

**ARTICLE IX
SPECIAL PERMIT USES**

All special permit uses cited in Article IX and Attachment A of this Ordinance or any other Section of this Ordinance shall be subject to Site Plan Review. The procedures and requirements of this review are located in Article X. In all cases where this Ordinance requires site plan review and approval, no building permit or Certificate of Occupancy or Use shall be issued by the Zoning Administrator except upon authorization of and in full conformity with plans approved by the Planning Board.

A. Procedure

The procedure for review and approval under this Article shall be as set forth in Article X.D.

B. Application

Application for review and approval under this Article shall be filed according to the requirements and procedure set forth in Article X.D.

C. Compliance with State Environmental Quality Review Act (SEQR)

Proposed projects are actions subject to the provisions of SEQR. Prior to rendering its decision, the Planning Board shall make a determination as to the type of the proposal in accordance with Article 8 of the Environmental Conservation Ordinance and Part 617 NYCRR and follow all applicable procedures.

D. County Planning Board Referral

Prior to taking action on the application, the Planning Board shall refer a copy of the application to the Saratoga County Planning Board for its review in accordance with Section 239(m) of the General Municipal Law, if applicable. Pursuant to this Article, applicable uses include any special permit use within five hundred feet of:

1. The boundary of any city, village, or town;
2. Any existing or proposed county or state park or other recreation area;
3. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway;
4. The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines;

5. The existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or
6. The boundary of a farm operation located in an agricultural district as defined by Article 25AA of the Agricultural and Markets Law.

E. Required Fee

An application for a special permit use shall be accompanied by a fee in an amount which shall be established from time to time by the Town Board and posted in the Town Hall. The Planning Board, in its discretion, may require the applicant to establish an escrow account not to exceed \$1000.00 to pay for additional engineering review of the application.

F. Time Limit

If the applicant does not substantially complete the terms of the special permit within (1) one-year of issuance, said permit shall become null and void. An extension of up to 12 months may be granted upon review and approval of the Planning Board.

G. General Special Permit Use Standards

In authorizing any special permit use, the Planning Board shall take into consideration the public health, safety, general welfare, the comfort and convenience of the public in general and that of the immediate neighborhood in particular. The Planning Board shall also take into strict account the specific conditions set forth in this Section for certain uses, applicable supplementary regulations stated in Section XI of this Ordinance, and the following general objectives for any use requiring Planning Board authorization:

1. Adjacent land uses: The Planning Board shall not approve the special permit use unless, in its determination, the proposed use will not have a negative effect on existing adjacent land uses.
2. The location and size of the use: The nature and intensity of the operations involved, the size of the site in relation to the use, and the location of the site with respect to existing and future streets providing access, shall be in harmony with the orderly development of the district.
3. The location, nature and height of the buildings, walls and fences, and the nature and intensity of intended operations: These should not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

4. Vehicular Circulation: Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls shall be considered.
5. Pedestrian Circulation: Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience shall be considered.
6. Parking: Location, arrangement, appearance and sufficiency of off-street parking and loading shall be considered.
7. Layout: The location, arrangement, size, design and general site compatibility of buildings, lighting and signage shall be considered.
8. Drainage Facilities: Adequacy of stormwater management plans and drainage facilities shall be considered.
9. Water and Sewer: Adequacy of water supply and sewage disposal facilities and their compliance with New York State Department of Health requirements shall be considered.
10. Vegetation: Adequacy, type and arrangement of trees, shrubs and other landscaping constituting at all seasons of the year a visual and/or noise deterring buffer between the Applicant's and adjoining lands, including the maximum retention of existing vegetation shall be considered.
11. Impacts on Adjacent Land Uses: Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features shall be considered.
12. Emergency Access: The accessibility of the use to fire, police, and other types of emergency vehicles shall be considered.
13. Flooding: Special attention shall be given to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion, including compliance with Town of Northumberland Ordinance No. 1 of 1987 as amended by Local Laws #6 of 1989 and #5 of 1991 governing the one hundred (100) year flood hazard area;
14. Driveways: Driveways shall be located and, where possible, relocated to minimize the impact of vehicular traffic on neighboring properties and existing roads.
15. Lighting: The impacts of lighting on adjacent areas and areas within viewing distance shall be considered.

H. Additional Standards for Certain Uses

In addition to the general standards stated above and the site plan review considerations stated in Article X of this Ordinance, the following specific standards shall be complied with for the particular special permit uses cited below:

1. Mining and Excavation Exempt from State Jurisdiction: The regulations below (a.-i.) shall apply to those operations including the loading, hauling and/or processing of sand, gravel, soil, shale, topsoil, stone, all or any aggregate material native to the site, in excess of four hundred (400) tons or two hundred (200) cubic yards, whichever is less, but less than one thousand (1,000) tons or 750 cubic yards, whichever is less, within twelve (12) successive calendar months. Non-commercial mining performed on agricultural lands for agricultural purposes and non-commercial mining performed on subdivision lands for the purpose of said subdivision, which mined material shall remain on-site, shall be exempt from the following provisions.
 - a. The hours of operation shall be as determined by the Planning Board. The decision shall be based on potential impacts on nearby land uses;
 - b. The routing of transport shall be as determined by the Planning Board. Said decision shall take into account impacts on roads, public rights-of-ways, natural or man-made barriers to restrict access, dust control measures, ingress/egress, affected land uses, and any other factors deemed worthy of consideration;
 - c. A time schedule for completion of either the entire operation or, if excavation is to occur in stages, of each stage of the operation shall be submitted for approval. A special permit shall be issued for a one (1) year period, subject to renewal upon the review and approval of the Planning Board providing that the applicant has met all applicable conditions. No renewal of the special use permit shall be granted until the permit holder has complied with all provisions of item f., below.
 - d. An operations plan, including the number and type of trucks and other machinery to be used on the site shall be submitted for approval;
 - e. A progressive restoration and rehabilitation/reclamation plan showing both existing contours and proposed final contours after operations are completed at two (2) foot intervals shall be submitted for approval. Such restoration and rehabilitation/reclamation plan shall include sowing and planting and proper vegetation so as to prevent erosion, unsightly-ness and noisome impact on neighboring properties, groundwater resources and aquifers;

- f. A buffer area of not less than one hundred (100) feet shall be established between the operation and the nearest property line; and a buffer area of not less than one hundred (100) feet from the nearest road shall be established. The entry into the excavated area shall be curved so as to prevent a direct view from the public right-of-way;
 - g. Such special use permit, including renewals, shall be restricted to a disturbed area not to exceed five (5) acres, and to a time period not to exceed six (6) years in total, at which time all reclamation activities shall have been completed;
2. Mining and Excavation Under State Jurisdiction: The regulations below shall apply to those operations including the loading, hauling, and/or processing of sand, gravel, soil, shale, topsoil, stone, all or any aggregate material native to the site, in excess of one thousand (1,000) tons or 750 cubic yards, whichever is less, in twelve (12) successive calendar months, or, greater than one hundred (100) cubic yards from or adjacent to any body of water.
- a. All applicable provisions of the New York Mined Land Reclamation Ordinance and other applicable State and Federal regulations shall be fully complied with;
 - b. Ingress to and egress from the site which involves locally controlled roads shall be such that vehicles associated with the operation can enter and exit safely without undue disturbance to adjacent land uses;
 - c. The routing of mineral transport vehicles over locally controlled roads shall cause as little damage as practicable to the road surface and create as little disturbance as is possible to adjacent land uses;
 - d. The Town has the authority to regulate and place special permit conditions on setbacks from property boundaries and public rights-of-way; natural and manmade barriers to restrict access if required, dust control and hours of operation;
 - e. The Town has the authority to enforce New York State Department of Environmental Conservation requirements as they pertain to reclamation.
3. Gasoline Stations:
- a. A gasoline station lot and/or fuel storage tanks shall not be located within 2,500 feet of any municipal water wells or other public water supply source. All fuel storage tanks shall comply with all federal and state regulations.

- b. No gasoline or oil pump, no oiling or greasing mechanism and no other storage or service appliance installed in conjunction with any gasoline station or public garage shall be within twenty-five (25) feet from any curb line and fifty (50) feet from any property line;
 - c. Entrance and exit driveways shall have an unrestricted width of not less than eighteen (18) feet nor more than thirty (30) feet, nor be located closer than ten (10) feet to any side or rear lot line;
 - d. No entrance or exit driveway or parking space shall be so located as to require the backing of any vehicle into a public right-of-way;
 - e. No access drive shall be within two hundred (200) feet of and on the same side of the street as a school, public library, theater, church or place of worship, or other public gathering place, park, playground or fire station designed for occupancy by more than fifty (50) persons, unless a street with a right-of-way of not less than fifty (50) feet lies between such gasoline station and such building or use;
 - f. All major repair work, storage of materials, supplies, and parts shall be located within a structure completely enclosed on all sides, not to be construed as meaning that the doors on any repair shop must be kept closed at all times;
 - g. Suitable year-round buffering and landscaping, using only indigenous plants, shall be provided in all rear and side yards.
4. Quick Stop Retail Food Stores (with gasoline services):
- a. Ensure that adequate parking is available on site for customers making purchases at the store but not buying gasoline. The parking area shall be located in such a manner that it does not interfere with the safe entry and exit of vehicles purchasing gasoline. The design and number of spaces shall be as provided for in Article XI. B. Also, entrance and exit driveways shall have an unrestricted width of not less than eighteen (18) feet nor more than thirty (30) feet, nor be located closer than ten (10) feet to any side or rear lot line; and no entrance or exit driveway or parking space shall be so located as to require the backing of any vehicle into a public right-of-way; and there shall be adequate area for the safe access and maneuvering of delivery vehicles and the safe unloading of same. The siting of gasoline storage tanks and pumps must also comply with Sections H.3.a. and H.3.b. of Article IX.

- b. Provide an enclosed trash dumpster for disposal of stock packings removed by store employees, and trash receptacles for customer use shall be made available on the premises.
 - c. Maintain no outdoor displays of merchandise which interfere with the safe flow of traffic and pedestrians.
 - d. Locate all exterior vending machines on the side of the building.
 - e. Direct all roof-top heating/ventilation/air conditioning or refrigeration units away from adjacent residential properties.
 - f. Suitable year round buffering and landscaping, using only indigenous plants, shall be provided in all rear and side yards;
5. Quick Stop Retail Food Stores (without gasoline services):
- a. Entrance and exit driveways shall have an unrestricted width of not less than eighteen (18) feet nor more than thirty (30) feet, nor be located closer than ten (10) feet to any side or rear lot line;
 - b. No entrance or exit driveway or parking space shall be so located as to require the backing of any vehicle into a public right-of-way;
 - c. There shall be adequate area for the safe access and maneuvering of delivery vehicles and the safe unloading of same;
 - d. Suitable year round buffering and landscaping, using only indigenous plants, shall be provided in all rear and side yards;
 - e. The parking area shall be located in such a manner that it does not interfere with the safe entry and exit of vehicles. The design and number of spaces shall be as provided for in Article XI.B.;
 - f. An enclosed trash dumpster shall be provided, in the rear or side yard, for the disposal of stock packings, and trash receptacles for customer use shall be made available on the premises;
 - g. There shall be no outdoor displays of merchandise which interfere with the safe flow of traffic and pedestrians.
 - h. Locate all exterior vending machines on the side of the building.
 - i. Direct all roof-top heating/ventilation/air conditioning or refrigeration units away from adjacent residential properties.

6. Bed and Breakfasts/Boarding, Lodging or Rooming Houses:

- a. There shall be no use of show windows or displays or advertising visible outside the premises to attract customers or clients other than the home occupation announcement sign as permitted;
- b. There shall be no exterior storage of materials;
- c. No external alterations, additions, or changes to the structure shall be permitted to accommodate or facilitate the bed and breakfast other than those required to meet building or safety codes so that the bed and breakfast retains its predominantly residential character;
- d. No offensive noise, odor, vibration, smoke, dust, heat, humidity, glare, or other objectionable effects shall result from the bed and breakfast or rooming house;
- e. The bed and breakfast or rooming house shall be a principal building and owner-occupied.

7. Duplex Dwelling:

- a. Adequate common water supply and common sewage disposal facilities shall be provided in full accordance with the requirements of the Town of Northumberland, and the New York State Department of Health;
- b. Provision for short-term storage of household trash shall be made on-site. The container(s) used for this purpose shall close securely, be large enough to meet demand, and be screened from adjacent uses;
- c. All open portions of any developed lot shall have adequate grading and drainage, and shall be continuously maintained in a dust free and erosion-resistant condition by suitable landscaping with trees, shrubs, grass or other planted ground cover, or by paving with asphalt, concrete, crushed rock or with other material.
- d. The Zoning Administrator shall inspect all the dwelling units annually to ensure that they have been maintained in a habitable condition and that there are no violations of this Ordinance and any other applicable rules and regulations related to multiple family dwelling units. The fee for such inspection shall be paid prior to the inspection as set forth by the Town Board from time to time and posted in the Town Hall.

8. Hotels / Motels:

Accessory uses to a hotel or motel development shall be limited to the following:

- a. Conference, banquet or seminar rooms to accommodate a total of not more than 125 persons;
- b. Restaurant facilities;
- c. Swimming pool;
- d. Personal service/retail shops fully within the hotel or motel;
- e. The hotel or motel service and maintenance facilities.

9. Home Occupations:

- a. A home occupation shall only be conducted wholly within a dwelling which is a bonafide residence of the principal practitioner of the occupation or in an accessory building thereto which is normally associated with the residential use;
- b. Not more than one (1) such home occupation may occur on a single residential premises;
- c. The home occupation, whether located in the dwelling or in a customary accessory structure, shall be in accordance with the requirements of the New York State Uniform Fire Prevention and Building Code and occupy a maximum of five hundred (500) square feet;
- d. No offensive noise, dust, or odor shall be created in the conduct of said activity;
- e. Except for articles produced on the premises, no other items shall be sold on the premises. Nothing in this Section shall prevent the establishment of a mail order business;
- f. No alteration to the exterior of the principal residential building or customary accessory building used for the home occupation activity shall be made which changes the character thereof as a residential premises, except that a single sign, not exceeding four (4) square feet in area, shall be permitted. Any new construction undertaken to accommodate the home occupation activity shall also be wholly consistent with the character of a residential premises;

- g. In the conduct of said activity no more than one (1) person not a member of the resident family shall be employed;
- h. No outdoor display of goods or outdoor storage of equipment or materials used in the home occupation shall be permitted.
- i. There shall be permitted no sharing, letting or subletting of space for use by others in the conduct of their profession, trade, service or business.
- j. The use shall not impair the visual quality of the area;
- k. Sufficient off-street parking and landscaping shall be provided as required within Section XII (B) of this Ordinance.
- l. Parking facilities shall be landscaped and screened to the extent necessary to eliminate unsightliness and impacts on adjacent land uses.

10. Kennels:

- a. The facility shall be screened from neighboring streets and properties by natural vegetation and/or solid fencing. Supervision shall be required to provide conditions to control animal-related noise.
- b. Buildings or structures, including fenced runs and similar outdoor areas, shall be located not less than one hundred (100) feet from any lot line nor within three hundred (300) feet of the nearest neighboring residential structure.

11. Day Care Centers and Facilities:

- a. All day care centers and facilities, as defined by this Ordinance, shall be required to obtain an operating permit from the New York State Department of Social Services pursuant to Section 418 of the New York State Social Services Law;
- b. An appropriately fenced outdoor play area providing adequate room for the size of the proposed day-care center shall be provided on site. If said outdoor play area is not directly adjacent to the indoor day-care center, a supervised crosswalk shall be provided between the two areas. A minimum distance shall be provided between any paved or impervious surface being a portion of said outdoor play area and all lot lines, said minimum distance being equal to the minimum distance otherwise required between off-street parking areas and lot lines. A minimum distance of ten (10) feet shall be provided between all portions of said outdoor play area and all off-street parking areas. A landscaped buffer area with a minimum width

of ten (10) feet shall be provided between all portions of said outdoor play area and all lot lines;

- c. No portion of said day-care center shall be located in a cellar;
- d. All areas used for day-care shall be provided with windows and adequate lighting and ventilation.

12. Golf Courses

- a. The centerline of a golf hole shall be a minimum of 150 feet from any road, right-of-way, boundary, clubhouse, or maintenance building and a minimum of 220 feet from any residential dwelling.
- b. If night activities are to be held at the golf facility, the parking lot shall be lighted. Said lighting shall be arranged and shielded as to reflect the light downward and prevent any light from shining directly on adjoining streets, residential zones and residential buildings.
- c. Any public address system shall be designed and operated in a manner which will not disturb adjacent landowners.
- d. Adequate space for off-street parking shall be provided in accordance with Section XI.B. of this Ordinance.
- e. A grounds maintenance program shall be submitted and approved, including, but not limited to:
 - (1) The names and intended application schedules of all chemicals, including but not limited to, pesticides, herbicides, insecticides, and fertilizers;
 - (2) A listing of all plant, shrub, and tree species on the site and any maintenance other than watering, that may be required to sustain health and vitality.

13. Airports:

- a. The proposed site and plans for development shall meet all of the applicable standards for the type of proposed air facility as promulgated by the Federal Aviation Administration, the New York State Department of Transportation, New York State Department of Environmental Conservation and any other appropriate review agencies;

- b. The owners of the air facility shall present evidence that they have fee title or air rights to the land in the clear zones extending one thousand (1000) feet from each end of the usable landing strip(s) or runway(s);
- c. Hangars and other buildings and structures shall be located at least one hundred (100) feet from any lot line; and
- d. Adequate space for automobile off-street parking shall be provided in accordance with Section XI.B. of this Ordinance.

14. Signs:

It is the intent of this section that signs shall consist of design, materials, size, height, placement and coloration appropriate to the character of the area. Signage will not unduly or adversely affect the qualities of scenic views nor contribute to the appearance of commercial strip development along the Town's major travel corridors.

a. General Provisions.

- (1) The maximum sign area requirements as set forth in this section shall apply to a single side of a sign. On a two-sided sign, only one (1) side shall be counted in computing the sign's area.
- (2) The provisions of this section relating to signs shall apply in all zoning districts.
- (3) Signs shall be considered to be accessory to the principal use of the premises and shall pertain only to activities or products available on the premises.
- (4) No sign shall be permitted which causes a traffic, health, or safety hazard or creates a nuisance due to its placement, display, or manner of construction. No sign shall be located so as to obstruct views of traffic.
- (5) Nonconforming signs, which existed prior to the adoption of this section, may not be relocated or altered except in conformance with this section. Any change in the content of a nonconforming sign, including names, words, logos, or similar information, shall constitute an alteration requiring conformance with this section.

b. Signs Not Requiring a Permit: The following types of signs shall be allowed in all districts and shall not be subject to permitting by the Town of Northumberland.

- (1) Banners, or pennants, relating to garage, lawn or other individual,

non-recurring sales, for the sale of produce grown or harvested by the property owner where the subject sign is located, or for a church bazaar, political campaign, fund drive, parade, fair, firemen's field day or other event or undertaking conducted by a political, civic, religions, charitable or educational organization. Such temporary signs are not limited in size, however the signs shall be removed within 48 hours after the termination of the activity being advertised.

- (2) Announcement signs: one (1) temporary, unlighted, sign pertaining to a building which is under construction or where a structural alteration or repair is taking place, announcing the project or purpose for which the building is intended, including the names of architects, engineers, contractors, funding sources and others, provided that the sign shall not exceed sixteen (16) square feet.
 - (3) Real estate signs: one (1) temporary unlighted sign not over six (6) square feet in area pertaining to lease or sale of the property on which it is displayed.
 - (4) Signs that mark property boundaries, give directions for roads or trails, prohibit trespassing, hunting, fishing or off-road vehicles; or warn of hazards.
 - (5) Signs giving the name of the residents of a dwelling and its address: Such signs may be illuminated by external white light only and shall be no greater than four (4) square feet in dimension and limited to one (1) per dwelling.
- c. Signs Requiring A Permit: No sign listed below shall be erected, altered, or relocated, until a sign permit is obtained following Planning Board review and approval.
- (1) Signs shall be constructed of wood, plastic, metal, masonry or stone.
 - (2) No sign shall contain flashing, intermittent, rotating or moving lights, nor consist of other moving, fluttering or revolving devices such as pennants, banners, ribbons, or streamers. However, pennants, banners, ribbons, or streamers may be employed on an occasional, temporary basis, not more than three (3) times per year, for periods of one (1) week, to call attention to special business or related events such as "grand openings," "special sales," etc.
 - (3) No sign shall contain or employ day-glowing or other fluorescent paint or pigments

- (4) No building-mounted sign shall be erected or maintained which extends above the roof ridge of the structure
- (5) No sign shall be erected having a sign area greater than forty (40) square feet nor exceed a maximum height of ten (10) feet above the ground.
- (6) Not more than two (2) signs shall be erected or maintained relating to a single business or activity, except for directional signs that do not exceed four (4) square feet in sign area and which are limited to such texts as "Entrance," "Exit," "No Parking," etc. The total combined sign area of the two (2) permitted signs shall not exceed forty (40) square feet. For the purposes of this provision, a single business or activity shall include all businesses or activities subordinate to or integrated with that business or activity, located on the same premises as that business or activity. Where more than one (1) business or activity is maintained upon the same premises, each business or activity shall be limited to one (1) sign.
- (7) Off premise directional signs: not more than two (2) signs located off premise shall be erected of not more than two (2) square foot each and shall be of a brown background with yellow lettering. Where more than one (1) business or activity is maintained upon the same premises, all businesses or activities shall share the same signpost limited to a total of two (2) signs per signpost.
- (8) Free standing signs shall be placed so as not to obstruct the vision of motorists entering and leaving the premises or the visibility at any road intersection, and shall not interfere with the use and enjoyment of adjoining properties.
- (9) Any sign in existence on the date of this Ordinance's enactment may be replaced with a sign duplicating size, shape and design.

15. Mobile Home Parks

a. Park Standards

- (1) Soils, water table, drainage, and topographic conditions shall not create hazards to the environment, property, or the health or safety of the occupants and no site shall be approved where seasonal or prolonged wetness, flooding or erosion will be detrimental to the proposed use of the site.
- (2) There shall be an established buffer area of thirty-five (35) feet between the park's property line and any individual mobile home

site line within the park. These setback areas shall be landscaped, if necessary, to provide a year round visual buffer.

- (3) Exposed ground in all parts of the park shall be seeded or protected with indigenous vegetation in order to prevent soil erosion and dust while preserving water absorption qualities.
- (4) The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, attractive manner. Surface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant ponds or pools.

b. Accessibility

- (1) Each mobile home park shall be directly accessible from an existing street.
- (2) Where a mobile home park has more than twenty (20) lots, two (2) points of entry and exit shall be provided, but in no instance shall the number of entry and exit points exceed four (4). Each shall be located with a minimum distance of one hundred (100) feet between them for the safe and convenient movement into and out of the park, and to minimize interference with the movement of traffic on a public highway or street.
- (3) All entrances and exits shall be at right angles to the existing street.
- (4) All entrances and exists shall be free of all objects which would impede the visibility of the driver entering or exiting a street for a distance of twenty (20) feet from the edge of pavement of the street and park road.
- (5) All entrances and exists shall be of sufficient width (minimum thirty (30) foot radius) to facilitate the turning movements of vehicles with mobile homes attached.

c. Internal Streets, Driveways, and Walkways

- (1) No individual mobile home, within a mobile home park, shall have direct access to an existing public roadway.
- (2) Each park shall have improved streets to provide for the convenient access to all mobile home sites and other important facilities within the park.

- (3) The street system shall be so designed to permit the safe and convenient vehicular circulation within the park.
- (4) Streets shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety.
- (5) All streets shall intersect at angles not less than 80°.
- (6) All streets shall be surfaced with an all-weather, dustless material.
- (7) All streets shall have a minimum paved width of eighteen (18) feet and contain two (2) four (4) foot shoulders.
- (8) An all weather, dustless driveway shall be provided for each mobile home lot. This driveway shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet.
- (9) There shall be a system of internal walkways to provide safe, convenient pedestrian access of adequate width to common facilities, service areas, and open space areas.
- (10) Except in cases of emergency, no parking shall be allowed on such streets.

d. Parking

Off-street parking spaces shall be provided at strategic and convenient locations.

- (1) There shall be two (2) contiguous parking spaces for each mobile home site within the park.
- (2) Each parking space shall consist of a 9'x 18' area and together shall provide for a minimum parking and maneuvering area of 324 sq. ft. for total parking and maneuvering.

e. Utilities and Service Facilities

The following utilities and service facilities shall be provided in each mobile home park which shall bear the stamp of approval of the New York State Department of Health or any other applicable responsible agency.

- (1) An adequate supply of potable water for drinking and domestic purposes, including laundering, shall be supplied by pipes to all mobile home sites and buildings within the park to meet the

requirements of the park's residents. Each mobile home site shall be provided with sufficient water connections.

- (2) Each mobile home site shall be provided with a sewer which shall be connected to the mobile home situated on the site, to receive the waste from all plumbing related sources in such home. The sewer shall be connected to a public sewer system or one approved by the New York State Department of Health, so as not to present a health hazard. Sewer connections in unoccupied sites shall be so sealed to prevent the emission of any odors and the creation of breeding places for insects.
 - (3) Each mobile home site shall be provided with weather-proof electric service connections and outlets which are a type approved by the New York State Board of Fire Underwriters.
 - (4) Garbage receptacles with tight fitting covers shall be provided in quantities adequate to permit the disposal of all rubbish. The containers shall be kept in sanitary condition at all times. The containers shall be located no further than two hundred (200) feet from any mobile home site. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that such containers shall not overflow. Individual garbage receptacles and individual collection can be used instead of collective disposal and pick-up, if approved by the Planning Board.
 - (5.) Service buildings shall be provided as deemed necessary for the normal operation of the park. Such buildings shall be maintained by the owner or manager of the park in a clean, sightly and sanitary condition.
 - (6.) Mailboxes shall be clustered attractively and located near the main entrance roads.
- f. Open Space
- (1) Each mobile home park shall provide common open space for the use by the occupants of the park.
 - (2) Such open space shall be conveniently located in the park.
 - (3) Such space shall have a total area equal to at least ten (10) percent of the gross land area of the park.

g. Lighting

Every mobile home park shall be safely and attractively lighted as may be determined necessary by the Planning Board.

h. Fire and Building Code

All applicable requirements of the New York State Fire and Building Code shall be complied with.

16. Marinas

- a. No paved area, with the exception of boat launching ramps, may be located within twenty five (25) feet of the mean high water mark of the Hudson River.
- b. Marinas may not be operated between the hours of 10 PM. and 6 am.
- c. Lights from a marina may not illuminate adjacent properties or the waterbody greater than 25 feet from shore.
- d. Every marina shall provide restrooms for the use of its clientele. Such restrooms shall be maintained in a clean and orderly condition, and shall be available at all times whenever clientele or employees are utilizing the property.
- e. Each marina owner or operator is required to provide the following facilities for the disposal of sanitary wastes from vessels with on-board sanitary facilities: (i) on-site vessel pullout facilities, or proven access to pullout facilities, for use by vessels which use the services of the marina; and (ii) facilities for the disposal of waste from portable marine toilets, or proven access to such facilities, for use by vessels which use the services of the marina. Such facilities shall be designed, installed, operated and maintained to prevent the discharge of contaminants from portable marine toilets into the waters of the Hudson River or the ground from which they may flow into the waters of the Hudson River.

For the purposes of this subdivision, vessels using the services of the marina shall include vessels which moor, dock or are quick launched by the marina. Written proof of access to disposal facilities for a period equal to the life of the permit shall be required. Off-site facilities must be located within a reasonable distance of the marina.

- f. A boat cleaning area that is designed, operated and maintained in such a manner to prevent contamination of the waters of the Hudson River shall be provided, or boat cleaning shall be prohibited.

- g. Every marina shall provide water tight trash receptacles sufficient to accommodate all trash generated by the marina's customers or clientele. Such receptacles shall be maintained in a clean and orderly condition.
- h. Parking shall be required in accordance with Article XII. B. of this Ordinance. Parking for trailers shall be determined by the Planning Board.
- i. The marina operator shall provide the Planning Board with a maintenance program sufficient to keep all wharves, adjacent shoreline, water and the river bottom clean of debris.
- j. The marina operator shall provide the Planning Board with a landscape plan to minimize visual impact.
- k. The marina operator shall identify potential navigation hazards or conflicts with existing or adjacent uses such as swimming areas, and present a plan to minimize such conflicts.
- l. When applicable, proof of compliance with all applicable state and federal standards regarding bulk storage of gasoline and hazardous materials shall be provided. If applicable, no permit application shall be complete until proof of compliance is submitted.
- m. Each marina operator operating a petroleum sales facility shall submit a plan relative to the inspection and maintenance of petroleum storage facilities and all associated equipment, and appropriate measures relative to spill prevention and countermeasures. Each marina operating a petroleum sales facility shall, as part of such plan: (i) inspect all plumbing and related pumping equipment, not less than daily, to guard against leakage of petroleum products into the groundwater and waters of the Hudson River; (ii) train each person pumping motor fuels in procedures to guard against the spillage of such motor fuels into the waters of the Hudson River and procedures to respond to a spill; and (iii) maintain, in close proximity to the pumping facilities, such equipment as is necessary to respond to any spill of petroleum products into the waters of the Hudson River or onto land or structures where it may flow into the waters of the Hudson River.
- n. No dock shall be constructed in any configuration other than straight E, F, L, T or U-shaped.
- o. No dock shall exceed seven (7) feet in width.
- p. Every dock or wharf constructed shall have a minimum setback of twenty

(20) feet from the adjacent property line extended into the River on the same axis as the property line runs onshore where it meets the River, or at a right angle to the mean high-water mark, whichever results in the greater setback.

- q. No dock shall be constructed so as to interfere with normal navigation.
- r. No dock shall be constructed unless designed to withstand forces of flowing water, wave washes, and ice (if left installed year round).
- s. Any person owning, operating, or building a dock, wharf or mooring, shall be responsible for the complete removal of pilings, cribs, chains and blocks, floats and/or any other related components which are abandoned or fall into disuse.
- t. All persons shall comply with all conditions issued with any permit issued for the construction, operation or use of a marina. Failure to comply with any such condition shall be a violation, and grounds for the immediate revocation of the permit and/or the imposition of a fine for each day until the violation is corrected.
- u. A permit shall not be required for maintenance and repair of an existing dock, wharf or mooring if such repairs do not alter the size or shape of the dock or wharf. All repairs must conform to the requirements of this subpart.
- v. Any change in use of an existing marina which increases the number and/or types of vessels serviced shall require a modification to any previously issued permit.
- w. No person shall clean any vessel with chemicals or detergents where runoff into or contamination of the waters of the Hudson River is likely to occur.
- x. No person shall launch a vessel into the waters of the Hudson River without inspecting the vessel to ensure the detection of marine growth, including macrophytes (weeds), or any other hull contamination, and removing said growth and disposing of it so as to ensure that it is not discharged into the waters of the Hudson River.
- y. No person shall launch or operate a vessel on the waters of the Hudson River which is not permanently sealed to prevent the discharge of wastewater into the waters of the Hudson River.
- z. The regulated community should be aware that the construction of a dock, wharf or mooring may also require a permit from other agencies,

including The Department of Environmental Conservation and the U.S. Army Corps of Engineers.

17. Commercial Communications / Radio Towers

- a. Policy. No commercial communications/radio tower shall hereafter be used, erected, moved, reconstructed, changed or altered unless in conformity with these regulations. No existing structure shall be modified to serve as commercial communications/radio tower unless in conformity with these regulations.
- b. Site Plan. An applicant shall be required to submit a site plan in accordance with Article X. The site plan shall show all existing and proposed structures and improvements including roads, building, tower(s), guy wire anchors, parking and landscaping and shall include grading plans for new facilities and roads.
- c. Supporting Documentation. The Planning Board shall require that the site plan include a completed Visual Environmental Assessment Form (Visual EAF available from the Planning Board) consistent with SEQRA and documentation on the proposed intent and capacity of use as well as a justification for any clearing required. The Planning Board may require submittal of a more detailed visual analysis based on the results of the Visual EAF in addressing this sub-section and sub-sections (k) and (l) below.
- d. Shared Use of Existing Towers. At all times, shared use of existing towers shall be preferred to the construction of new towers. An applicant shall be required to present an adequate report inventorying existing towers within reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities as an alternative to a proposed new tower.
 - (1) An applicant proposing to share use of an existing tower shall be required to document agreement by an existing tower owner to allow shared use.
 - (2) The Planning Board may consider a new commercial communications/radio tower where the applicant demonstrates that shared usage of an existing tower is impractical. The applicant shall be required to submit a report demonstrating good faith efforts to secure share use from existing towers as well as documentation of the physical and/or financial reasons why shared usage is not practical. Written requests and responses for shared use shall be provided.

- e. Shared Usage of Site with New Tower. Where shared usage of an existing tower is found to be impractical, the applicant shall investigate shared usage of an existing tower site for its ability to accommodate a new tower and accessory uses. Documentation and conditions shall be in accordance with subsections d (1) and above. Any new commercial communications/radio tower approved for an existing tower site shall be subject to the standards of sub-sections g through o below.
- f. New Tower at a New Location. The Planning Board may consider a new commercial communications/radio tower on a site not previously developed with an existing tower when the applicant demonstrates that shared usage of existing tower site is impractical, and submits a report as described in sub-section d (2) above.
- g. Future Shared Usage of New Towers. The applicant must examine the feasibility of designing a proposed commercial communications radio tower to accommodate future demand for commercial broadcasting and reception facilities. The scope of this analysis shall be determined by the Planning Board. This requirement may be waived provided the applicant demonstrates that provisions of future shared usage of the facility are not feasible and an unnecessary burden, based upon;
- (1) The number of Federal Communication Commission (FCC) licenses foreseeable available for the area;
 - (2) The kind of tower site and structure proposed;
 - (3) The number of existing and potential licenses without tower spaces;
 - (4) Available spaces on existing and approved towers; and
 - (5) Potential adverse visual impact by a tower designed for shared usages.
- h. Setbacks for New Towers. All proposed commercial communications/ radio towers and accessory structures shall be set back from abutting residential parcels, public property or street lines a distance sufficient to contain on-site substantially all ice-fall or debris from tower failure and preserve the privacy of adjoining residential properties.
- (1) All tower bases must be located at a minimum setback from any property line at a distance at least equal to the tower height, or the distance between the tower base and guy wire anchors, or the minimum setback of the underlying zoning district, or a minimum setback at a distance which shall be established at the sole discretion of the Planning Board based on the unique characteristics of the site,

whichever of the foregoing is greatest. The minimum setback requirement of this paragraph may be increased at the discretion of the Planning Board.

- (2) Accessory structures must comply with the minimum setback requirements in the underlying district.
- i. Visual Impact Assessment. The Planning Board shall require the applicant to undertake a visual impact assessment of any proposed new towers or any proposed modifications of an existing tower that will increase the height of the existing tower. Construction of a new tower or modification of an existing tower shall be subject to the guidelines and criteria below that are determined by the Planning Board.
- (1) Assessment of "before and after" views from key viewpoints both inside and outside of the town, minimum of one mile distance, including state highways and other major roads, from state and local parks, other public lands, from any privately owned preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of residents. Assessment shall include at least one representative of before and after views. This should be accompanied by a visibility map, scale 1:2000 indicating where tower will be visible within a one-mile radius.
 - (2) Assessment of alternative tower designs and color schemes, as described in subsection (j) below.
 - (3) Assessment of visual impact of the tower base, guy wires, accessory buildings and overhead utility lines from abutting properties and streets.
- j. New Tower Design. Alternate designs shall be considered for new towers, including lattice, single poles, and concealment structures. The design of a proposed new tower shall comply with the following:
- (1) Unless specifically required by other regulations. All towers shall have a neutral, earth tone or similar painted finish that will minimize the degree of visual impact that the new tower may have.
 - (2) The maximum height of any new tower, or any tower in existence intended to be used as a commercial communications/radio tower, shall not exceed that which will permit operations without artificial lighting of any kind or nature, in accordance with Municipal, State and/or Federal law and/or regulation.
 - (3) Any new tower shall have the minimum height needed to provide

future shared usage, but artificial lighting of any kind shall be prohibited.

- (4) The Planning Board may request a review of the application by a qualified structural engineer for evaluation of need for and design of any new or modified tower. This cost will be paid by the applicant.
 - (5) Accessory facilities shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.
- k. Existing Vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible and no cutting of trees exceeding four (4) inches in diameter (measured at a height of four (4) feet off the ground) shall take place prior to approval of the special permit. Clear cutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited. Additional clear cutting for an access road shall be at the discretion of the Planning Board.
 - l. Screening. Deciduous or evergreen tree plantings may be required to screen portions of the tower and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public property, including streets, the following vegetative screening shall be required. For all towers, at least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least ten (10) feet in height within two (2) years of planting shall be provided to effectively screen the tower base and accessory facilities. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival. Plant height in these cases shall include the height of any berm.
 - m. Access. Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road construction shall, at all times, minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than ten (10) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
 - n. Parking. Parking shall be provided in accordance with Article XI.D., of this ordinance.
 - o. Fencing. Sites of proposed new towers and sites where modifications to existing towers are proposed shall be adequately enclosed by a fence, the design of which shall be determined by the Planning Board, unless the applicant demonstrates to the Planning Board that such measures are unnecessary to ensure the security of the facility.

- p. Maintenance and/or Performance Bond. The Planning Board, in its sole discretion, may require the applicant and/or owner to post and file with the Town Clerk of the Town of Northumberland prior to approval of any application and/or license, a maintenance and/or performance bond in an amount sufficient to cover the installation. The amount required shall be determined at the sole discretion of the Planning Board based upon the unique characteristics of the tower and site. In furtherance of the foregoing, the applicant and/or owner shall cooperate with the Planning Board in supplying all necessary construction and maintenance data to the Board prior to approval of any application to accomplish the foregoing.

18. Agribusiness:

A special permitted use to the principal agricultural use of a property within the Agricultural Protection District, and is subject to the following standards:

- a. For the purposes of this section, agribusinesses may involve any one of a wide range of uses, so long as it remains secondary to, and compatible with, the active farm use.
- b. Any new building constructed for use by the agribusiness shall be of a design so that it can be readily converted to agricultural use, or removed, if the agribusiness is discontinued.
- c. No part of an agribusiness shall be located within three hundred (300) feet of any land within a residential zone. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the farm occupation and the property/zoning line.
- d. The agribusiness shall occupy no more than five thousand (5,000) square feet of gross floor area, nor more than one (1) acre of lot area. However, any access drive serving the agribusiness and the farm shall not be calculated as land serving the farm occupation.
- e. Any sign used for an agribusiness shall not exceed ten (10) square feet in size.

19. Public Utility Use.

- a. Site Plan. An applicant shall be required to submit a site plan in accordance with Article X of this ordinance. The site plan shall show all existing and proposed structures and improvements, including roads, building, tower(s), guy wire and anchors, parking and landscaping, and shall include grading plans for new facilities and roads.
- b. Supporting documentation. The Planning Board shall require that the

site plan include an evaluation of all public utility use alternatives, a complete visual environmental assessment form pursuant to SEQRA, and documentation on the proposed intent and capacity of use as well as a justification for the proposed public utility use and justification for any clearing required. The Planning Board may require submittal of a more detailed visual analysis based on the results of the visual EAF in addressing this in Subsections 20.k. and 20.l. below.

- c. Shared use of existing facilities. At all times, shared use of existing facilities and structures shall be preferred to the construction of new facilities and structures. An applicant shall be required to present an adequate report inventorying existing public utility facilities /structures within a reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities as an alternative to proposed new structures.
 - (1) An applicant proposing to share use of existing facilities shall be required to document intent from an existing facility owner to allow shared use.
 - (2) The Planning Board shall consider a new facility/structure where the applicant demonstrates that shared usage of an existing facility/structure is impractical. The applicant shall be required to submit a report demonstrating good-faith efforts to secure shared use from existing facilities/structures as well as documentation of the physical and/or financial reasons why shared usage is not practical. Written requests and responses for shared use shall be provided.
- d. Shared usage of site with new facility/structure. Where shared usage of an existing facility/structure is found to be impractical, the applicant shall investigate shared usage of an existing public utility site for its ability to accommodate a new facility/structure and accessory uses. Documentation and conditions shall be in accordance with Subsections c.(1) and (2) above. Any new facility/structure approved for an existing public utility site shall be subject to the standards of Subsections f. through o. below.
- e. New facility/structure at a new location. The Planning Board shall consider a new facility/structure on a site not previously developed with an existing facility/structure when the applicant demonstrates that shared usage of an existing public utility site is impractical and submits a report demonstrating good-faith efforts to secure shared use from existing public utility sites as well as documentation of the physical and/or financial reasons why shared usage is not practical. Written requests and responses for shared use shall be provided.

- f. Future shared usage of new public utility sites. The applicant must examine the feasibility of designing a proposed public utility site to accommodate future demand for similar facilities. The scope of this analysis shall be determined by the Planning Board. This requirement may be waived, provided that the applicant demonstrates that provisions of future shared usage of the facility is not feasible and an unnecessary burden, based upon the kind of site and structure proposed.
- g. Setbacks for new public utilities. All proposed public utility structures/facilities and accessory structures shall be set back from property lines the distance set forth in the schedule for the underlying zoning district.
- h. Visual impact assessment. The Planning Board shall require the applicant to undertake a visual impact assessment of any proposed new public utility facility or any proposed new public utility facility or any proposed modification of an existing public utility facility to include:
 - (1) A "Zone of Visibility Map," provided in order to determine locations where the facility/structure may be seen.
 - (2) Pictorial representations of "before and after" views 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.
 - (3) Assessment of alternative facility/structure designs and color schemes.
 - (4) Assessment of visual impact of the facility/structure, accessory buildings and overhead utility lines from abutting properties and streets.
- i. Sensory impact assessment. The Planning Board shall require the applicant to undertake a sensory impact assessment of any proposed new public utility facility or any proposed modification of an existing public utility facility to include:
 - (1) Decibel levels to be produced "before and after" which are audible on adjacent properties, providing an example of a common noise at a similar decibel level.
 - (2) Assessment of alternative facility/structure designs which reduce any audio impact (i.e. the addition of acoustical materials, sound dampening devices, etc.).
 - (3) Assessment of audio impact of the facility/structure and accessory

buildings from abutting properties and streets.

- (4). Assessment of alternative facility/structure designs which reduce any olfactory impact (i.e. the addition of air filters, odor reducing devices, etc.).
 - (5). Assessment of olfactory impact of the facility/structure and accessory buildings from abutting properties and streets.
- j. New facility design. The design of a proposed new public utility facility/structure shall comply with the following:
- (1) Unless specifically required by other regulations, all facilities/structures shall have a neutral, earth tone or similar painted finish that shall minimize the degree of visual impact.
 - (2) Any new facility/structure shall have the minimum size needed to provide future shared usage.
 - (3) Artificial lighting of the facility/structure, unless specifically required by other regulations, shall be prohibited.
 - (4) The Planning Board may request a review of the application by a qualified structural engineer, at the applicants cost, for evaluation of need for and design of any new facility/structure.
 - (5) Accessory facilities shall maximize the use of building materials, colors and textured designed to blend with the natural surroundings.
 - (6) No portion of any facility/structure or related structure shall be used for a sign or other advertising purpose, including but not limited to company name, phone numbers, banners, streamers, etc.
- k. Existing vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four (4) inches in diameter [measured at a height of four (4) feet off the ground] shall take place prior to the approval of the special permit.
- l. Screening. Deciduous or evergreen tree plantings may be required to screen portions of the facility/structure and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where a site abuts a residential property or public property, including streets, screening shall be required.
- m. Access. Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road

construction shall, at all times, minimize grounds disturbance and vegetation cutting to within the toe of fill, the top of cuts or no more than ten (10) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbances and reduce soil erosion potential.

- n. Parking. Off street parking spaces shall be provided as required to service the facility.
- o. Fencing. Sites of proposed new public utility facilities/structures and sites where modifications to existing facilities/structures are proposed shall be adequately enclosed by a fence, design of which shall be approved by the Board, unless the applicant demonstrates to the Board that such measures are unnecessary to ensure the security of the facility.
- p. Removal. Obsolete or unused public utility facilities/structures and related structures shall be removed from any site within four (4) months of discontinuance of use.
- q. Maintenance and/or performance bond. The Planning Board, at its sole discretion, may require the applicant and/or the owner to establish, prior to approval of any application, a maintenance and/or performance bond in an amount sufficient to cover the installation, maintenance, and/or construction of said public utility facility/structure(s) during its lifetime. The amount required shall be determined at the sole discretion of the Planning Board, based upon the unique characteristics of the public utility facility/structure and site. The applicant and/or owner shall cooperate with the Planning Board in supplying all necessary construction and maintenance data to the Planning Board prior to approval of any application. Cost estimates shall be reviewed by the Town Engineer.