction, the Town Board shall consider all applicable Special Use Permit zoning criteria set forth herein. If the Town Board grants a permit subject to conditions, such conditions shall be limited to the following, unless the laws of New York State allow the imposition of additional conditions:

1. Ingress and egress to public thoroughfares controlled by the Town.

2. Routing of mineral transport vehicles on roads controlled by the Town.

3. Requirements and conditions as specified in the permit issued by DEC concerning setback from property boundaries and public thoroughfare rights-of-way, natural or man-made barriers to restrict access, dust control and hours of operation.

4. Enforcement of reclamation requirements contained in DEC permits issued pursuant to the Mined Land Reclamation Law.

D. Permits for mining not subject to state jurisdiction. In determining whether to grant or deny a permit application for mining not subject to state jurisdiction, the Town Board shall consider all applicable Special Use Permit zoning criteria set forth herein. If the Town Board grants a permit subject to conditions, such conditions may include, but are not limited to,

the following:

1. The mining operation and operations accessory thereto may not be detrimental to the appropriate and orderly development of any district in which it is situated or impair the value thereof.

2. All mining operations and operations accessory thereto shall be made only in accordance with approved plans. These plans shall show the location of the site and its relation to neighboring properties and roads within 500 feet of the site, area to be excavated, existing slopes, proposed slopes after excavation, proposed level of any impounded water, plans for erosion control and location of access drives to the site.

3. No excavation shall be closer than 50 feet to any street line or other property line, and no excavation below the grade of a street or property line shall be closer than 200 feet thereto. No excavation shall be closer than 500 feet to the boundary line of a zoning district within which excavation is not permitted.

4. The final slope of any excavated material shall not exceed the normal limiting angle of repose of such material, except where a suitable retaining wall, as shown on approved plans, is built to provide lateral support.

5. Fences or barricades shall be erected to protect pedestrians and vehicles. All open pits shall be enclosed by fencing until they are refilled. The uphill side of side hill excavations shall be permanently fenced.

6. Storage piles of materials, including waste materials, shall not be located closer to property lines than is permitted for excavation. After completion of excavation operations, waste materials shall be used in filling all open pits. Piles of excess waste materials shall be leveled.

7. No excavation operations shall take place between the hours of 8:00 p.m. and 6:00 a.m. or at any time on Sunday or a legal holiday.

8. The processing of such resource shall be limited to the washing, separating or grading of the excavated mineral.

9. Performance security shall be posted with the Town Board in an amount and form to be determined by the Board, insuring conformance to approved plans and all applicable regulations, including, but not limited to, reclamation costs. The Town Board shall set a reasonable time limit for such security, not to exceed five years, except in the case of continuing excavation operations where a security must be renewed or extended with the permit renewal or in the case of ceased operations where a security must be renewed or extended to cover the life of the implementation of the reclamation plan.

10. A reclamation plan, which describes the operations to be performed by the permit applicant to reclaim the land to be mined over the life of the mine, shall be required. The

reclamation plan shall include maps, plans, the schedule for reclamation, written material and other documents as required by the Town Board.

§ 100-3839. Performance Standards for Non-Residential Uses

A. Conformance required. No non-residential use shall hereafter be established, altered, moved or expanded unless it complies with the performance standards set forth in this section. Continued conformance with such standards shall be a requirement for the continuance of any certificate of occupancy issued on such basis.

§ B Declaration of policy.

It is hereby declared that the public policy of the Town is to reduce the ambient noise level in the Town, so as to preserve, protect and promote the public health, safety and welfare, and the peace and quiet of the inhabitants of the Town, prevent injury to human and animal life and property, foster the convenience and comfort of its inhabitants, and facilitate the enjoyment of the natural attractions of the Town. It is the public policy of the Town that every person is entitled to ambient noise levels that are not detrimental to life, health and enjoyment of his or her property. It is hereby declared that the making, creation or maintenance of excessive or unreasonable noises within the Town affects and is a menace to public health, comfort, convenience, safety, welfare and the prosperity of the people of the Town. The provisions and prohibitions hereinafter contained and enacted are for the above-mentioned purpose.

§ B Interpretation.

This chapter shall be liberally construed so as to effectuate the purposes described in this chapter. Nothing herein shall abridge the powers and responsibilities of any police department or law enforcement agency to enforce the provisions of this chapter. Nothing herein shall be construed to abridge the emergency powers of any health department or the right of such department to engage in any necessary or proper activities.

§ C Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AMBIENT NOISE

The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources.

A-WEIGHTED SOUND LEVEL

The sound pressure level in decibels as measured on a sound level meter using the A-weighting frequency response, which provides the meter with a sensitivity to noise levels that is similar to that of the average human ear.

COMMERCIAL PROPERTY

Any property that is primarily used for retail or wholesale trade or furnishing services for sale or profit, including but not limited to:

- A. Dining and/or drinking establishments;
- B. Banking or other financial institutions;
- C. Establishments for providing retail goods or services;
- D. Establishments for providing wholesale goods or services;
- E. Establishments for recreation and entertainment;

- F. Office buildings; and
- G. Hotels and/or motels.

CONSTRUCTION

Any activity necessary or incidental to the erection, demolition, assembly, alteration, installation or equipment of buildings, public or private highways, roads, premises, parks, utility lanes or other property, including but not limited to land clearing, grading, earthmoving, excavating, blasting, filling and landscaping, but not including agriculture or ice and snow removal.

dBA

The abbreviation designating the unit of sound level as measured by a sound level meter using A-weighting.

DECIBEL

The practical unit of measurement for sound pressure level; the number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals); abbreviated "dB."

DEMOLITION

Any dismantling, intentional destruction, or removal of buildings or structures.

DWELLING UNIT

A single unit within a building providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, and having only one kitchen.

EMERGENCY

Any occurrence or circumstances involving actual or imminent physical or property damage which demands immediate action.

EMERGENCY WORK

Any work or action necessary to deliver essential service, including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging of waterways or abating life-threatening conditions.

FREQUENCY

The number of sound pressure oscillations per second, expressed in hertz; abbreviated "Hz."

IMPULSE SOUND

Sound characterized by either a single pressure peak or a single burst (multiple pressure peaks) having a duration of less than one second.

INDUSTRIAL PROPERTY

Property that is primarily used for manufacturing and processing operations, which may include exterior or interior storage of goods, materials, and/or finished products, and showrooms for the sale of finished products, or for storage and distribution of goods, wares, merchandise, substances or articles, excluding wholesale or retail sales.

MULTI-DWELLING-UNIT BUILDING

Any building in which there are two or more dwelling units.

NOISE

Any sounds of such level and duration as to be or tend to be injurious to human health or welfare or which would unreasonably interfere with the enjoyment of life or property throughout the Town.

NOISE DISTURBANCE

Any sound which:

- A. Endangers or injures the safety or health of humans or animals; or
- B. Annoys or disturbs a reasonable person of normal sensitivities; or
- C. Endangers or injures personal or real property.

PUBLIC RIGHT-OF-WAY

Any street, avenue, boulevard, road, highway, sidewalk, alley or boardwalk that is leased, owned or controlled by a governmental entity, no matter how designated.

PUBLIC SERVICE FACILITY

Any facility and its related premises, property, or equipment used to provide governmental services to the public, including, but not limited to:

- A. Maintenance centers;
- B. Offices and buildings of agencies or instrumentalities of government;
- C. Schools.

PUBLIC SERVICE INDUSTRIAL FACILITY

Any facility and its related premises, property, or equipment used to provide industrial governmental services to the public, including, but not limited to:

- A. Waste collection and disposal centers;
- B. Waste recycling centers;
- C. Water and sewage facilities.

PUBLIC SPACE

Any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

REAL PROPERTY LINE

Either:

- A. A line of record, including its vertical extension, that bounds a parcel of real property and separates one parcel of real property from another or from a street or any other public space; or
- B. The vertical and horizontal boundaries of a dwelling unit that is within a multi-dwelling unit building.

REFUSE COLLECTION VEHICLE

A motor vehicle designed or used to compact and remove, collect, or transport refuse, solid waste or recyclables.

RESIDENTIAL PROPERTY

Property used for human habitation.

SOUND

An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

SOUND LEVEL

The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C, as specified in American National

Standards Institute (ANSI) specifications for sound level meters. If the frequency weighting employed is not indicated, the A-weighting shall apply.

SOUND LEVEL METER

Any instrument, including a microphone, amplifier, an output meter and frequency weighting networks for the measurement of noise and sound levels in a specific manner and which complies with standards established by the American National Standards Institute (ANSI) specifications for sound level meters.

SOUND PRESSURE LEVEL

The level of a sound measured in dB units with a sound level meter which has a uniform ("flat") response over the band of frequencies measured.

SOUND SOURCE

Any person, animal, device, operation, process, activity, or phenomenon which emits or causes sound.

VIBRATION

An oscillatory motion of solid bodies of deterministic or random natures described by displacement, velocity or acceleration with respect to a given reference point.

ARTICLE II Prohibited Acts

§ D Unreasonable Noise Prohibited.

Any of the following acts and causes thereof which annoy, disturb, injure or endanger the comfort, repose, health, peace, safety or welfare of a reasonable person of normal sensibilities are declared to be in violation of this chapter and to constitute unreasonable noise:

A. No person who owns or has immediate control over an animal shall permit such animal to cause annoyance, alarm, or noise disturbance for more than 15 minutes at any time of the day or night by repeated barking, whining, screeching, howling, braying or other like sounds which can be heard beyond the boundary of such person's property.

B. The shouting, yelling, crying or hooting of peddlers, hawkers and vendors.

C. No person shall cause or permit to be caused the excessive sounding of any horn or other auditory signaling device on or in any motor vehicle except to serve as a warning of danger.

D. No person shall cause or permit the operation of any device, vehicle, construction equipment or lawn maintenance equipment, including but not limited to any diesel engine, internal combustion engine or turbine engine, without a properly functioning muffler in good working order.

E. No person shall cause or permit to be caused noise from power tools, lawn mowers, leaf blowers or agricultural equipment when operated on a residential property between the hours of 10:00 p.m. and 7:00 a.m.

F. No person shall cause or permit to be caused any noise which, when measured by a sound level meter at the real property line of the parcel of residential or commercial property, public space or the dwelling unit (within a multi-dwelling-unit building) from which it is emanating, is in excess of 65 dBA between the hours of 10:00 p.m. and 7:00 a.m. on any day of the week.

G. No person shall cause or permit to be caused any noise which, when measured by a sound level meter at the real property line of the parcel of industrial property from which it is emanating, is in excess of 75 dBA between the hours of 10:00 p.m. and 7:00 a.m.

H. No person shall collect refuse from residential property with a refuse collection vehicle between the hours of 10:00 p.m. and 6:00 a.m., except that this subsection shall not apply to the collection of refuse during an emergency, such as a storm or other unexpected event, which causes delays in refuse collection.

§ E Motor Vehicles

A. Motor vehicle sound level limits and equipment shall be in compliance with provisions of any state law, including but not limited to §§ 386 and 375 of the New York State Vehicle and Traffic Law.

NOTE: NYS Vehicle and Traffic Law § 386 is entitled "Motor vehicle sound level limits" and establishes maximum sound levels (in decibels) that may emanate from motor vehicles or motorcycles. NYS Vehicle and Traffic Law § 375 entitled "Equipment" addresses horns [§ 375(1)], uses of sirens/gongs by nonemergency vehicles [§ 375(26)], mufflers and exhaust systems [§ 375(31)], and vehicle audio systems [§ 375(47)].

B. No person shall operate a vehicle in such a manner as to cause unreasonable noise by spinning or squealing the tires of such vehicle.

C. No person shall allow noise from an automobile alarm in excess of five minutes after it has been activated.

§ F Vessels and Boats

Vessel and boat sound level limits and equipment shall be in compliance with provisions of any state law, including but not limited to § 44 of the New York State Navigation Law.

§ G Exceptions to prohibited noises

Regardless of the decibel limits, the provisions of this chapter shall not apply to:

A. Sound and vibration emitted for the purpose of alerting people in an emergency, including, but not limited to, sirens and public address systems.

B. Sound and vibration emitted in the performance of correcting an emergency.

C. Sounds created by bells, chimes or similar instruments and devices as part of a religious observance or service or used by a cemetery or school licensed or chartered by the State of New York.

D. Sounds from agricultural equipment when operated on a farm

E. Noise from equipment operated for the purpose of snow removal or ice control, including but not limited to snow blowers, snow throwers, sanders, and snow plows, provided such equipment is operated with a muffler.

F. Noise from a burglar alarm on any building or motor vehicle, provided such burglar alarm shall terminate its operation within five minutes after it has been activated. If the alarm does not terminate its operation within five minutes it shall nevertheless be exempt if there have been less than three such incidents involving the building or motor vehicle within the previous 12 months.

G. Noise from a public service facility or a public service industrial facility.

H. Noise from military, civic or authorized parades, or funeral processions.

I. Noise from emergency generators used during power outages.

J. Noise from construction, repair, and/or demolition performed by or on behalf of a governmental entity, and emergency work.

~~B. Purposes. Consistent with the general purposes of this Chapter, it is the intent of the performance standards to set specific controls on potentially objectionable external aspects of business and industrial uses in such a way as to:~~

~~1. Reduce to a reasonable minimum the dissemination of smoke, gas, dust, odor or other atmospheric pollutant outside the building in which the use is conducted.~~

~~2. Control noise perceptible beyond the boundaries of the site of the use.~~

~~3. Prevent the discharge of waste materials into any watercourse.~~

~~4. Prevent the dissemination of vibration, heat or electromagnetic interference beyond the immediate site on which the use is located.~~

~~5. Eliminate physical hazard by reason of fire, explosion, radiation or any similar cause.~~

~~6. Regulate and control the generation and flow of vehicular traffic so as to prevent hazardous conditions and traffic congestion in the streets.~~

~~C. Noise Standards.~~

~~1. Definitions. For the purposes of this section, the following terms shall have the meanings indicated:~~

~~DECIBEL -- A unit of measurement of intensity of sound (the sound pressure level).~~

~~OCTAVE BAND -- A means of dividing the range of sound frequencies into octaves, in order to classify sound according to pitch.~~

~~OCTAVE BAND FILTER -- An instrument, standardized by the American Standards Association, used in conjunction with a sound level meter to take measurements in specific octave bands.~~

~~SOUND LEVEL METER -- An instrument, standardized by the American Standards Association, used for measurement of the intensity of sound and calibrated in decibels.~~

~~2. Method of measurement. For the purpose of measuring the intensity and frequencies of sound, sound level meters and octave band filters shall be employed. Sounds of short duration, which cannot be measured accurately with the sound level meter, shall be~~

~~measured with an impact noise filter in order to determine the peak value of the impact.~~

~~3. Maximum permitted sound pressure levels. The decibels resulting from any activity, whether open or enclosed, shall not exceed, at any point on or beyond any lot line, the maximum decibel level for the designated octave bands as set forth in the following table, except that where the lot lies within 200 feet of a residential district, whether within or without the Town, the maximum permitted decibel level at any point on or beyond the district boundary shall be reduced by six decibels from the maximum permitted level set forth in the table, and further except that such reduction shall also apply to any sound emitted between the hours of 9:00 p.m. and 7:00 a.m., and all day Sundays.~~

<i>Octave Band (cycles per second)</i>	<i>Sound Pressure Level (decibels)</i>
0 to 74	66
75 to 149	58
150 to 299	55
300 to 599	50
600 to 1,199	45
1,200 to 2,399	42
2,400 to 4,799	38
4,800 to 20,000	35

DH. Vibration Standards.

1. Definitions. For the purposes of this section, the following terms shall have the meanings indicated:

FREQUENCY -- The number of oscillations per second of a vibration.

IMPACT VIBRATIONS -- Earthborn oscillations occurring in discrete pulses at or less than 100 per minute.

STEADY-STATE VIBRATIONS -- Continuous earth-born oscillations. Discrete pulses that occur more than 100 times per minute shall be considered "steady-state" vibrations.

THREE-COMPONENT MEASURING SYSTEM -- A device for recording the intensity of any vibration in three mutually perpendicular directions.

2. Method of measurement. For the purpose of measuring vibration, a three-component measuring system approved by the Town Engineer shall be employed.

3. Maximum permitted steady-state and impact vibrations. No activity shall cause or create a steady-state or impact vibration on any lot line with a vibration displacement by frequency bands in excess of that indicated in the following table:

<i>Frequency (cycles per second)</i>	<i>Vibration Displacement (inches)</i>	
	Steady-State	Impact
Under 10	0.0005	0.0010
10 to 19	0.0004	0.0008
20 to 29	0.0003	0.0006
30 to 39	0.0002	0.0004
40 and over	0.0001	0.0002

EJ. Standards for smoke, dust and other atmospheric pollutants

1. Definitions. For the purposes of this section, the following terms shall have the meanings indicated:

DUST -- Solid particulate matter capable of being air- or gas borne.

PARTICULATE MATTERS -- Any finely divided liquid or solid matter, including smoke, capable of being air- or gas borne.

RINGELMANN SMOKE CHART -- A chart for determining the density of smoke which is issued by the Federal Bureau of Mines.

SMOKE -- Any emission into the open air from any source, except emissions of an uncontaminated water vapor.

SMOKE UNIT -- A measure of the quantity of smoke being discharged and is the number obtained by multiplying the smoke density in a Ringelmann Smoke Chart by the time of emission in minutes. For example, the emission of Ringelmann Smoke Chart No. 1 for one minute equals one smoke unit.

2. Method of measurement. For the purpose of grading the density of smoke, the Ringelmann Smoke Chart shall be used to determine the total smoke units emitted. A reading shall be taken every minute for an hour, or, if less than an hour, until the total smoke units emitted exceed the number allowed by this Chapter. Each reading shall be multiplied by the number of minutes during which it was observed and the product added.

3. Maximum permitted emission of smoke. There shall be no measurable emission of smoke, gas or other atmospheric pollutant. The emission of one smoke unit per hour and smoke with discernible density of No. 1 on the Ringelmann Smoke Chart shall be prohibited.

4. Maximum permitted emission of dust.

(a) The emission of dust related to combustion for indirect heating from any source shall not exceed 0.30 pound of dust per thousand pounds of flue gas adjusted to 50% excess air for combustion.

(b) There shall be no measurable emission of dust or other particulate matter not related to combustion for indirect heating.

(c) All properties shall be suitably improved and maintained with appropriate landscaping and paving, or other type of improvement, so that there will be no measurable windblown dust or other similar types of air pollution created.

5. General control over smoke and other particulate matter. In addition to the preceding performance standards regulating the emission of smoke and other particulate matter, such emission shall not be permitted, regardless of quantity, if it will be in any way detrimental to or endanger the public health, safety, comfort or other aspects of the general welfare or cause or be a potential source of damage or injury to property.

EJ. Toxic or noxious matter. For the purpose of this section, toxic or noxious matter is defined as any solid, liquid or gaseous matter, including but not limited to gases, vapors, dusts, fumes and mists, containing properties which by chemical means are inherently harmful and likely to destroy life or impair health or likely to cause injury to the well-being of persons or damage to property. No use shall be permitted which will cause any dissemination whatsoever of toxic or noxious matter outside the building in which the use is conducted.

FK. Radiation. The handling, storage or disposal of radioactive materials or waste by-products, whether or not licensed by the Atomic Energy Commission, shall be conducted only in accordance with the standards established in Title 10, Chapter 1, Part 20, of the Code of Federal Regulations, entitled "Standards for Protection Against Radiation," as amended, and in accordance with any other applicable laws or regulations.

GL. Electromagnetic interference. No operation shall be permitted which produces any perceptible electromagnetic interference with normal radio or television reception in any area within or without the Town.

HM. Storage and control of combustible or explosive materials. No storage, utilization or manufacture of solid materials or products which burn actively and support combustion easily or which have a low ignition temperature, a high rate of burning or create great heat under ordinary temperature conditions shall be permitted.

IN. Restrictions on emission of heat. There shall be no emission of heat which would cause a temperature increase in excess of 1° F. along any adjoining lot line, whether such change is in the air, in the ground or in any watercourse or water body.

JO. Liquid or solid wastes.

1. Discharge control. The discharge of any and all wastes which may arise in connection with the use of any premises shall be permitted only if in complete accordance with all pertinent laws and regulations and shall be subject to the approval of the Ulster County Health Department, which may attach such conditions thereto as, in its opinion, are necessary to assure the furtherance of the purposes of this Chapter.

2. Facilities provided. Facilities shall be provided in an enclosed location for the storage of solid wastes and other refuse, which facilities shall be designed so as to discourage the breeding of rodents or insects and shall be located so as not to be visible from the street or from any adjoining property in a residential district.

KP. Evidence of Conformity. In the case of any application for the establishment of a use which, in the opinion of the Planning Board, may violate any of the preceding performance standards contained in this section, the Board may require the applicant, at his own expense, to provide such evidence as is necessary to determine whether or not the proposed use will conform. If the Planning Board determines it necessary, expert advice may be obtained, with the cost of such advice paid for in advance by the applicant as a condition of further consideration of the application. Any permitted use, once established, shall be maintained in strict accordance with the standards and requirements contained herein as a condition of its continuance.

LQ. Enforcement of performance standards. The noise control requirements established by this chapter shall be administered and enforced by the Town of Lloyd Code Enforcement Department and such other trained employees and/or officials authorized by the Town Supervisor.

If, in the judgment of the Code Enforcement Officer, there is a violation of the performance standards contained in this Chapter, the following procedures shall be followed:

1. The Code Enforcement Officer shall give written notice, by registered or certified mail, to the owner and tenants of property upon which the alleged violation occurs. Such notice shall describe the particulars of the alleged violation and the reasons why it is believed that there is a violation in fact and shall require an answer or correction of the alleged violation to the satisfaction of the Code Enforcement Officer within a reasonable time limit set by said Inspector. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Code Enforcement Officer within the time limit constitutes admission of a violation of this Chapter. The notice shall further state that, upon the request of those to whom it is directed, technical determinations of the nature and extent of the violation as alleged will be made and that, if 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 that no violation exists, costs of 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 Code Enforcement Officer, he or she shall note "Violation Corrected" on his copy of the notice and shall retain it among his records.

3. If there is no reply within the time limit set, thus establishing admission of a violation of this Chapter, and the alleged violation is not corrected to the satisfaction of the Code Enforcement Officer within the time limit set, he or she shall proceed to take action in accordance with this Chapter.

ARTICLE V Penalties (§ 10)

§ R Penalties for Offenses

Any person who violated any provision of this chapter shall be deemed guilty of an offense and, upon conviction thereof, shall be subject to penalties in the following manner:

- A. Upon a first conviction, by a fine not less than \$50 and not more than \$250 or by imprisonment for a period not to exceed seven days, or by both such fine and imprisonment.
- B. Upon a second conviction, by a fine not less than \$100 and not more than \$250 or by imprisonment for a period not to exceed 10 days, or by both such fine and imprisonment.
- C. Upon a third or subsequent conviction, by a fine not less than \$250 or by imprisonment for a period not to exceed 15 days, or by both such fine and imprisonment.
- D. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct offense.

ARTICLE VI

Variances

§ S Application for special variance

The Zoning Appeals Board of the Town of Lloyd shall have the authority to grant special variances for the purposes of this chapter. Any person seeking a special variance pursuant to this section shall file an application with the Board. The application shall consist of a letter signed by the applicant and shall contain a legal form of verification. Such letter shall contain information which demonstrates that bringing the source of sound or activity for which the variance is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community or on other persons. In addition, the following information shall be provided:

- A. The plans, specifications and any other information pertinent to the source of sound and vibration.
- B. The characteristics of the sound and vibration emitted by the source, including but not limited to the sound levels, the presence of impulse sounds or discrete (pure) tones, the day(s) and hours during which such vibration and sound is generated.
- C. The noise abatement and control methods used to restrict the emissions of the sound and vibration.
- D. A time schedule for the installation of noise abatement and control devices, technology and procedures or process modifications that will be followed to restrict the emissions of sounds and vibrations.
- E. The name and address of the applicant and the applicant's agent, if any, and whether the applicant is the owner, lessee, licensee, etc., of the premises. If the applicant is not the owner, the application must contain the written consent of the owner.
- F. The names and addresses of all owners of contiguous land within 200 feet of the premises. The applicant in like manner shall give notice of the application by certified mail return, receipt requested, to all property owners surrounding the sound source site within a radius of 200 feet from the borders of said site.

G. A filing fee, as set by resolution of the Town Board of the Town of Lloyd.

§ T Public Hearing and decision

Upon prior reasonable public notice published in the official newspaper of the Town of Lloyd and placed upon a public notice board designated for that purpose by the Town Clerk for a minimum of five days, the Zoning Appeals Board shall hold a public hearing on the special variance application. The Board, upon reviewing all input from the public hearing and obtaining any additional data or information as deemed necessary, shall then pass upon the application by resolution. The decision shall be transmitted to the Town Clerk, who will advise the applicant of such decision by transmitting a copy of the special variance application to the applicant, with the decision and conditions, if any, imposed by the Zoning Board attached.

§ U Applicant to acquire other necessary permits or approvals.

This chapter does not preclude the necessity of the applicant to obtain the approval or permit required by any other agency before proceeding with the action approved under the approved special variance. No action may be initiated by the applicant until such time that other permits, as may be required, are issued.

§ V Variance available to inspection

The applicant or his agent shall have readily available the approved special variance at the location or site for which the variance has been issued and shall show same to any agent of the Town whenever requested.

§ W Activity open to inspection

Activity conducted under the special variance shall be open to inspection at any time by any agent of the Town.

§ X Powers and Duties of the Zoning Board of Appeals

A. In determining whether to grant or deny the application, the Board shall balance the hardship to the applicant, the community and other persons of not granting the variance against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on the property affected and any other adverse impacts of granting the special variance.

B. In connection with this section, the Board shall cause the taking of sound level readings in the event that there shall be any dispute as to the sound levels prevailing or to prevail at the sound source site.

C. The Board shall have the power to impose restrictions, conditions and the recording of covenants upon any sound source site, including time limits on permitted activity in the event that it shall grant any variance hereunder.

§ Y Conflicts

If this chapter conflicts with any local, state, or federal legislation then, in that instance, the more stringent law shall apply. A law shall be determined to be more stringent if it permits less noise.

§ 100-~~3940~~. Wireless telecommunications facilities

A. Purpose. The purpose of this section is to promote the health, safety and welfare of the residents of the Town of Lloyd and to preserve the scenic, historic, natural and man-made character and appearance of the Town while simultaneously providing standards for the safe provision, monitoring and removal of wireless telecommunications facilities consistent with

applicable federal and state regulations; to minimize the total number of telecommunications towers in the community by encouraging shared use of existing towers, tall buildings and other high structures; to protect the natural features and aesthetic character of the Town, with special attention to open space, mountain ridges, recreation areas, historic sites, and scenic roads and views, by requiring careful siting and configuration, visual impact assessment, appropriate landscaping, and camouflaging of telecommunications towers; and to provide a procedural basis for action within a reasonable period of time for requests for authorization to place, construct, operate or modify wireless telecommunications facilities.

B. Use regulations. Any proposed user of wireless telecommunications facilities shall be an FCC-licensed provider of wireless telecommunications facilities. Wireless telecommunications facilities, if permitted by the Use Table in § 100-12, shall require one of the following: a building permit only (see subsection 1 below); a building permit and site plan approval of the Planning Board (see subsection 1(e) below); or a building permit, site plan approval and special permit approval of the Planning Board, as provided in the remainder of this § 100-39.

1. The location or co-location of wireless telecommunications facilities on an approved telecommunications tower, or a tall structure is a permitted use subject to the issuance of a building permit, provided the Code Enforcement Officer determines that the location or co-location does not:

(a) Increase the original approved height of the supporting structure by more than ten (10) percent;

(b) Cause the original approved number of antennas to be exceeded by more than fifty (50) percent;

(c) Increase the original approved square footage of accessory buildings by more than 200 square feet;

(d) Add new or additional microwave antenna dishes; or

(e) Expand the footprint of said support structure or cause adverse impacts on the existing support structure or the surrounding area. If the Code Enforcement Officer cannot make these findings, site plan approval will be required from the Planning Board and the Code Enforcement Officer shall refer the matter to the Planning Board.

2. New telecommunications tower construction, or modification, reconstruction or enlargement of such towers, is subject to obtaining site plan approval and special use permit approval from the Planning Board pursuant to § 100-40 of this Chapter, as well as the standards and requirements hereafter established in this section. Applications for a special use permit under this subsection shall be a Type I action under the New York State Environmental Quality Review Act.

3. Construction of wireless telecommunications towers shall comply with the

Code of Federal Regulations pertaining to objects affecting navigable airspace as delineated with Federal Aviation Regulation (FAR) Part 77. Additionally, no application for construction of a telecommunications tower will be approved if the proposed tower violates the criteria for obstructions to air navigation as established by FAR Part 77.

C. Requirements for co-location proposals. At all times, shared use of existing tall structures and existing or approved wireless telecommunications towers shall be preferred to the construction of new wireless telecommunications towers.

1. Applications pursuant to subsection B(1) shall be made to the Code Enforcement Officer and shall include the following:

(a) A completed application for a building permit.

(b) Documentation of consent from the owner of the existing tall structure or tower to allow shared use.

(c) A report by a professional engineer certifying that the proposed shared use will not diminish the structural integrity and safety of the tall structure or tower, and explaining what modifications, if any, will be required in order to certify the above.

(d) A copy of applicable Federal Communications Commission license.

(e) A statement, certified by a radio frequency engineer, that the installation of the proposed antenna, including reception and transmission functions, will not interfere with the radio, television or other wireless services enjoyed by residential and nonresidential properties or with public safety communications in proximity to the site.

(f) A statement certified by a radio frequency engineer, that the facility will not exceed the maximum permissible exposure levels for the level of electromagnetic radiation, using standards in accordance with the FCC Guidelines for Evaluating the Environmental Effects of Radio Frequency Radiation (FCC Guidelines).

(g) Proof that the wireless telecommunications facility shall be fully automated and requiring only occasional maintenance of the facility and site.

2. Applicants that do not meet the requirements of subsection B1(a) through (e) shall provide, in addition to the requirements of subsection C1, a site plan which shall show all existing and proposed structures and improvements, including antennas, roads, buildings, guy wires and anchors, parking and landscaping, grading plans for new facilities and roads, and such other information as the Planning Board deems appropriate in its review of the application. Any methods used to conceal the modifications of the existing facility shall be indicated on the site plan.

D. Requirements for new wireless telecommunications towers.

1. The Planning Board may consider a special use permit request to locate a new wireless telecommunications tower if the applicant can:

(a) Demonstrate that shared use of existing tall structures and existing or approved telecommunications towers are undesirable due to structural deficiencies;

(b) Provide documented evidence that a site is unavailable because the owner is not willing to participate in a lease of ownership agreement;

(c) Provide documented evidence that the site will not work for technical reasons; or

(d) Demonstrate that the applicant's proposed location or co-location on the site would have an adverse impact on the surrounding area.

2. An applicant for a new telecommunications tower shall also obtain site plan approval from the Planning Board and shall submit a completed Full Environmental Assessment Form (EAF) and a completed Visual EAF Addendum.

3. An applicant shall be required to present an adequate report with an inventory of all existing tall structures and existing or approved telecommunications towers within a two-mile radius of the proposed site. The site inventory shall include: a map showing the exact location of each site inventoried, including latitude and longitude (degrees, minutes, seconds); ground elevation above sea level; and height of the structure and/or tower of the inventoried location. The report shall outline opportunities for shared use of these facilities as an alternative to a proposed new wireless telecommunications tower. The report shall demonstrate good faith efforts to secure shared use from the owner of each potential existing tall structure and existing or approved telecommunications tower, as well as documentation of the physical, technical and/or financial reasons why shared usage is not practical in each case. Written requests and responses for shared use shall be provided. The report shall include the following information to permit the Planning Board to evaluate the need for the new wireless telecommunications tower site:

(a) Information establishing the present need for the proposed wireless telecommunications tower. Special use permits are to be based on actual need and not on speculation of future needs.

(b) RF signal coverage plots depicting the anticipated radio frequency coverage for the proposed site.

(c) RF coverage plots depicting evidence that the proposed area to be provided coverage by the proposed new tower is currently deficient in radio frequency coverage.

(d) The type, manufacturer, model number of the proposed tower.

(e) The height of the proposed tower, including the height of any antenna structure above the supporting structure of the tower.

(f) The number of proposed antennas, type, manufacturer, model number, dB gain, size, and orientation on the proposed tower.

(g) Such other information as may be deemed necessary by the Planning Board so as to make a thorough evaluation of the applicant's proposal.

4. Applicants shall design proposed new wireless telecommunications towers structurally, electrically and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the mount is over 100 feet in height or for at least one additional user if the mount is over 60 feet in height. Mounts must be designed to allow for future rearrangement of antennas upon the mount and to accept antennas mounted at varying height. Applications for new wireless telecommunications towers shall include an agreement committing the owner of the proposed new tower, and its successors in interest, to negotiate in good faith for shared use of said tower by any wireless service providers in the future. This agreement shall be filed with the Code Enforcement Officer prior to issuance of a building permit. Failure to abide by the conditions outlined in the agreement shall be grounds for the revocation of a special use permit. The agreement shall commit the wireless telecommunications tower and lessee and their successors in interest to:

(a) Respond within 45 days to a request for information from a potential shared-use applicant.

(b) Negotiate in good faith concerning future requests for shared use of the new telecommunications tower by other wireless service providers.

(c) Allow shared use of the telecommunications tower if another wireless service provider agrees in writing to pay reasonable and customary charges in the prevailing market. The charges may include, for instance, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity and depreciation, and all of the costs of adapting the tower or equipment to accommodate shared use without causing electromagnetic interference.

E. Special use permit submission requirements. Applications to the Planning Board for a special use permit shall be made in accordance with § 100-40 and shall also include the following:

1. The information required in subsection D.

2. Information and documentation indicating and identifying areas within the Town where wireless telecommunications coverage by the applicant remains inadequate. Applicants may be required to provide sufficient information to the Town so as to clearly identify and describe the applicant's telecommunications coverage master plan or siting and/or coverage plan.

3. A report certified by a radio frequency engineer regarding nonionizing electromagnetic radiation for the proposed site. Such report will provide sufficient information to detail the amount of radio frequency radiation expected from the proposed site. Additionally, the engineer's report will comply with the FCC reporting criteria, as amended, for a cumulative report, reporting levels of anticipated exposure from all users on the site. The report must indicate whether or not the proposed telecommunications tower will comply with FCC emission standards.

4. Proposed location of antenna, mount and equipment shelter(s), with total elevation dimensions and height.

5. Proposed security barrier, indicating type and extent as well as point of controlled entry.

6. Drawings, dimensioned and to scale, which show the ultimate appearance and operation of the wireless telecommunications facility at full buildout, including representations of the proposed mount, antennas, equipment shelters, cable runs, driveways, parking areas and any other construction or development attendant to the wireless telecommunications facility. If the security barrier will block views of the wireless telecommunications facility, the barrier drawing shall be cut away to show the view behind the barrier.

7. Materials of the proposed facility specified by generic type and specific treatment. These shall be provided for the antennas, mounts, equipment shelters, cables, as well as cable runs, and security barrier. Specific stealth products and features shall be provided.

8. Colors of the proposed facility represented by a color board showing actual colors proposed. Colors shall be provided for the antennas, mounts, equipment shelters, cables, as well and cable runs, and security barrier.

9. Landscape plan, including existing trees and shrubs that would provide screening of the proposed facility, by dominant species and current height and those proposed to be added, identified by size of specimen at installation and species.

10. The following material shall be provided to allow the Planning Board to determine the level of visual impact and the appropriateness of the facility:

(a) Existing (before condition) color photographs (minimum size 8 inches by 10 inches) of views of the site from key viewpoints both inside and outside of the Town, including but not limited to: state highways and other major roads, state and local parks, other public lands, preserves and historic sites normally open to the public, scenic roads and scenic views identified in the Lloyd *Comprehensive Plan*, and from any other location where the site is visible to a large number of residents or visitors. The Planning Board shall determine the key viewpoints from which the site shall be photographed.

(b) Proposed (after condition) simulations. Each of the existing condition photographs shall have the proposed wireless telecommunications facility superimposed on it to show what would be seen from the key viewpoints if the proposed facility were built.

11. Within 45 days of filing an application for a special use permit, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of the proposed facility. The dates, (including a second date in case of poor visibility or unfavorable wind conditions), times, and location of such test shall be advertised in the official newspaper of the Town at least 14, but not more than 21 days, prior to the test. The applicant shall meet with the Planning Board prior to arranging for the balloon test to review and agree upon acceptable dates, times and locations from which the photographs shall be taken.

12. A photometric plan of all lighting on the site, including tower lighting if required.

13. Waivers. The Planning Board may waive one or more of the application filing requirements of this subsection if it finds that such information is not needed for a thorough review of a proposed wireless telecommunications facility, based upon a specific request of the applicant.

F. Special requirements for new wireless telecommunications towers. Any special use permit for a new wireless telecommunications tower shall be subject to the following standards:

1. Height. Notwithstanding the height restrictions listed elsewhere in this Chapter, the maximum height of any new wireless telecommunications facility shall be 120 feet above natural ground level.

2. Setbacks. All wireless telecommunications facilities and their equipment shelters shall be located on a single lot and shall comply with the building setback provisions of the zoning district in which the facility is located. In addition, the following setbacks shall be observed: the minimum distance from the base of any new tower to any property line, road, dwelling, business or institutional use, accessory structure or public recreation area shall be the height of the tower, including any antennas or other appurtenances, in order to preserve a safe "fall zone," which is the area on the ground within a radius from the base of a tower where there is a potential hazard from falling debris (such as ice) or collapsing material.

3. Camouflage. New wireless telecommunications towers shall be camouflaged to the greatest extent possible to minimize the adverse visual and aesthetic impacts of the facility as follows:

(a) Camouflage by buffers of existing dense tree growth and understory vegetation in all directions to create an effective year-round visual buffer of sufficient height and depth to effectively screen the entire facility, with the exception of the top ten (10) feet of the tower which may protrude above the height of the immediately surrounding

vegetation. Where the bulk of the facility is screened, but portions remain unscreened, the Planning Board shall determine the types of trees and plant materials to be provided and depth of the needed increased buffer based on-site conditions.

(b) Camouflage by design. To the extent that any wireless telecommunications tower extends higher than ten (10) feet above the height of the immediately surrounding vegetation, it shall be camouflaged to resemble or mimic a native coniferous species of tree so as to minimize the adverse visual and aesthetic impact, unless otherwise required by the Planning Board. Towers may also be camouflaged by other means, such as new construction of a silo, flagpole, clock tower, bell tower, cross tower, steeple or other innovative replication of a structure that would be consistent with the character of the community as determined by the Planning Board.

4. Tower design. The design of a proposed new wireless telecommunications tower shall comply with the following:

(a) Any new telecommunications tower shall be designed to accommodate future shared use by other carriers, as provided in subsection D4.

(b) Unless specifically required by other regulations, a telecommunications tower shall have a finish (either painted or unpainted) that minimizes the degree of visibility.

(c) Towers must be placed to minimize visual impacts. Applicants shall place towers on the side slope of terrain so that, as much as possible, the top of the tower does not protrude over the ridge line, as seen from public ways.

(d) Wireless telecommunications facilities shall not be artificially lighted or display strobe lights unless required by the FAA or other applicable authority. Security lighting of equipment structures and other facilities on site shall be shielded from abutting properties and footcandle measurements at the property line shall be 0.0 initial footcandles when measured at grade.

(e) No portion of any wireless telecommunications facility shall be used for a sign or other advertising purpose, with the exception of identification signage, which shall be limited to one sign of no greater than two (2) square feet indicating the name of the facility owner(s), and twenty-four hour emergency telephone numbers posted adjacent to any entry gate. In addition, "No Trespassing," or other warning signs may be posted on the fence. All signs shall comply with the sign requirements of the Town.

(f) Accessory structures shall be limited to equipment shelters only and shall maximize the use of building materials, colors and textures designed to blend with the natural surroundings. Equipment shelters shall be no more than twelve (12) feet high and shall be used only for housing of equipment related to the particular site. Whenever possible, multiple equipment shelters shall be joined or clustered so as to appear as one building. Equipment shelters shall be camouflaged behind an effective year-round landscape buffer equal to the height

of the proposed building. The Planning Board shall determine the types of plant materials and depth of the needed buffer based on-site conditions.

(g) Wireless telecommunications facilities shall be designed by a licensed professional engineer to withstand overturning and failure. In the event of failure, towers and facilities shall be designed so that they will fall within the setback area of the site and/or away from adjacent residential properties. The Planning Board shall require a foundation design and certificate of safety from the carrier to document structural soundness.

(h) All wireless telecommunications facilities shall be provided with security measures, such as fencing, anti-climbing devices, electronic monitoring and other methods, sufficient to prevent unauthorized entry and vandalism. Fencing shall include a locking security gate. Electrified fence, barbed or razor wire shall be prohibited. Chain-link fencing shall include the use of screening slats of an earth-tone color.

(i) All electric power supply and telephone service lines to new wireless telecommunications towers facilities shall be installed underground from the existing power source.

5. Existing vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible.

6. Screening. Deciduous or evergreen tree plantings may be required to screen portions of the wireless telecommunications tower and accessory structures from nearby residential property or public property known to include important views or vistas. Where a site adjoins a residential property or public property including streets, screening suitable in type, size and quantity shall be required by the Planning Board.

7. Access and parking.

(a) Adequate emergency and service access shall be provided and maintained. Any driveway shall meet the requirements of the Planning Board and the highway authority for the road on which the driveway fronts.

(b) Maximum use of existing roads, public and private, shall be made, consistent with safety and aesthetic considerations.

(c) Road construction shall minimize ground and vegetation disturbance. Road grades shall closely follow natural contours to reduce soil erosion potential and to ensure that roads are aesthetically compatible with the character of the surrounding area.

(d) Unpaved roads shall be considered unless conditions require paving, as determined by the Planning Board in consultation with the appropriate authorities or consultants.

(e) Sufficient parking shall be provided to assure adequate emergency

and service access. The Planning Board shall determine the number of required spaces, but in no case shall fewer than two (2) spaces be provided.

8. Noise. The applicant shall demonstrate to the Planning Board that adequate measures have been taken to screen and abate site noises such as heating and ventilating units, air conditioner and emergency power generators. Wireless telecommunications facilities shall comply with all applicable sections of the Town Code as it pertains to noise control and abatement.

9. Radio frequency radiation (RFR) standards. All equipment proposed for a wireless telecommunications facility shall be authorized per the FCC Guidelines. The owner of the facility shall submit evidence of compliance with the FCC Guidelines on a yearly basis to the Town Board. If new, more restrictive standards are adopted by any appropriate federal or state agency, the facility shall be made to comply or continued operations may be restricted by the Town Board. The cost of verification of compliance shall be borne by the owner and operator of the facility.

10. Environmental standards.

(a) Wireless telecommunications facilities shall not be located in wetlands or in regulated wetland adjacent areas, in endangered, threatened, or special concern species habitats, water bodies, historic, or archaeological sites.

(b) No hazardous waste shall be discharged on the site of any wireless telecommunications facility. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least 110% of the volume of the hazardous materials stored or used on the site.

(c) Any increase in stormwater runoff generated by the use shall be contained on site.

11. Review. The Planning Board may request a review of the application at the applicant's expense by a qualified professional engineer, radio frequency engineer, and/or consultant in order to evaluate the application. Fees for the review of the application by such engineer and/or consultant are in addition to the application fee, and shall be the sole responsibility of the applicant.

12. Bonding. Before obtaining or renewing a special use permit, the applicant shall provide financial surety in an amount acceptable to the Town Board (in consultation with the Planning Board and the Attorney for the Town) to ensure full and complete performance of all conditions imposed by the Planning Board as a requirement of the special use permit.

G. Modifications. A modification of a wireless telecommunications facility may be considered equivalent to an application for a new facility and will require a special use permit when the following events apply:

1. The applicant intends to alter the terms of the special use permit by changing the number of facilities permitted on site or by changing the technology used for the facility.

2. The applicant intends to add any equipment or additional height not specified in the original design filing.

H. Monitoring and maintenance. The applicant or owner of the subject premises shall maintain the wireless telecommunications facility in good condition, including, but not limited to: structural integrity of the mount and security barrier; painting; maintenance of stealth technology camouflaging; and maintenance of the buffer areas and landscaping in a healthy state or replaced as necessary to provide continuing camouflaging. Telecommunications facilities over 100 feet in height shall be inspected annually by a professional engineer, and a copy of the certified inspection report shall be submitted to the Town of Lloyd Building Inspector. Telecommunications facilities less than 100 feet in height shall be inspected every five (5) years by a professional engineer and a copy of the certified inspection report shall be submitted to the Town of Lloyd Building Inspector.

I. Removal of facilities.

1. Wireless telecommunications facilities shall be removed by the applicant or owner of the subject premises when they are no longer used or needed for their original purpose, or if a special use permit for the facility has expired or been terminated. Potential future use of any facility for commercial communications service is not sufficient to avoid the requirement for removal.

2. If the removal of a wireless telecommunications facility is required, accessory buildings and other structures shall also be removed unless:

(a) The landowner wishes to retain these structures and communicates this in writing to the Planning Board; and

(b) The retention of these structures will comply with the Zoning Law; and

(c) The Planning Board agrees that removal of these structures is not required.

3. All applications for approval of new wireless telecommunications towers shall be accompanied by a plan covering reclamation of the site after removal of the tower. Reclamation shall include landscaping, removal of structures, utility lines and accessory structures, and shall encompass the building site and buffer area controlled by the facility owner. No approvals shall be given under this section until all owners of the subject premises give the Town, in a form acceptable to the Town Attorney, a recordable instrument, running with the land, granting the Town the right to enter the premises to remove the tower or facilities in the

event of the owner's failure to comply within three months with a lawful written directive to do so by the Code Enforcement Officer, and giving the Town the right, after fair notice and opportunity to be heard before the Town Board by the owner(s) of the premises, to charge the actual costs associated with the removal by adding that charge to and making it a part of the next annual real property assessment roll of the Town of Lloyd to be levied and collected in the same manner and at the same time as town-assessed real property taxes. The giving of such an agreement to the Town shall not preclude the Town from pursuing the alternative enforcement actions of seeking an injunction from a court of competent jurisdiction to compel removal, or seeking judgment to recover the costs, together with reasonable and necessary engineering and attorney's fees, of removal by the Town. The Town may secure removal of towers and facilities hereunder by requiring the applicant and/or the owner(s) of the premises to provide an undertaking and a continuing letter of credit covering the projected costs of removal.

J. Insurance. The applicant and the owner of the property where the wireless telecommunications facilities is to be located shall provide the Town Building Department with proof of liability insurance in an amount not less than \$3,000,000 to cover potential personal injury and property damage associated with construction and subsequent operation and maintenance, and the policies or insurance shall name the Town of Lloyd as an additional insured.

K. Term of special use permit.

1. Special use permits issued under this section shall expire ten (10) years after approval unless reissued by the Planning Board prior to said expiration date.

2. Upon initial issuance of a special use permit, the new facility shall be put into operation within two (2) years of the Planning Board approval of the special use permit. If the facility is not in operation within this time frame, the special use permit shall expire.

3. It shall be the responsibility of the holder of the special permit to inform the Town of Lloyd of any change in or termination of contractual agreements which affect the special use permit within 30 days of such change. Any material change in the conditions under which a special use permit was granted shall result in the immediate termination of the special use permit unless agreement has been obtained from the Planning Board prior to the change. These material changes include but are not limited to:

(a) Changes in supporting structures (such as towers), accessory buildings or access roads.

(b) A change in ownership of the facility or the property on which the facility is installed shall require notification to the Code Enforcement Officer by the holder of the special use permit but will not terminate such permit.

(c) Cessation of use by the FCC licensed carrier which has a special use permit for use of the facility.

(d) A change in the FCC licensed user of the specially permitted facility. Nothing herein shall prohibit another FCC licensed carrier from using the facility so long as that carrier provides evidence of need to use that facility and acquires a special use permit under this Chapter.

(e) Loss of the user's FCC license to provide commercial communications services within the Town of Lloyd.

(f) Violation of the Town of Lloyd Zoning Law, on or with regard to the facility by the holder(s) of the special use permit or the owner of the land on which the facility is installed.

ARTICLE 7: SPECIAL USE PERMITS

§ 100-~~404~~41. General Requirements and Standards

A. Purpose. All uses listed as subject to Special Use Permit approval and, if approved, also subject to additional standards are declared to possess characteristics of such unique and distinct form that each specific use shall be considered as an individual case, and they shall conform but shall not be limited to the following general requirements, as well as the pertinent specific requirements found in this Article.

B. Application for Special Use Permit. Application for required Special Use Permits shall be made to the Planning Board. The Planning Board, after public hearing with the same notice required by law for site plans, may authorize the issuance of a Special Use Permit, provided that it shall find that all of the following conditions and standards have been met in addition to the pertinent specific requirements found in this Article. Also, a fee established by the Town Board must be paid for each application. The applicant must pay all special consulting fees for engineers, planning consultants, and attorneys retained by the Town in accordance with § 100-56 as required by the Planning Board. The applicant shall pay all required fees prior to the Planning Board's consideration of the application by depositing funds with the Town and upon the request of the Town replenishing said account.

C. Special Use Permit General Standards. If the Planning Board shall find that any of the following conditions have not been met, the Special Use Permit application shall be denied:

1. The location and size of the use; the nature and intensity of the operations involved in or conducted in connection with it; the prevailing character of the neighborhood within the district; the public health, safety and welfare; the size of the site in relation to it; and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located. In addition, the Planning Board shall utilize the compatibility objectives of site plan review set forth in § 100-52B2 and the guidelines set forth in § 100-30 and Appendix A, Design Standards and Guidelines for Business Districts included at the end of this Chapter as a basis for its review and

determination in addition to those criteria set forth in this Article.

2. The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site are such that the use will encourage the appropriate development and use of adjacent land and buildings.

3. Operations in connection with any special use will not be more objectionable to nearby properties by reason of traffic, noise, fumes, vibration or flashing of lights than would be the operations of any permitted use not requiring a Special Use Permit.

4. Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

5. An Environmental Assessment Form has been properly filed, containing any supplemental information deemed pertinent to the application, and a determination according to SEQR has been made.

D. Required Site Plan. Where a site plan is required for a Special Use Permit, a site plan conforming with the requirements of Article 8 shall be submitted to the Planning Board. The Planning Board shall determine the requirements of the submitted site plan on a case by case basis.

E. Conditions and safeguards. The Planning Board shall attach such conditions and safeguards to the Special Use Permit as are necessary to assure continual conformance to all applicable standards and requirements.

F. Expiration of Special Use Permits. A Special Use Permit shall be deemed to authorize only the particular use or uses specified in the permit and shall expire if said use or uses shall cease for more than 12 months for any reason. The Planning Board may elect to set a term for the expiration of the Special Use Permit.

G. Permits not issued where violations exist. No permit shall be issued for a special use for a property upon which there is an existing violation.

H. If a required area variance is necessary, application may be made to the Zoning Board of Appeals for an area variance pursuant to NYS Town Law § 267-b without a decision or determination of an administrative official charged with the enforcement of the zoning regulations.

§ 100-4142. Specific Standards.

A. In addition to the general standards stated above and the site plan design criteria and review considerations stated in Article 8 of this Chapter, the following specific standards

shall be complied with for the particular special permit uses cited below.

§ 100-~~4243~~. Accessory Apartments

A. One accessory apartment per single-family dwelling shall be allowed by special use permit within an accessory structure or building, or principal building as provided in the Use Table provided that:

1. The principal dwelling on the premises is owner-occupied.
2. The lot containing the accessory apartment contains the minimum acreage for the zoning district as set forth in the Dimensional Table, unless it is located in an approved Conservation Subdivision.
3. The accessory apartment shall not be counted as a residential unit for the purposes of determining density.
4. The accessory apartment is self-contained, with separate cooking, sleeping, and sanitary facilities for use by the occupant(s).
5. The accessory apartment is subordinate to the principal residence and contains no greater than 650 square feet of gross floor area.
6. Off-street parking shall be provided in accordance with § 100-29.
7. Approval has been granted by the Ulster County Health Department for any required on-site sanitary or water supply system, including, as may be applicable, a determination that the water supply and sewage disposal facilities are adequate to accommodate the additional demands of the accessory apartment.
8. No exterior changes shall be made which will alter or extend the existing foundation of the principal structure more than 50 square feet or cause the extended structure to encroach upon any required setback area.
9. Any additional exterior entrances that may be created for the principal structure shall be located at the side or rear of the structure.
10. If an accessory apartment is created through the conversion of an accessory structure more than 50 years old, the conversion shall be accomplished in a manner that preserves the historic architectural features of the structure.
11. No exterior changes will be made which will extend the existing foundation of an accessory structure more than 100 square feet, cause the extended structure to encroach upon any required setback area, or hide historic architectural features.
12. Site plan review shall be required for an accessory structure created by new construction for an accessory apartment. Such structures:

(a) Shall meet the minimum setback requirements for a principal structure within the zoning district as set forth in the Dimensional Table, unless it is located in an approved Conservation Subdivision.

(b) Should appear related to the principal dwelling and resemble a garage or gatehouse or other traditional rural structure.

13. The applicant acknowledges in writing to the Town of Lloyd the understanding that should the parcel be sold, the Town Code Enforcement Officer is authorized to conduct a site visit to verify that the accessory apartment is in compliance with the conditions of the special use permit issued for the property.

| § 100-4344. **Cemeteries.**

A. Cemeteries shall be allowed by special use permit all Districts, provided that:

1. No burial or memorial plats or buildings shall be located closer than one hundred (100) feet to any residential lot line, except that when a dense evergreen hedge or wall or landscaped strip at least six (6) feet in height providing complete visual screening from all adjacent residential property is provided, burial or memorial plats of less than six (6) feet in height may be located as close as twenty-five (25) feet to any residential lot line.

2. All burials shall be undertaken in strict accordance with applicable regulations of the New York State Department of State and the Department of Health.

| § 100-4445. **Commercial Timber Harvesting**

A. Commercial timber harvesting shall be allowed by special use permit in the A, R-2 and R-1 Zoning Districts provided that:

1. All parcels of two or more acres of forest vegetation, whether on one lot or on two or more contiguous lots to be harvested, shall be subject to a special use permit under these provisions.

2. A forest management plan shall be submitted prior to the beginning of any clearing or cutting. This plan shall include information pertaining to the following:

- (a) Land area of parcel to be logged;
- (b) Location of land area on tax maps;
- (c) Approximate existing number of trees;
- (d) Approximate number of trees to be harvested;

- (e) Impact on all streams and waterways on the parcel;
- (f) Site-specific measures for the prevention of erosion and preservation of wildlife habitats;
- (g) Measures for the preservation of aesthetic values of the land;
- (h) Maintenance and/or repair of roads, loading areas and access paths;
- (i) Establishment of buffer zones to mitigate visual impact from roads, nearby elevations and neighboring parcels;
- (j) Cleanup and reclamation plans;
- (k) Locations of major skid roads and landing areas; and
- (l) A time schedule for all of the above activities.

3. The Planning Board may engage a forestry consultant to examine the commercial timber harvesting proposal.

4. The Planning Board shall receive and approve a signed contract between the logger and property owner or owners.

5. The Planning Board shall require a performance bond or equivalent security to ensure proper cleanup and implementation of the forest management plan. In the case of a bond, the Town of Lloyd shall be named as an additional beneficiary insured. In the case of a security, the Town of Lloyd shall be named as a holder of the security.

6. All New York State Department of Environmental Conservation (DEC) regulations shall be strictly adhered to by the special use permit holder, and all required stream bank disturbance permits shall be secured and in effect before the commencement of logging.

7. An appropriate buffer of trees shall be maintained contiguous to any neighboring lot line or road.

8. No operations shall take place between Monday to Friday from 4:00 p.m. and 8:00 a.m. and no operations are permitted in Saturday and Sunday.

9. Excluded from special use permit shall be the harvesting of Christmas trees; the clearing of land for rights-of-way for utilities; reasonable site clearing preparatory to construction of a building for which a building permit has been issued; the clearing and maintenance of land for agricultural purposes; and the harvesting of trees and firewood for the personal use of the property owner not to exceed 20 cords per year.

10. Except for site clearing for the clearing of land for rights-of-way for utilities and reasonable site clearing preparatory to construction of a building for which a building permit has been issued as provided in § 100-44A9 above, no clear-cutting shall be permitted on any lands within the Town. Live trees less than eight inches in diameter are not to be cut or removed during a commercial timber harvest.

§ 100-4546. Continuing Care Retirement Community

A. The purpose of this section is to provide for a new type of residential dwelling unit development for persons who are at least 62 years of age or older, such residential dwelling units to provide a continuum of accommodations and care, including at least the following three components: independent living, enriched housing or adult home, and nursing care units; and which provides continuing care as an integral part of the residential development.

B. Continuing Care Retirement Communities shall be allowed by special use permit in the R-¼, R-½, R-1, R-2, TND and MUD Districts, subject to the following conditions:

1. A continuing care retirement community (CCRC) must be age restricted, must include independent living units in single-family, two-family or multifamily structures and must also include enriched housing or adult home units and nursing care units.

2. The CCRC shall also include facilities and arrangements for providing continuing care and meals for residents, with or without common dining facilities, and may involve accessory services customarily incidental to a continuing care retirement community.

3. A CCRC use shall be designed and intended to and shall offer or provide, at a minimum, services to meet the daily physical needs of elderly persons, as follows:

- (a) Medical care.
- (b) Service of three meals a day.
- (c) Maid and cleaning service of individual dwelling units.
- (d) Regular local transportation to and from community facilities and shopping areas.
- (e) Janitorial service of common areas and maintenance of facility grounds.

4. The combined number of enriched housing, adult home and nursing care units shall not be less than twenty-five (25) percent nor more than sixty (60) percent of the total number of independent living units.

5. There shall be a variety of design, architectural styles, and setbacks for the purpose of presenting an aesthetically desirable overall effect over the entire development with varied elevations and appearances and without excess uniformity.

6. Age group design. In addition to the standards and criteria set forth above, a CCRC shall be designed especially for persons who are at least 62 years of age or older, incorporating necessary safety and convenience features. In general, the site amenities are more critical than for multi-family projects, since residents will spend nearly all their time at the complex. Yards and passive recreation areas shall be fully landscaped. There shall be yards and court areas for a variety of passive activities. Safety must be emphasized in the design. Particular attention shall be given to pedestrian use. Vehicular circulation drives shall be separated from pedestrian walks. Full compliance with all state and federal accessibility requirements, including the Americans with Disability Act, is also required.

C. Compliance with state law. Any applicant for CCRC development shall comply with the applicable provisions and procedures dictated by Article 46 of New York State Health Law.

D. Additional requirements. A certificate of occupancy may be issued upon the completion of each primary building, provided that the installation of all utilities, sidewalks, parking areas, roads and landscaping affecting the particular structure is satisfactory and has met all requirements as herein specified.

1. Parking areas. Each required parking space shall be ten (10) feet wide and twenty (20) feet long with a minimum aisle width of twenty-two (22) feet, in compliance with ADA access regulations. The slopes in parking areas shall be no more than five (5) percent.

(a) One (1) space per independent living unit.

(b) One (1) space per two (2) independent living units for visitor parking.

(c) One (1) space per two (2) enriched housing or adult home units.

(d) One (1) space per six (6) nursing home beds.

(e) One (1) space per employee on maximum shift.

2. Driveway widths shall not be less than 12 feet in one direction of travel or 22 feet in dual direction of travel. Driveway slopes shall be no more than eight (8) percent. Such driveways may be placed as connectors to the perimeter roadway provided for general access to the facility. Ingress or egress in the rear of the property or on either side of the property may be used as a common passage to parking or to a garage or the central parking area so provided. In addition thereto, there shall be a safety and buffer area of not less than 30 feet in width separating the main entrance of each building from any driveway or parking area to provide a landscaped or paved area for pedestrian use which connects each residential building

with the public street. Sidewalk widths shall be five (5) feet minimum. Sidewalk slopes shall be five (5) percent maximum. There shall be no steps in the walkways.

3. No perimeter roadway within the complex shall be less than 28 feet. Where a cul-de-sac is provided, a diameter of not less than 90 feet shall be required.

4. The developer or developers, sponsor or sponsors, owner or owners of any CCRC shall make proper and adequate provisions for the installation of roads, drives, walkways, parking facilities, water, sewerage and drainage facilities and such other desirable and necessary facilities in accordance with the requirements of the Planning Board or other municipal authority or agency having jurisdiction, control and supervision over the respective requirements herein mentioned. Public water and sewer is not required outside municipal water and sewer districts, and private systems may be installed upon authorized approvals from public authorities and the Town Planning Board. The installation of any and all improvements herein required shall be the responsibility of the owner, owners, developer, developers, sponsor or sponsors, and no building permit shall be issued unless and until the owner, owners, developer, developers, sponsor or sponsors shall, in accordance with the applicant, post the necessary bond to secure the installation of all site improvements necessary, including fire hydrants as may be required by the Fire Department.

5. In any CCRC development, all public utilities on the site, including but not limited to electrical wires, cable-TV wires, telephone wires, sewerage pipes, gas and water lines, shall be installed beneath the surface of the ground.

6. No building or part hereof shall be erected more than 300 feet in clear distance from a street or roadway. Any building, driveway or perimeter road must be set back at least 100 feet from the front yard of the property, 50 feet from the side yard of the property, and 50 feet from the back yard of the property.

7. No building or part thereof shall be erected more than 300 feet in clear depth from a fire hydrant located either on a street bounding the lot or project of which the building is a part or located within the lot or project area itself.

8. No portion of the building below the first story shall be used for dwelling purposes.

9. Owners of CCRC's shall be responsible for the collection and disposal of garbage, recycling and refuse.

10. Maximum total density shall not exceed twelve (12) beds or four (4) dwelling units per acre.

11. Maximum building coverage shall be fifteen (15) percent of the site area. Maximum lot coverage shall be forty-five (45) percent of the site area.

12. Distance between buildings. No building shall be located closer to another building than the heights of the taller building, but in no event less than 25 feet.

13. All structures shall be limited to four stories in height.

14. Minimum lot size for a CCRC shall be 35 acres.

15. There shall be no parking permitted on the access drives.

16. Documentation. Prior to site plan approval for CCRC use, appropriate deed restrictions limiting the use of the property to the approved uses, as defined, shall be prepared by the applicant, reviewed for compliance by the Planning Board and recorded in the County Hall of Records.

| § 100-4647. **Country Inns.**

A. Country inns shall be allowed by special use permit in the Mixed Use Development District and Agricultural Business Overlay District, provided that:

1. The minimum lot area shall be five (5) acres.

2. A country inn shall be limited to twenty (20) guestrooms.

3. No kitchenettes shall be permitted in guest rooms.

4. Accessory uses integral to the country inn shall generally be limited to the following: (1) meeting rooms, (2) restaurant or dining facilities serving either guests exclusively or the general public, limited to a total number of forty (40) seats in the dining room(s) and provided that no music or other objectionable noise shall be audible beyond the boundaries of the lot on which the use is constructed, (3) recreational facilities, such as swimming pools and tennis courts, (4) small personal service/retail shops fully within the country inn and selling newspapers, magazines, tobacco, small gifts, and similar items, and (5) one resident apartment.

5. The country inn may be either an adaptive reuse of a residential or nonresidential structure existing on the date of the enactment of this Chapter, or new construction.

6. Maximum building coverage for new construction, including all principal and accessory buildings, shall not exceed ten (10) percent of lot area.

7. No parking area or other improvement associated with the facility shall be located within fifty (50) feet of a property line. Screening shall be provided by intervening landform and/or vegetation to reduce visual and other impacts on neighborhood residential properties.

8. Access to a country inn shall be provided from a state or county highway or a through town road.

9. Adequate water supply and sewage disposal facilities shall be provided in accordance with the requirements of the Ulster County Health Department and the New York State Departments of Health or Environmental Conservation.

| § 100-4748. **Manufactured Home Parks**

A. Management responsibilities.

1. Licenses and fees. In addition to the procedure and regulations for Special Use Permits required in this Chapter, every manufactured home park shall be subject to the following licensing regulations:

(a) It shall be unlawful for any person to operate any manufactured home park within the limits of the Town of Lloyd unless he or she holds a valid license issued annually by the Town Board in the name of such person for the specific manufactured home park. All applications for licenses shall be made to the Town Board, which shall issue a license upon compliance by the applicant with provisions of this Chapter and of other applicable legal requirements.

(b) Application for original licenses shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by a deposit of fee established by the Town Board.

(c) Licenses shall be valid for a period of one calendar year only. The fee for the renewal of licenses shall be one-half (½) of the original license fee.

(d) Every person holding a license shall give notice in writing to the Town Board within 24 hours after having sold, transferred, given away or otherwise disposed of interest in or control of any manufactured home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such manufactured home park. Upon application in writing for transfer of the license and deposit of fees, the license shall be transferred if the manufactured home park is in compliance with all applicable provisions of this Chapter, and any regulations of the Ulster County Health Department.

(e) Whenever, upon inspection of any manufactured home park, the Code Enforcement Officer finds that conditions or practices exist which are in violation of any provision of this Chapter or regulations of the Ulster County Health Department, the Town Board shall give notice in writing to the person to whom the license was issued that, unless such conditions or practices are corrected within a reasonable period of time specified in the notice by the Town Board, the license shall be suspended. At the end of such period, the Town Board or its authorized agent shall re-inspect such manufactured home park, and, if such conditions or practices have not been corrected, it shall suspend the license and give notice in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of such suspension, such person shall cease operation of such manufactured home park.

(f) The Code Enforcement Officer is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Chapter, and it shall be the duty of the manufactured home park management to permit the Town Board or its authorized agent to inspect the register containing a record of all residents of the manufactured home park.

B. Registration. The manufactured home park management shall keep a register containing the following information for each occupied manufactured home:

1. The full name of the manufactured home owner and principal occupant.
2. The make, model, year and size of the manufactured home.
3. The state and number of vehicle registration.
4. The number and date of site rental and/or vacancy.

C. Supervision.

1. The manufactured home park management shall supervise the placement of each manufactured home on its manufactured home stand, which includes securing its stability and installing all utility connections.

2. The manufactured home park management shall notify park occupants of all applicable provisions of this section and inform them of their duties and responsibilities under this section and regulations issued hereunder. The park management shall also post, in a conspicuous place, a current copy of this section, as may be amended.

3. The manufactured home park management shall maintain the park, its facilities and equipment, in good repair and in a clean and sanitary condition.

D. Dimensional Standards.

1. The minimum park area shall be 15 acres.

2. Manufactured home site area. The maximum number of manufactured homes to be permitted in any manufactured home park shall be determined as follows:

(a) Determine the buildable acreage of the parcel(s) in accordance with § 100-13A of this Chapter.

(b) Divide the resultant area by the minimum lot size for the district. In the TR-1 district, divide the buildable acres by eleven thousand (11,000) square feet. In the TR-1/2, divide the buildable acres by seven thousand five hundred (7500) square feet. Fractional units of .5 units or less shall be rounded down and fractional units greater than .5 shall be rounded up.

3. Setback requirements.

(a) All structures of any manufactured home park shall be setback a minimum of 75 feet from all adjoining property lines:

(b) 15 feet is the minimum setback that shall be maintained from all other boundaries of any individual manufactured home site and also accessory buildings:

4. Each manufactured home site shall be defined by permanent corner stakes and identified with a permanent marker showing the parcel number corresponding to the approved site plan.

5. Maximum building height shall be 35' and 2½ stories.

6. Maximum building coverage shall be ten (10) percent.

7. A paved or hard-surface patio area of at least 150 square feet, with a minimum dimension of 10 feet, shall be provided for each manufactured home.

8. Maximum combined building and impervious surface coverage shall be forty (40) percent.

E. Environmental Standards. Prior to the approval of any area for the development of any manufactured home park, the Town Board or its authorized agent shall determine that the following environmental standards are met:

1. The soil and topographical conditions of the site shall be such as not to create an unreasonable health hazard or a significant detrimental effect to the ecology of the area.

2. The site shall not be exposed to unusual noise, objectionable smoke, noxious odors, insect or rodent infestation or the probability of flooding or erosion.

3. The site shall not be subject to sources of pollution such as drainage from garbage disposal areas.

F. Park maintenance and improvements.

1. Park maintenance and improvements. The following standards shall be met:

(a) All ground surfaces shall be maintained, preserved, treated or protected so that soil erosion is prevented and objectionable dust is eliminated through pavement, stone or other solid covering, lawn or other vegetative growth.

(b) No part of a manufactured home park shall be used for

nonresidential purposes except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.

(c) Topsoil, existing trees and shrubs shall be preserved where practicable and where required by the Town Board as a condition for its approval.

(d) Vegetative growth, such as brush, weeds and grass, shall be controlled to prevent harborage of ticks, chiggers and other noxious insects and shall be so maintained as to prevent the growth of poison ivy and other noxious weeds considered detrimental to health. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or insect breeding places. Where the potential for such insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

G. Buffer areas. A buffer strip shall be required along all property lines abutting a residential district or directly across a local street from any property in a residential district. Such buffer strip shall comply with at least the following minimum standards:

1. It shall be of evergreen planting of such type, height, spacing and arrangement as, in the judgment of the Town Board, will effectively screen the activity on the lot from the neighboring residential area. Non-evergreen planting may be included to seasonally supplement planting but not to replace it.

2. The buffer strip shall be at least 10 feet in width.

3. A wall or fence, of location, height, design and materials approved by the Town Board, may be substituted for the required planting.

4. The required planting and/or other improvements within the buffer area shall be properly maintained in good condition at all times throughout the continuance of the manufactured home park.

H. Transportation, access and roadways.

1. Park roadways. Responsibility for the ownership and maintenance of such park roadways shall be with the manufactured home park management.

2. Access to manufactured home site. Convenient access shall be provided to each manufactured home stand for maneuvering the manufactured home into position. The access shall be kept free from trees and other immovable obstructions and shall be a minimum width of 12 feet or the width required by current manufactured home models, plus extra width necessary for maneuvering a manufactured home on a curve. The alignment and gradient of such access way shall be adequate to prevent contact of the undercarriage of the manufactured home and shall be safely and easily traversed as determined by the Town Board.

3. Walkways. All manufactured home parks shall be provided with safe, convenient, all-season pedestrian walkways as determined necessary by the Town Board to:

(a) Connect individual manufactured home sites, park roadways and community facilities.

(b) Provide for pedestrian circulation along all park roadways (minimum width: 3 ½ feet).

(c) Connect manufactured homes to common walks, driveways, parking areas or park roadways (minimum width: two feet).

I. Manufactured home stands. The area of the manufactured home stand shall be improved to provide an adequate foundation for the placement and tie-down of the manufactured home, thereby securing the superstructure against uplift, sliding, rotation and overturning. The stand should provide for practical placement on and removal from the lot of the manufactured home and retention of the home on the lot in satisfactory relationship to its surroundings. The following specific requirements shall be met:

1. There shall be a longitudinal gradient of 0% to 5% and an adequate crown or cross gradient for surface drainage.

2. The location of each manufactured home stand shall be at such elevation, distance and angle in relation to the park roadways and the access ways to the manufactured home that placement and removal of the manufactured home is practical.

3. The manufactured home stand shall not heave, shift or settle unevenly under the weight of the manufactured home due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.

4. The manufactured home stand shall be provided with anchors and tie-downs such as cast-in-place concrete "dead men," eyelets imbedded in concrete foundations or run-ways, screw augers, arrowhead anchors or other devices securing the stability of the manufactured home.

5. Anchors and tie-downs shall be placed at least at each corner of the manufactured home stand, and each shall be able to sustain a minimum tensile strength of 2,800 pounds.

6. All manufactured homes are to be appropriately skirted, if applicable.

J. Sanitation standards.

1. Water supply. Where public water supply is not available, a private water supply system, with proper connections to each manufactured home, shall be developed sufficient to provide a minimum of 250 gallons of water daily to each manufactured home. Any

such private water supply system shall be approved by the Ulster County Health Department and shall meet the following requirements:

(a) Wells or suction lines shall be located at least 50 feet from building sewers, septic tanks and dry wells; at least 100 feet from disposal fields and seepage pits; and at least 150 feet from any cesspools.

(b) All water storage structures or reservoirs shall be covered, watertight and constructed of impervious material. All manholes or other openings required for proper operation of the water storage facilities shall be covered or screened to prevent contamination, and there shall be no direct drainage between a reservoir and any pipe conveying or liable to convey sewage or polluted water.

(c) The water piping system shall connect all buildings requiring water, shall not be connected with non-potable or questionable water supply and shall provide a pressure of at least 20 pounds per square inch, under normal operating conditions, to buildings requiring potable water supply.

(d) Water riser pipes shall be at least three-fourths inch, shall extend at least four inches above ground elevation and shall be located within the confined area of the manufactured home stand at a point where the water connection shall approximate a vertical position.

(e) A shutoff valve below the frost line shall be provided near the water riser pipe on each manufactured home site.

(f) Underground stop and waste valves shall not be installed on any water service.

(g) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from the heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.

2. Sewage disposal. Where no public sewage disposal system is available, a private sewage disposal system, with proper connections to each manufactured home, shall be developed in accordance with Ulster County Health Department standards. Any such private sewage system shall include a sewage disposal plant of a capacity and efficiency to serve the sewage disposal system. Both the sewage disposal system and the sewage disposal plant shall be approved by the Ulster County Health Department. The following requirements shall also be met:

(a) Effluents from the sewage disposal plant shall not be discharged into the waters of the State of New York, except where specifically approved by the Ulster County Health Department and all other agencies having jurisdiction. The disposal facilities shall be located where they will not create a health hazard or odor nuisance to the park residents or to the occupants of any adjacent property.

(b) Sufficient cleanouts, handholds, and manholes shall be provided in sewer systems to maintain serviceable conditions. Cleanouts extending to grade and capped with cleanout plugs shall be provided at least at seventy-five-foot intervals on four-inch lines and at least at one-hundred-foot intervals for larger diameters. Manholes shall be provided in large sewer systems at changes in direction over 45° at intersections of main sewers and at intervals not exceeding 400 feet in straight sewers.

(c) All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the park water supply system at a safe distance. Sewers shall at a grade which will ensure a velocity of two feet per second when flowing full. All sewer lines shall be adequately vented and shall have watertight joints.

(d) Each manufactured home stand shall be provided with at least a four-inch-diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand so that the sewer connection to the manufactured home drain outlet will approximate a vertical position.

(e) The sewer connection shall have a nominal inside diameter of at least three inches, and the slope of any portion thereof shall be at least ¼ inch per foot. The sewer connection shall consist of one pipeline only, without any branch fittings. All joints shall be watertight.

(f) All materials used for sewer connections shall be semi rigid, corrosive-resistant, nonabsorbent and durable. The inner surface shall be smooth.

(g) Provision shall be made for capping the sewer riser pipe when a manufactured home does not occupy the site. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four inches above ground elevation.

K. Drainage. The ground surface on every manufactured home site shall be graded and equipped to drain all surface and subsurface water in a safe, efficient manner to ensure freedom from stagnant pools, erosion and flooding. Plans for the collection and disposal of surface and subsurface water shall be provided and shall be subject to approval by the Town Board. Such plans shall include:

1. Splash blocks or downspouts for the dispersion of roof runoff shall be installed where necessary. Splash blocks shall be at least 30 inches long and 12 inches wide and firmly embedded to prevent displacement.

2. Storm sewers shall be laid on sufficient grade to provide a minimum velocity of 2.5 feet per second when flowing full.

3. Drain lines, drain inlets and paved gutters shall be of adequate size, design and construction to ensure positive runoff.

4. Retaining walls, cribbing or other engineering structures shall be installed and maintained where the topography has a slope of two on one or more to prevent erosion.

L. Utility standards. Electrical, telephone, television and gas connections shall be located underground.

1. Electrical requirements.

(a) Electrical service and connections must comply to current New York State Fire Underwriters' regulations or the following, whichever is more restrictive:

(b) All direct-burial conductors or cable shall be buried at least 18 inches below the ground surface and shall be insulated and specially designed for the purpose. Such conductors shall be located a radial distance of not less than one foot from water, sewer, gas or communication lines.

(c) Each manufactured home site shall be provided with electrical current of the standard voltage and frequency generally provided in the area.

(d) Each mobile home lot shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be 120/240 volts, AC, 60 amperes.

(e) Outlet receptacles at each mobile home stand shall be located not more than 25 feet from the overcurrent protective devices in the manufactured home, and a three-pole, four-wire grounding type shall be used unless other grounding types are approved by the Town Board. Receptacles shall be of weatherproof construction.

(f) All exposed non-current-carrying metal parts of manufactured homes and all other equipment shall be grounded by means of an approved grounding conductor with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for manufactured homes or other equipment.

2. Lighting requirements. Manufactured home parks shall be furnished with lighting units so spaced and at such heights as to provide illumination for safe pedestrian and vehicular movement at night.

(a) In all parts of the manufactured home park road system, an average illumination level of at least 0.8 footcandle and a minimum illumination level of at least 0.3 footcandle shall be maintained.

(b) Potentially hazardous locations shall be individually illuminated with a minimum level of at least 1.0 footcandle where deemed necessary by the Town Board.

3. Gas. Each manufactured home site provided with piped gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

4. Heating. All service structures, if not conventionally heated, shall be provided with space heating equipment adequate to maintain a temperature of 70° F. inside the building at an outside design condition of minus 10° F. and shall be subject to the approval of the appropriate Town agency.

(a) No space heating equipment or portable fuel-burning equipment shall be used in any unvented, confined enclosure.

(b) In all service buildings, heating facilities shall be capable of maintaining sufficient hot water for all lavatory and laundry fixtures.

M. Service and storage requirements. All service and/or storage facilities as described in this section shall be appropriately and attractively screened in accordance with a plan approved by the Town Board and shall be so maintained.

1. Laundry. A laundry facility with suitable automatic washers and dryers, plumbing, electricity and ventilation shall be provided in a central location unless it is clearly shown to the satisfaction of the Town Board or its authorized agent that such a facility is not necessary for the needs and reasonable convenience of or emergency usage by the residents of the manufactured home park.

(a) The internal finish material of any common laundry facility shall be capable of withstanding frequent washing and cleaning.

(b) Any common laundry facility shall be provided with a suitably screened outdoor drying yard.

2. Storage of material and equipment.

(a) Space for storage facilities at each manufactured home site shall be provided.

(b) Storage areas shall be maintained to prevent rodent harborage. Storage shall be permitted under manufactured homes.

(c) An approved and enclosed storage space shall be provided by the manufactured home park management for park maintenance materials and equipment.

3. Liquid petroleum gas storage.

(a) Liquid petroleum gas (LPG) systems, if used, shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge

terminates at a safe location. Such systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the manufactured home and shall be maintained in effective operating condition and screened.

(b) All LPG piping outside of the manufactured homes shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in manufactured homes.

(c) No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, manufactured home or any other structure, unless such installations are approved by the Ulster County Health Department.

4. Fuel oil-storage.

(a) All piping from outside fuel oil storage tanks or cylinders to manufactured homes shall be permanently installed and securely fastened in place.

(b) All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any manufactured home or less than five feet from any manufactured home exit.

(c) Storage tanks located in areas subject to traffic shall be protected against physical damage.

5. Refuse. The storage, collection and disposal of refuse in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident, fire hazards or air pollution.

(a) All refuse shall be stored in flytight, watertight, rodent proof containers, which shall be located not more than 175 feet from any manufactured home site. Containers shall be provided in sufficient number and capacity to properly store all refuse. Each manufactured home shall have at least one refuse can of at least 15 gallons' capacity.

(b) Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.

(c) All refuse containing garbage shall be collected at least weekly and as required. Where suitable collection service is not available from municipal or private agencies, the manufactured home park management shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

N. Recreation area. Not less than 10% of the gross manufactured home park area shall be devoted to recreational facilities, which should be provided in a central location when possible. Where determined necessary by the Town Board, drinking fountains shall be provided in or near the recreation and service areas and shall have a flow pressure of at least 15 pounds

per square inch.

O. Fire protection.

1. Manufactured home park areas shall be kept free of litter, rubbish and other flammable materials.
2. Portable fire extinguishers shall be kept in all service buildings and shall be maintained in good operating condition.
3. No open fire shall be permitted except in facilities intended for such purposes.
4. Fire hydrants shall be located within 500 feet of all structures and shall deliver at least 75 gallons of water per minute at a flowing pressure of at least 30 pounds per square inch at the highest elevation point of the park.
5. Construction should provide reasonable assurance of safety to life by making provisions to retard the progress and spread of fires and by providing for means of egress which will minimize danger to life from fire, smoke or resulting panic before structures are emptied.

§ 100-4849. Motor Vehicle Repair Shops and Motor Vehicle Service Stations

A. Motor vehicle repair shops and motor vehicle service stations shall be allowed by special use permit as provided in the Use Table provided that:

1. All repairs and/or servicing shall be performed indoors.
2. In addition to the buffer and landscaping requirements of this Chapter, a buffer screening area of not less than ten (10) feet in width shall be provided along all abutting streets. Said buffer shall consist of planting of such type, height, spacing and arrangement as, in the judgment of the Planning Board, will provide an attractive appearance from neighboring streets.
3. All fuel, oil or similar substances shall be stored at least thirty-five (35) feet from any street or lot line unless stored in underground tanks. Underground tanks shall be buried at least three (3) feet from any street or lot line, and the top of said tank shall be at least two (2) feet below the surface of the ground. Tanks buried adjacent to buildings having basements shall be set back at least ten (10) feet from the foundations of those buildings. All such uses and setbacks shall comply with applicable rules and regulations of governmental agencies and the National Fire Protection Association Standards.
4. No automobile parts, dismantled vehicles or similar items shall be stored outside.

5. No vehicles, trailers, trucks, or buses with more than a 3 ton rating may be stored or parked on site, other than customer vehicles or vehicles related to the operation of the motor vehicle repair shop or motor vehicle service station.

6. No vehicles are permitted to be stored or parked in any of the required setbacks or at any off-site locations.

7. All motor vehicle service stations which provide an air compressor capable of inflating automobile tires for the use of motorists shall do so at no charge to the user thereof.

§ 100-4950. Multifamily and Two Family Dwellings.

1) Multifamily dwellings shall be allowed by special use permit in the R-¼, R-½, and CB Districts, provided that:

A. Parking.

1. All off-street parking shall be located behind or to the side of the principal building(s). Parking spaces shall be screened from public view to the maximum extent practicable.

2. Off-street parking may be accessed from a rear lane located to the rear of the principal building(s).

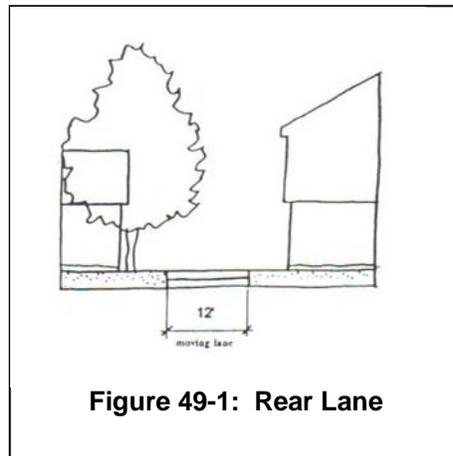
3. Where rear lanes are provided, they shall meet the following standards:

(a) Rear lanes shall be treated as private streets and shall not be dedicated to the Town. They may be dedicated to a Homeowners Association or as common easements across the rear portions of the lots subject to establishment of a Common Use and Maintenance Agreement.

(b) Lighting for rear lanes shall be provided on garages or on lighting poles and shall be fully shielded to prevent glare.

(c) The minimum setback for a garage accessed from a rear lane shall be 12 ft. from the centerline of the lane.

(d) Rear lanes may be paved lightly to driveway standards, with drainage by inverted crown at the center and by percolation. They shall have gravel or landscaped edges with no raised curb. Street trees shall be planted in the tree lawn next to the lane or in rear yards of lots, averaging 30' on center. Pavement width shall be twelve (12) feet as illustrated in Figure 49-1.



B. The multifamily dwelling shall be constructed to resemble a single family dwelling as illustrated by example in the photographs.



2) Two Family Dwellings

Two-family dwelling by conversion or new construction, where it requires authorization by special use permit, provided:

(1) The two-family dwelling (by conversion) shall occur only through conversion of a one-family residence legally existing at the time of adoption of this chapter.

(a) The one-family residence is, at the time of conversion, on a single lot with lot area and lot width of no less than the minimum specified for the zoning district in the Schedule of Area and Bulk Regulations.

The lot may not be an existing nonconforming lot of less than the prescribed lot area or lot width.

(b) Adequate water supply and sewage disposal facilities shall be demonstrated to exist in accordance with the requirements of the Town of Lloyd and the Ulster County Department of Health.

(c) Expansion of the existing one-family residence (by conversion) to accommodate the second dwelling shall be limited to a maximum of 750 square feet of gross floor area in the CB, R1/4 & R1/2 District and 1,000 square feet in other districts.

(2) The two-family dwelling (by new construction) shall be considered a permitted use in all residential districts where it requires authorization by special use permit. In all residential districts:

(a) The two-family dwelling (by new construction) requires site plan approval in accordance with Article 8 of this chapter.

(b) The two-family dwelling (by new construction) shall resemble a single-family dwelling in its outward appearance.

(c) Adequate water supply and sewage disposal facilities shall be demonstrated to exist in accordance with the requirements of the Town of Lloyd and the Ulster County Department of Health.

(3) Not less than 65% of the land area on any multifamily lot shall be reserved and maintained as usable open space.

(4) Expansion of the existing one- or two-family residence to accommodate the additional dwelling units shall be limited to a maximum of 1000 square feet of gross floor area per unit.

(5) Off-street parking shall be provided in accordance with Section 100-29 of this chapter.

§ 100-~~505~~1. Service and Retail Uses in the Designed Business District.

Service and retail uses, including convenience stores, shall be allowed by special use permit in the Designed Business District, provided that:

A. Such use shall be part of a shopping plaza on a site of at least three (3) acres in size.

B. The number of service establishments and retail stores in the shopping plaza shall not exceed one (1) per 10,000 square feet of lot area.

C. No single service establishment or retail store shall exceed 125,000 square feet of gross floor area in size, including storage, with the exception of a convenience store, which shall not exceed 4,000 square feet of gross floor area.

D. No outdoor display of merchandise shall be permitted, except for living trees or plants, unless shown on an approved site plan.

E. The project shall comply with § 100-30, Design Standards and Guidelines for Business Districts, of this Chapter.

§ 100-51. Special Uses in Historic Structures

A. Intent. The intent of this section is to assist in the preservation of the cultural heritage of the Town of Lloyd by allowing specialized uses in structures of historic merit.

B. Applicability. This section shall apply to any building listed on the National Register of Historic Places or that is eligible for the National Register or that is designated an historic building by the Town Board upon recommendation of the Planning Board within any zoning district or that has been surveyed as an historic resource by the New York State Office of Parks, Recreation and Historic Preservation, subject to the approval of a special use permit by the Planning Board. A building shall be eligible for designation as an historic building upon application to the Town Board and upon recommendation of the Planning Board. When considering its recommendation to designate an historic building , the Planning Board shall consider the following factors:

1. Its character, interest or value as part of the heritage or culture of the Town.
2. Its location as the site of a significant historic event.
3. Its identification with a person or persons who significantly contributed to the Town's culture and development.
4. Its exemplification of a distinctive architectural style, type or specimen.
5. Its identification as the work of an outstanding architect or master builder.
6. Its relationship to distinctive areas, buildings or structures that are eligible for preservation.

C. Uses permitted by special use permit. The following uses may be permitted by special use permit granted by the Planning Board pursuant to § 100-40 of this Chapter:

1. Art and craft studios.
2. Art galleries.
3. Antique shops, rare book and coin or stamp shops.
4. Restaurant
5. Multifamily residential use in single-family districts, but not to exceed four (4) units within one (1) structure, contingent on the continuing residency of the owner of the building within one (1) of the dwelling units.

6. A combination of two (2) or more of the above uses in the same structure.

D. Requirements of special use permit.

1. The Planning Board shall receive, review and approve a site plan pursuant to the provisions of Article 8 of this Chapter prior to action on an application for a special use permit for a historic structure. The site plan shall be accompanied by schematic architectural drawings which shows the existing conditions of the structure and the proposed restoration of proposed exterior changes in the structure. The Planning Board may request a report, to be paid for by the applicant, from an historic preservation specialist as to appropriateness of the proposed restoration and its compliance with the Secretary of Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings." Upon receipt of the specialist's report, the Planning Board shall find that:

(a) The exterior restoration maintains the architectural and historic integrity of the structure.

(b) The proposed use is compatible with the neighborhood, and activities permitted within the structure can adequately be buffered from any surrounding residential use.

(c) The resulting traffic generation will not over-burden existing roads, and adequate parking can be provided without unduly destroying the landscape or the setting of the structure.

(d) The proposed use is appropriate to the structure and will aid in the preservation of the structure.

2. The Planning Board may limit the number of employees or persons working on the site on a part-time or full-time basis.

§ 100-52 Hamlet Business Overlay District

§ 100-52.1 Purpose: The purpose of the Hamlet Business Overlay District is to protect the historic and commercial character in the Hamlet of Highland's core commercial area. The Hamlet Business Overlay District is intended to protect the Hamlet's commercial viability by assisting business in the Hamlet Business Overlay District increase their visibility, encourage diversity of uses which support the vitality of the shopping district and protect against changes of uses that do not support the objectives of the Comprehensive Plan.

§ 100-52.2 Applicability: These regulations shall apply to all structures and uses within the Hamlet Business Overlay District.

§ 100-52.3 Allowed Uses:

1. Stores and shops for the conduct of retail business, banks, post offices, restaurants and other places serving food and beverages, professional and business offices and establishments for the performance of various personal services;
2. Places of amusement, physical fitness, gaming and sport including both indoor and outdoor facilities and activities;
3. Club, civic or youth centers;
4. Church, other places of worship;
5. Public and private schools;
6. Public library or museum;
7. Nursery school;
8. Governmental use;
9. Park, playground or other recreation facility;
10. Private non-profit membership club;
11. Medical clinics or medical group offices;
12. Bed and Breakfasts;

§ 100-52.4 Prohibited uses:

Residential dwelling units are allowed above any of the commercial uses as long as they meet the density and minimum floor area requirements of the surrounding district.

Except for Doctor, Chiropractic, Dentist or other medical care office, office uses shall be limited to second floor only.

§ 100-52.5 Signage:

- A. No more than two signs pertaining to a permitted use conducted on the lot where such signs are displayed. Signs shall not exceed two square feet for each linear foot of building frontage or a maximum total area of 30 square feet for any sign parallel to and flat against the façade of a building, or 15 square feet for any other sign. Signs shall be non-movable and, if lighted, shall be non-flashing and shielded.
- B. Projecting signs shall not be less than seven feet from the ground or extend more than four feet over the street right of way or property line.
- C. No sign shall exceed 10 feet in height or extend above the facade of the building to which it is attached.
- D. Interior sign coverage shall not exceed 30 % of the glass area or window in which it is displayed.
- E. Freestanding signs are prohibited where the building is set less than 10 feet back from the property line, except an additional third sign, in addition to the two permitted signs above in 100-XX.5.A in the form of a “sandwich board” type sign, placed on the sidewalk in front of the building containing the permitted use,

not to exceed 2'x3' in size for use during business hours only to advertise daily specials as an accessory to the primary use.

ARTICLE 8: SITE PLAN REVIEW

| § 100-~~53~~54. Site plan review.

A. Site plan review and approval by the Planning Board is required in accordance with this section:

1. For all uses identified as requiring site plan review and approval on the Use Table, including structures and significant and substantial changes to the use(s) or structural additions to structures related to those use(s). A significant and substantial change shall not be deemed to have occurred unless there is any of the following:

- a) Any change affecting 2,000 or more square feet on an existing structure;
- b) An increase of 50% in total square footage;
- c) An increase of 50% in water and sewer demand;
- d) An increase of 50% in the generation of solid wastes;
- e) An increase of 50% in required parking;
- f) Potential or planned use of hazardous materials.

The above increases shall be determined by the Building Department.

2. For any development which is the functional equivalent of a land subdivision but which is structured for ownership purposes as a condominium project. In such cases, the Planning Board shall apply all relevant review criteria contained in the Subdivision Law (Chapter 90 of the Town Code) as well as the provisions of this section.

3. No clearing, grading or tree removal may be undertaken in excess of one-half (1/2) acre land without site plan approval from the Planning Board with the exception of the harvesting of Christmas trees; the clearing of land for rights-of-way for utilities; reasonable site clearing preparatory to construction of a building for which a building permit has been issued; the clearing and maintenance of land for agricultural purposes; and the harvesting of trees and firewood for the personal use of the property owner not to exceed 20 cords per year..

B. Considerations and scope of review. The Planning Board may approve site plan after review of all of the elements provided, as follows:

1. That the site development will adequately handle traffic circulation, including pedestrian and vehicular traffic both within the site and in relation to the adjoining streets. No business or industrial use shall be permitted where it is determined by the Planning

Board, due to the nature of such use and the type and number of vehicle trips which it will generate, particularly in relation to the capacity of the street system serving the lot upon which it is to be located, that the result will be unusual traffic hazards or congestion. If, however, a limit is placed upon such use, either in terms of employees or other appropriate measure, which, in the opinion of the Planning Board, would be adequate to ensure that the potential traffic generation from such use will be properly related to the capacity of the street system serving it, the Planning Board may approve such use with such limitation.

2. That the site development will be compatible with contiguous land and buildings and adjacent neighborhoods. Compatibility shall be determined by a review of proposed use of materials, scale, mass, height, color, texture, and location of the structure or structures on the site. In addition, in the DB and GB Districts, the determination of compatibility shall also take into account consideration of the historic, rural character of the Hamlet of Highland and consider building size, style, form, roof line, architectural detailing, size and shape of window and door openings in relation to structures of historic significance as well as maintenance of building setbacks and building proportions in relation to neighboring structures. The Planning Board shall utilize the procedures set forth in § 100-30 and Appendix A, Design Standards and Guidelines for Business Districts included at the end of this Chapter, as the basis for its review and determination.

3. That the site development, including buildings and landscaping, will not conflict with the appropriate and orderly development of adjacent land and buildings of the district within which said site is located.

4. That parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

5. That there are adequate measures regarding drainage, water supply, sewage disposal, road alignment and other engineering aspects of such site plan.

6. That, when considering changes of use and structural additions to nonconforming properties, the Planning Board shall consider the inability of the landowner to provide all of the necessary parking and traffic flow or construct the building as if the lot were vacant and shall modify its requirements accordingly for such nonconforming properties.

7. That the proposed use is consistent with the Town *Comprehensive Plan*.

8. That the proposed site plan and proposed use conforms to the land development regulations of the Town of Lloyd, including but not limited to Chapter 55 (Stormwater Management and Erosion and Sediment Control) of the Town Code.

9. That the Planning Board has referred the proposed site plan to the Town Engineer, Fire Chief, Chief of Police, Highway Superintendent, Building Department, and, where applicable, the Water and Sewer District for review and comment.

10. That the Planning Board has duly considered the comments and recommendations of all agencies interested in the application and all agencies to which referral is mandated by law.

11. Since the location and design of all site plans must be approved by the Planning Board, no grading or construction on the site shall be started, nor shall any existing features, such as trees, which may add value to the development, be removed or relocated until this approval has been obtained.

C. Required Information for Site Plan. An application for Site Plan approval shall be accompanied by plans and descriptive information sufficient to clearly portray the intentions of the applicant. Site Plans shall be prepared by a licensed professional engineer, licensed surveyor, architect, or landscape architect, and shall include the following (unless waived):

1. A vicinity map drawn at the scale of 2,000 feet to the inch or larger that shows the relationship of the proposal to existing community facilities which affect or serve it, such as roads, shopping areas, schools, etc. The map shall also show all properties, subdivisions, streets, and easements within 500 feet of the property. Such a sketch may be superimposed on a United States Geological Survey or New York State Department of Transportation map of the area.

2. An existing conditions map, showing existing buildings, roads, utilities, and other man-made features, as well as topography and all existing natural land features that may influence the design of the proposed use such as rock outcrops, single trees eight or more inches in diameter located within any area where clearing will occur, forest cover, soils (including prime and statewide important agricultural soils), and ponds, lakes, wetlands and watercourses, aquifers, floodplains, and drainage retention areas.

3. A Site Plan, drawn at a scale and on a sheet size appropriate to the project. The information listed below shall be shown on the Site Plan and continuation sheets.

4. Name of the project, boundaries, date, north arrow, scale and date(s) of the plan. Name and address of the owner of record, developer, and seal of the engineer, architect, or landscape architect. If the applicant is not the record owner, a letter of authorization shall be required from the owner. Signature blocks for all required approvals, including a block for signatures of the Town Engineer, Fire Chief, Chief of Police, Highway Superintendent, Building Department, and, where applicable, the Water and Sewer District.

5. The location and use of all existing and proposed structures within the property, including all dimensions of height and floor area, all exterior entrances, and all anticipated future additions and alterations.

6. The location of all present and proposed public and private ways, off-street parking areas, driveways, outdoor storage areas, sidewalks, ramps, curbs, paths, landscaping, walls, and fences. Location, type, and screening details for all waste disposal containers shall also be shown.

7. The location (including, when appropriate, GPS notation), height, intensity, and bulb type (sodium, incandescent, etc.) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.

8. The location, height, size, materials, and design of all proposed signs.

9. The location of all present and proposed utility systems including:

(a) Sewage or septic system;

(b) Water supply system;

(c) Telephone, cable, and electrical systems; and

(d) Storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, outfalls and drainage swales.

10. Erosion and sedimentation control plan required by Chapter 55 to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.

11. Existing and proposed topography at two-foot contour intervals, or such other contour interval as the Planning Board shall specify. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the parcel is within the 100-year floodplain, the area will be shown, and base flood elevations given. Areas shall be indicated within the proposed site and within 50 feet of the proposed site where soil removal or filling is required, showing the approximate volume in cubic yards.

12. A landscape, planting, and grading plan showing proposed changes to existing features.

13. Land Use District boundaries within 200 feet of the site's perimeter shall be drawn and identified on the Site Plan, as well as any Overlay Districts that apply to the property.

14. Traffic flow patterns within the site, entrances and exits, and loading and unloading areas, as well as curb cuts on the site and within 100 feet of the site. The Planning Board may, at its discretion, require a detailed traffic study for large developments or for those in heavy traffic areas.

15. For new construction or alterations to any structure, a table containing the following information shall be included:

(a) Estimated area of structure currently used and intended to be used for particular uses such as retail operation, office, storage, etc.;

- (b) Estimated maximum number of current and future employees;
- (c) Maximum seating capacity, where applicable; and
- (d) Number of parking spaces existing and required for the intended use.

16. Elevations at a scale of one-quarter inch equals one foot for all exterior facades of the proposed structure(s) and/or alterations to or expansions of existing facades, showing design features and indicating the type and color of materials to be used.

17. Where appropriate, the Planning Board may request soil logs, percolation test results, and storm run-off calculations.

18. Plans for disposal of construction and demolition waste, either on-site or at an approved disposal facility.

19. Where appropriate, a cultural resource survey of resources with historic or archaeological significance.

20. Other information that may be deemed necessary by the Planning Board.

D. Waivers. The Planning Board may waive or allow deferred submission of any of the information required in subsection C above, as it deems appropriate to the application. Such waivers shall be discussed in the course of pre-application conferences. The Planning Board 's decision shall be reflected in the record.

E. Criteria. In reviewing Site Plans, the Planning Board shall consider the criteria set forth below.

1. Layout and Design

(a) To the maximum extent practicable, development shall be located to preserve the natural features of the site and to avoid wetlands, steep slopes, significant wildlife habitats and other areas of environmental sensitivity. The placement and design of buildings and parking facilities shall take advantage of the site's topography, existing vegetation and other pertinent natural features.

(b) All structures in the plan shall be integrated with each other and with adjacent structures and shall have convenient access between adjacent uses. Structures shall, where practical, be laid out in the pattern of a traditional hamlet.

(c) Structures that are visible from public roads shall be compatible with each other and with traditional structures in the surrounding area in architecture, design, massing, materials, proportion, texture, color and placement, and shall harmonize with traditional elements in the architectural fabric of the area. Building components such as windows, roof lines and pitch, doors, eaves and parapets shall be compatible with historic structures in the Town. Vertical, double-hung windows and steeply pitched roofs are encouraged. Designs shall

avoid flat roofs, large expanses of undifferentiated facades, and long plain wall sections. Rooftop and ground level mechanical equipment shall be screened from public view using materials harmonious with the building, or shall be located where they are not visible from any public ways.

(d) Where appropriate, setbacks shall maintain and continue the existing setback pattern of surrounding properties.

(e) The Planning Board shall encourage the creation of landscaped parks or squares easily accessible by pedestrians.

(f) Trademarked architecture which identifies a specific company by building design features shall be prohibited, unless the applicant can demonstrate that the design is compatible with the historic architecture of the Town.

(g) Impacts on historic and cultural resources shall be minimized.

(h) Newly installed utility service systems, and service modifications necessitated by exterior alterations, shall be installed underground. When feasible, existing aboveground utility service systems shall be placed underground.

2. Landscaping

(a) Landscaping shall be an integral part of the entire project area, and shall buffer the site from and/or integrate the site with the surrounding area, as appropriate.

(b) Landscape plantings of shrubs, ground cover and shade trees, as well as perennials and annuals and other materials such as rocks, water, sculpture, art, walls, fences, paving materials and street furniture, shall be encouraged to create pedestrian scale spaces and to maintain landscape continuity within the community. All landscaping within the site shall be designed to facilitate conservation of the environment and preservation of community aesthetic character. This shall be accomplished through the use of native plant material and the retention of existing natural vegetation, thereby reducing or eliminating the need for irrigation, pesticides, herbicides and fertilizers.

(c) Existing tree stock eight or more inches in diameter at breast height shall be protected and preserved to the maximum extent possible to retain valuable community natural resources and promote energy conservation by maximizing the cooling and shading effects of trees. The preservation of mature plant species, hedge rows, wetlands and woodlots shall be encouraged and included as a design element in the development of the site.

(d) Landscape buffers shall be provided between uses that may be incompatible, such as large-scale commercial uses and residences. Such buffers may include planted trees and shrubs, hedgerows, berms, existing forest land or forest created through natural succession. The width of such buffer areas will depend upon the topography, scale of the uses, and their location on the property.

(e) If deemed appropriate for the site by the Planning Board, shade

trees at least six feet tall with a minimum caliper of 2½ inches measured at breast height at time of planting shall be planted and maintained at 20- to 40-foot intervals along roads, at a setback distance acceptable to the Highway Superintendent.

(f) For landscaping parking lots, see § 100-29.

3. Parking, Circulation, and Loading

(a) Roads, driveways, sidewalks, off-street parking, and loading space shall be safe, and shall encourage pedestrian movement.

(b) Vehicular and pedestrian connections between adjacent sites shall be provided to encourage pedestrian use and to minimize traffic entering existing roads. The construction of connected parking lots, service roads, alleys, footpaths, bike paths, and new public streets to connect adjoining properties shall be required where appropriate.

(c) Off-street parking and loading standards in § 100-29 shall be satisfied.

(d) Access from and egress to public highways shall be approved by the appropriate highway department, including Town, County, and State.

(e) All buildings shall be accessible by emergency vehicles.

(f) Parking spaces shall have wheel stops or curbs to prevent injury to trees and shrubs planted in landscaped islands.

(g) Bicycle parking spaces and racks shall be provided in an area that does not conflict with vehicular traffic. Designated van/car pool parking, and other facilities for alternatives to single occupancy vehicle use shall be provided wherever possible.

(h) In developments where a link to schools, churches, shopping areas, trails, greenbelts and other public facilities is feasible, or where a trail connection is recommended in the *Comprehensive Plan*, a trail corridor shall be reserved on the approved Site Plan for this purpose.

4. Reservation of Parkland. For any Site Plan containing residential units, the Planning Board may require the reservation of parkland or payment of a recreation fee pursuant to Town Law, §274-a(6).

5. Miscellaneous Standards

(a) Buildings and other facilities shall be designed, located, and operated to avoid causing excessive noise on a frequent or continuous basis.

(b) Outdoor lighting shall conform to the requirements of § 100-27 to prevent light from shining directly onto neighboring properties or public ways.

(c) Dumpsters shall be located and screened so that they are not visible from any public roadway.

(d) Stormwater shall be managed in accordance with the law, and consideration shall be given to Low Impact Development technologies. Additionally, drainage of the site shall recharge ground water to the extent practical. The peak rate of surface water flowing off-site shall not increase above pre-development conditions and shall not adversely affect drainage on adjacent properties or public roads.

(e) Applicable requirements for proper disposal of construction and demolition waste shall be satisfied, and any necessary permits or agreements for off-site disposal shall be obtained.

(f) No materials shall be placed below the finished grade of a site other than utilities, sand, gravel, rocks, and soil that are uncontaminated by any solid waste or hazardous materials. Materials that were previously contaminated and have been reconditioned shall not be permitted under this subsection (e), except that decontaminated material may be used as a base for road or parking lot construction, provided that such decontaminated material does not pollute groundwater or surface water.

(g) Structures shall be located, constructed and insulated to prevent on-site noise from interfering with the use of adjacent properties. Similarly, buildings shall be situated to prevent off-site noise from intruding on new development. Methods for blocking noise shall be used where appropriate, and shall include fencing, walls and natural buffers, such as berms and landscape planting with deciduous and coniferous trees and large shrubs.

F. Procedure. The Planning Board shall approve, approve with conditions, or deny applications for site plans for land uses within the Town as herein designated and pursuant to and in accordance with the standards and procedures set forth below.

1. Submission of an application. An application for Site Plan approval shall initially be submitted to the Building Department and Town Planner who shall have a pre-application meeting(s) with the applicant. The applicant should have a conceptual plan and sketch plan for the pre-application meeting. Should the submitted plans conform to the Comprehensive Plan of the Town of Lloyd, be complete in that the plans address section "E--Criteria" above, and comply with Zoning Ordinances of the Town of Lloyd, the application will receive a Zoning Verification from the Code Enforcement Officer and the Town Planner will then transmit the application to the Planning Board for their review.

The application shall:

- (a) Be made on forms available at the office of the Planning Board.
- (b) Be accompanied by five (5) copies of the site plan as described in these regulations.
- (c) Include all items in subsection B above, unless specifically waived

by the Planning Board.

(d) Include the payment of a fee as established by the Town Board. The applicant must pay all special consulting fees for engineers, planning consultants, and attorneys retained by the Town in accordance with § 100-56 as required by the Planning Board. The applicant shall pay all required fees prior to the Planning Board's consideration of the application by depositing funds with the Town and upon the request of the Town replenishing said account.

2. Determination by the Planning Board that all information required hereunder is included in the site plan application and that the application is therefore complete.

3. Public hearing. A public hearing shall be held within sixty-two (62) days of the acceptance of the application as complete, on notice:

(a) published at least five (5) days before the hearing; and

(b) mailed by certified mail, return receipt, to adjacent property owners at least ten (10) days before the hearing.

4. Planning Board decision. The Board shall make its decision on the application to approve, disapprove or approve with conditions within sixty-two (62) days of the date that the public hearing is closed. This time limit may be extended upon the consent of the applicant.

5. All fees due to the Town shall be paid in full before the Planning Board chair signs an approved site plan.

6. Expiration of Approval. Planning Board approval of a site plan shall expire if any of the following circumstances occurs:

(a) The site plan is not submitted for stamping and signature by the Chairperson within six (6) calendar months of the Planning Board's resolution of site plan approval, with or without modifications. Upon prior written request to the Planning Board, including a statement of justification for the requested time extension, the time period for an expiration of approval may be extended for a maximum of six (6) calendar months, on two (2) occasions, at the discretion of the Planning Board.

(b) Construction is not commenced and diligently pursued within two (2) years of the stamping and signing of the site plan by the Chairperson. Upon prior written request to the Planning Board, including a statement of justification for the requested time extension, the time period for an expiration of approval may be extended for a maximum of one (1) calendar year, on two (2) occasions, at the discretion of the Planning Board.

(c) Should the site plan expire, the applicant must return for full site plan review before the Planning Board, following the procedures described above in section "F"

and shall be required to pay all fees in place at the time of the signing of the map.

ARTICLE 9: ADMINISTRATION

§ 100-5455. Administration and enforcement

A. Code Enforcement Officer. Unless otherwise provided, this Chapter shall be enforced by the Code Enforcement Officer in accordance with the provisions herein.

B. Permits:

1. No structure shall be erected, constructed, enlarged, located, structurally altered or moved and no land or structures shall be used until a permit thereof has been issued by the Code Enforcement Officer. Unless a variance has been granted by the Zoning Board of Appeals, no permit or certificate of occupancy shall be issued for any structure where said erection, construction, enlargement, location, addition, alteration or moving thereof would be in violation of any of the provisions of this Chapter. No building permit shall be authorized or issued for a use subject to Site Plan or Special Use Permit requirements, except in full accordance with such approvals.

2. Permit application. Before any permit shall be issued, written application therefore shall be made on official Town forms. All applications, shall be accompanied by two copies of a layout or plot plan, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of all structures proposed to be built on the lot and of any existing structures that shall remain, the existing and intended use of each structure or part thereof, the number of families that the structure may be designed to accommodate, the nature of the improvement, the estimated cost and the intended use or purpose to be made of the improvement and premises and such other information with regard to the lot and neighboring lots that may be necessary to determine and provide for the enforcement of this Chapter, as adopted. One copy of such plan shall be returned to the owner, either in person or by mail, when such plans shall have been approved by the Code Enforcement Officer. The building location on the lot shall be staked out on the ground before construction is started so that the Code Enforcement Officer may determine, by measurement in the field, that the yard requirements for the district in which the use is located have been met.

3. Nature of permits.

(a) Such permit shall, among other things, briefly describe the premises, the nature of the improvement, the estimated cost and the intended use or purpose to be made of the improvement and premises. It shall bear the date of issuance and shall be signed by the official issuing the same. The original application and a duplicate copy of the plans, specifications and permit issued shall be filed immediately in the office of the Code Enforcement Officer. No building, land or premises shall be used for any purpose other than that stated in the permit.

(b) Duration and scope of permit. A building permit shall expire if

construction is not commenced within a period of 12 months. The Building Inspector may grant a one (1) year extension of time.

C. Certificates of occupancy.

1. Certificates of occupancy required. An owner shall not use or permit the use of any building or premises or part thereof hereafter created, erected, changed, converted or enlarged, wholly or partly, in its use or structure, until a certificate of occupancy shall have been issued by the Code Enforcement Officer. Such certificate shall state that such building premises or part thereof and the proposed use thereof are in complete conformity with the provisions of this Chapter. It shall be the duty of the Code Enforcement Officer to issue a certificate of occupancy, provided that he is satisfied that the building and the proposed use of the building or premises conform with all the requirements herein set forth.

2. Temporary certificates of occupancy. Under such rules and regulations as may be established by the Town Board, a temporary certificate of occupancy for part of a building may be issued.

3. Temporary conditional certificates of occupancy. In the event an owner or builder cannot complete all construction, but needs to occupy or guarantee occupation of a structure or lands, and the weather or other uncontrollable and unforeseeable occurrence prevents the completion of all the construction, and provided the structure and/or land can be occupied safely without violating any provisions of the Town Code and the New York State Uniform Fire Prevention and Building Code, the Code Enforcement Officer may issue a Temporary Conditional Certificate of Occupancy (TOCC) specifying a limited, reasonable period of time, and all conditions attached to its issuance, which also provides for a cash bond in an amount determined by the Town Engineer and deposited with the Town Supervisor, and that the Town may complete the construction upon the owner or builder's default, using the cash bond deposited.

4. Valid periods for certificates of occupancy. A certificate of occupancy shall be deemed to authorize and is required for both initial and continued occupancy and use of the building or land to which it applies, and shall continue in effect as long as such building and the use thereof, or of such land, is in full conformity with the provisions of this Chapter and any requirements made pursuant thereto. On the serving of notice by the Code Enforcement Officer of any violation of any of the said provisions or requirements in respect to any building or the use thereof, or of land, the certificate of occupancy for such use shall thereupon become null and void, and a new certificate of occupancy shall be required for any further use of such building or land.

D. Records. The Code Enforcement Officer shall maintain a record of all certificates, and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building affected. A fee payable to the Town will be charged for each certificate copied.

E. Fee schedule.

1. Any applicant for a permit, variance or payment of drainage, recreation or other requirement or seeking various development- and construction-related applications, including but not limited to site plan approval, subdivision approval, variances, inspections and permits, shall pay fees to the Town of Lloyd on a schedule to be determined by the Town Board.

2. The Town Board shall, by resolution, adopt a schedule of fees to be paid by applicants for said permits, variances, drainage fees, recreation fees or development- and construction-related applications. Such fees may be paid under such terms and in such stages as the Town Board, by resolution, directs, but shall be uniform for all applicants.

3. The Town Board may, by resolution, amend the fees in the schedule from time to time and may adopt regulations, by resolution, concerning the procedure for applications for development and other matters in connection with the fee schedule and development within the Town.

F. Penalties

1. A person who violates any of the provisions of or who fails to comply with any conditions imposed by this Chapter shall have committed a violation, punishable by a fine not exceeding five hundred dollars (\$500) for a conviction of a first offense and punishable by a fine of one thousand dollars (\$1,000) for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional offense.

2. The Town Zoning Code Enforcement Officer, in the name of the Town of Lloyd, is authorized to retain an attorney and is directed to institute any and all actions and proceedings authorized by law necessary to enforce this Chapter. The Zoning Code Enforcement Officer may bring actions for civil penalties in any court having jurisdiction for a civil penalty which may amount to one hundred dollars (\$100) per day for the time that the violation exists. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty, but may be brought even if no criminal violation is prosecuted.

3. Injunctions and enforcement measures. Any building erected, constructed, altered, enlarged, located, converted, moved or used contrary to any of the provisions of this Chapter, and any use of any land or any building which is conducted, operated or maintained contrary to any of the provisions of this Chapter, shall be and the same is hereby declared to be unlawful. The Code Enforcement Officer may issue a stop work order, or seek an injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove such erection, construction, alteration, enlargement, location, conversion or use in violation of any of the provisions of this Chapter. The Code Enforcement Officer shall serve notice, personally or by certified mail addressed to the premises of such violation, on the person or corporation committing or permitting the same; and, if such violation does not cease within such time as the Code Enforcement Officer may specify and a new certificate of occupancy is not obtained, the Code Enforcement Officer shall institute such of the foregoing actions as may be necessary to terminate the violation. Such notice may also be served by posting on the premises.

4. Cumulative penalties. The remedies provided for herein are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

| § 100-~~5556~~. **Planning Board**

A. Creation of Planning Board. There shall be a Planning Board pursuant to the provisions of § 271 of the Town Law. The seven member Planning Board may continue to act as a duly constituted Planning Board until the Town Board, by resolution, reduces such membership to five.

B. Powers and duties generally. The Planning Board shall have all the powers and duties prescribed by law.

C. Alternate members. The Town Board shall establish two (2) alternate Planning Board member positions for purposes of substituting for a member in the event such member is unable to participate because of a conflict of interest, as provided § 271.15 of the Town Law, or in the event that a quorum of the regular members of the Planning Board is not met and such alternative member(s) are needed to establish a quorum for the conduct of business. Alternate members of the Planning Board shall be appointed by resolution of the Town Board, for terms established by the Town Board.

1. The Chairperson of the Planning Board may designate an alternative member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the Board, or due to absence. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Board.

2. All provisions of this section and of § 271 of the Town Law relating to Planning Board member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, and service to other boards, shall also apply to alternative members.

D. Training. The Town Board maintains standards for training of Planning Board members in accordance with the provisions of § 271.7-a of the Town Law.

E. Officers.

1. The officers of the Board are the Chair and Vice-Chair and Secretary, if said Secretary is a member of the Board.

2. The Chair shall be designated by the Town Board. The Chair shall perform all duties required by law, ordinance and these rules. The term of office will be one year starting in January. He or she shall preside at all meetings of the Board. The Chair will decide on all points of order, subject to these rules, unless directed otherwise by a majority of the Board.

The Chair's signature shall be the official signature of the Board and shall appear on all decisions as directed by the Board.

3. The Vice-Chair shall be appointed by the Town Board to serve in the absence of the Chair. He or she shall have all the powers of the Chair during his absence, disability or disqualification. The term of office will be one year starting in January.

4. The Secretary will be appointed by the Town Board and need not be a member of the Board. The Secretary, subject to the direction of the Board and the Chair, shall keep minutes of all Board proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall also keep records of all Board examinations and other official actions. The term of the appointment is at the pleasure of the Town Board subject to the prevailing regulations of Ulster County Personnel Department, Civil Service Unit, and any union contractual agreements.

5. Should a vacancy occur on the Planning Board for any reason, the Secretary shall give immediate notice thereof to the Town Clerk for the Town Board, specifying the position vacated.

6. The Town Board may fill the vacancy at any regularly scheduled meeting of the Town Board.

F. Meetings.

1. All meetings of the Board will be held monthly pursuant to an established schedule, or at the call of the Chair or within 10 days of receipt of a written request from a majority of the Board.

2. The order of business at regular meetings shall be as follows:

- (a) Roll call.
- (b) Reading and approving minutes of the preceding meeting.
- (c) Public hearings.
- (d) Other business.
- (e) Adjournment.

3. After approval, minutes of all meetings will be filed with the Town Clerk.

4. Quorum and decisions.

- (a) A quorum shall consist of a majority of the Board.

(b) No public hearing or meeting of the Board shall be held, nor any action taken, in the absence of a quorum. This pertains to all public hearings and meetings. All subsequent public hearings shall be readvertised in accordance with the requirements of the applicable law. Readvertising expenses incurred due to the lack of a quorum will be borne by the Board.

(c) All matters shall be decided by a roll-call vote.

(d) No member of the Board shall sit in hearing or vote on any matter in which he is personally or financially interested. Said member shall not be counted by the Board in establishing the quorum for such matter.

(e) No member shall vote on the determination of any matter requiring public hearing unless he attended the public hearing thereon or has familiarized himself with such matter by reading the record.

G. Compliance with General Municipal Law Sections 239-m, 239-n and 239-nn shall be required.

§ 100-~~565~~7. Zoning Board of Appeals

A. Organization. There shall be a Zoning Board of Appeals pursuant to the provisions of § 267 of the Town Law. The five member Zoning Board of Appeals may continue to act as a duly constituted Zoning Board of Appeals until the Town Board, by resolution, reduces such membership to three.

B. Powers and duties generally. The Zoning Board of Appeals shall have all the powers and duties as provided in § 267-b of the Town Law.

C. Alternate members. The Town Board may establish two (2) alternate Zoning Board of Appeals member positions for purposes of substituting for a member in the event such member is unable to participate because of a conflict of interest, as provided § 267 of the Town Law, or in the event that a quorum of the regular members of the Zoning Board of Appeals is not met and such alternative member(s) are needed to establish a quorum for the conduct of business. Alternate members of the Zoning Board of Appeals shall be appointed by resolution of the Town Board, for terms established by the Town Board.

1. The Chairperson of the Zoning Board of Appeals may designate an alternative member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the Board, or due to absence. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Board.

2. All provisions of this section and of § 267 of the Town Law relating to Zoning Board of Appeals member training and continuing education, attendance, conflict of

interest, compensation, eligibility, vacancy in office, removal, and service to other boards, shall also apply to alternative members.

D. Training. The Town Board maintains standards for training of Zoning Board of Appeals members in accordance with the provisions of § 267.7-a of the Town Law.

E. Appeal and application procedures. All appeals and applications to the Zoning Board of Appeals shall be taken in the manner and within such time prescribed by law. All such appeals and applications shall be in writing, on forms prescribed by the Board, and each appeal or application shall fully set forth the circumstances of the case. Every appeal or application shall refer to the specific provision of this Chapter and shall exactly set forth, as the case may be, the interpretation that is claimed, the details of the adjustment that is applied for and the grounds for which it is claimed that the same should be granted. Every decision of the Zoning Board of Appeals shall be recorded in accordance with standard forms adopted by the Board and shall fully set forth the circumstances of the case and the findings on which the decision was based.

F. Fees. Each application to the Zoning Board of Appeals must be accompanied by a fee established by the Town Board.

G. Notices of hearings.

1. Notice of hearing. Notice of any hearing before the Zoning Board of Appeals shall be published in a newspaper circulating within the Town of Lloyd, as provided for in the Town Law and specified in the rules of procedure of the Zoning Board of Appeals.

2. Referral to Planning Board. At least five days before the date of the hearing required by law on an application or appeal to the Zoning Board of Appeals, the Secretary of the Zoning Board of Appeals shall transmit to the Secretary of the Planning Board a copy of said application or appeal, together with a copy of the notice of the aforesaid hearing, and the Planning Board may, prior to the date of said hearing, submit to the Zoning Board of Appeals an advisory opinion on said application or appeal.

H. Action of Board of Appeals.

1. Every decision of the Zoning Board of Appeals shall be by resolution, shall be recorded in accordance with standard forms adopted by the Board and shall fully set forth the circumstances of the case and the findings on which the decision was based. Timely notice of all decisions shall be given to all parties of the proceedings.

2. The Board shall file a copy of each such resolution in the office of the Town Clerk, together with all supporting documents, and a copy with the Planning Board and the Code Enforcement Officer. The Zoning Board of Appeals shall report to the Town Board periodically, at intervals of not greater than three months, summarizing all applications and appeals made to it since its last previous report and summarizing its decisions on such applications and appeals. A copy of such report shall be filed with the Planning Board and the Code Enforcement Officer at the same time that it is filed with the Town Board.

I. Application to Court for relief from decisions. Any person or persons jointly or severally aggrieved by any decision of the Zoning Board of Appeals may apply to the Supreme Court for relief in the manner provided for by law.

J. Officers.

1. The officers of the Board are the Chair and Vice-Chair and Secretary, if said Secretary is a member of the Board.

2. The Chair shall be designated by the Town Board. He or she shall perform all duties required by law, ordinance and these rules. The term of office will be one year starting in January. The Chair shall preside at all meetings of the Board. He or she will decide on all points of order, subject to these rules, unless directed otherwise by a majority of the Board. The Chair's signature shall be the official signature of the Board and shall appear on all decisions as directed by the Board.

3. The Vice-Chair shall be appointed by the Town Board to serve in the absence of the Chair. He shall have all the powers of the Chair during his absence, disability or disqualification. The term of office will be one year starting in January.

4. The Secretary will be appointed by the Town Board and need not be a member of the Board. The Secretary, subject to the direction of the Board and the Chair, shall keep minutes of all Board proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall also keep records of all Board examinations and other official actions. The term of the appointment is at the pleasure of the Town Board subject to the prevailing regulations of Ulster County Personnel Department, Civil Service Unit, and any union contractual agreements.

5. Should a vacancy occur on the Zoning Board for any reason, the Secretary shall give immediate notice thereof to the Town Clerk for the Town Board, specifying the position vacated.

6. The Town Board may fill the vacancy at any regularly scheduled meeting of the Town Board.

K. Meetings.

1. All meetings of the Board will be held monthly pursuant to an established schedule, or at the call of the Chair or within 10 days of receipt of a written request from a majority of the Board.

2. The order of business at regular meetings shall be as follows:

(a) Roll call.

- (b) Reading and approving minutes of the preceding meeting.
 - (c) Public hearings.
 - (d) Other business.
 - (e) Adjournment.
3. After approval, minutes of all meetings will be filed with the Town Clerk.
4. Quorum and decisions.
- (a) A quorum shall consist of a majority of the Board.

(b) No public hearing or meeting of the Board shall be held, nor any action taken, in the absence of a quorum. This pertains to all public hearings and meetings. All subsequent public hearings shall be readvertised in accordance with the requirements of the applicable law. Readvertising expenses incurred due to the lack of a quorum will be borne by the Board.

(c) All matters shall be decided by a roll-call vote.

(d) No member of the Board shall sit in hearing or vote on any matter in which he is personally or financially interested. Said member shall not be counted by the Board in establishing the quorum for such matter.

(e) No member shall vote on the determination of any matter requiring public hearing unless he attended the public hearing thereon or has familiarized himself with such matter by reading the record.

L. Compliance with General Municipal Law sections 239-m, 239-n and 239-nn shall be required.

§ 100-~~575~~8. Escrow deposits and payment of consultants' fees.

A. In connection with any application for a special use permit, site plan or subdivision approval, zoning amendment, variance, or other appeal, the reviewing board may require an applicant to deposit an initial sum of money into an escrow account in advance of the review of the application. Said sum shall be based on the estimated cost to the Town of reviewing the particular type of application before it. The reviewing board may consider the professional review expenses incurred by neighboring municipalities in reviewing similar applications. The reviewing board may also consider the Town's survey of professional review expenses in determining the initial sum of money to be deposited in an escrow account by an applicant.

1. Use of funds.

(a) Said sum of money shall be used to cover the reasonable and necessary costs of reviewing an application. Costs may include staff costs or consultant fees for planning, engineering, legal, and other professional and technical services required for the proper and thorough review of an application. The reviews governed by this section shall include all environmental review pursuant to law including review of the proposed action under SEQR.

(b) The review expenses provided for herein are in addition to application or administrative fees required pursuant to other sections of the Lloyd Town Code. Monies deposited by applicants pursuant to this section shall not be used to offset the Town's general expenses of professional services for the several boards of the Town or its general administrative expenses.

(c) Fees charged strictly as a result of SEQR review shall in no event exceed the maximum amounts that can be charged pursuant to the SEQR regulations by the lead agency.

B. Upon receipt of monies requested for an escrow account, the Town Supervisor shall cause such monies to be placed in a separate non-interest-bearing account in the name of the Town 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.

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

D. Review of vouchers; payment.

1. 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. In auditing the vouchers, the Town Board may take into consideration the size, type and number of buildings to be constructed, the topography of the site at issue, environmental conditions at such 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 other vital interests of the residents of the Town, and protect public or private property from damage.

2. In no event shall an applicant make direct payment to any Town consultant.

E. If at any time during the processing of an application there shall be insufficient monies on hand to the credit of an applicant to pay the approved vouchers in full, or if it shall

reasonably appear to the reviewing board that such monies shall be in sufficient to meet vouchers yet to be submitted, the reviewing board shall cause the applicant to deposit additional sums as the board deems necessary or advisable in order to meet such expenses or anticipated expenses.

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

G. Upon completion of the review 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 the escrow account shall be refunded within sixty days after the applicant's request.

ARTICLE 10: AMENDMENTS

§ 100-~~5859~~. Amendments.

A. This Chapter or any part thereof may be amended, supplemented or repealed from time to time by the Town Board on its own motion or in response to a petition from the public or upon recommendation by the Planning Board. Prior to public hearing, every such proposed amendment shall be referred by the Town Board to the Planning Board for a report. The Town Board shall not take any action on any such amendment without such report from the Planning Board unless the Planning Board fails for any reason to render such report within 45 days following the date of such referral.

B. Report of the Planning Board. In making such report on a proposed amendment, the Planning Board shall make inquiry and determination concerning the items specified below:

1. Concerning a proposed amendment to or change in text of the Chapter:

(a) Whether such change is consistent with the aims and principles embodied in the Chapter as to the particular districts concerned.

(b) Which areas, land uses, buildings and establishments in the Town will be directly affected by such change and in what way they will be affected.

(c) The indirect implications of such change in its effect on other regulations.

(d) Whether such proposed amendment is consistent with the aims of the *Comprehensive Plan* of the Town.

2. Concerning a proposed amendment involving a change in the Zoning Map:

(a) Whether the uses permitted by the proposed change would be appropriate in the area concerned.

(b) Whether adequate public school facilities and other public facilities and services, including roads, exist or can be created to serve the needs of any additional residences or other uses likely to be constructed as a result of such change.

(c) Whether the proposed change is in accord with any existing or proposed plans in the vicinity.

(d) The effect of the proposed amendment upon the growth of the Town as envisaged by the Master Plan.

(e) Whether the proposed amendment is likely to result in an increase or decrease in the total residential capacity of the Town and the probable effect thereof.

C. Each petition for an amendment, except those initiated by the Town Board or Planning Board, shall be accompanied by:

1. A fee in accordance with the Standard Schedule of Fees of the Town of Lloyd as may be adopted from time to time by the Town Board;

2. A sketch showing the outline of the district, names of the property owners and the assessed valuation of each property; and

3. A narrative detailing the rationale and need of the proposed amendment, and how such amendment is consistent with the Town's *Comprehensive Plan*.

D. Whenever the owners of at least fifty-one (51) percent of the assessed valuation in any district shall present a petition, duly signed and acknowledged by such owners, to the Town Board, requesting an amendment, supplement or change in the zoning regulations prescribed for such district or part thereof, it shall be the duty of the Town Board to hold a public hearing on such petition within 90 days after the filing of same.

E. By resolution adopted at a meeting of the Town Board, the Town Board shall fix the time and place of a public hearing on the proposed amendment and cause notice thereof to be given in accordance with provisions of § 264 of the Town Law. All notices of public hearing shall specify the nature of any proposed amendment, the land or district affected and the date when and the place where the public hearing will be held. At least 10 days' notice of the time and place of such hearing shall be published in the official newspaper.

F. In the case of a protest against any amendment, such amendment shall not become effective except in accordance with the provisions of § 265 of the Town Law.

G. A determination of the Town Board regarding the adoption or rejection of any proposed amendment is a legislative action.