

**ARTICLE XI
SUPPLEMENTAL REGULATIONS**

The following supplemental regulations are applicable to all zoning districts within the Town of Northumberland unless otherwise provided herein.

A. General Performance Standards

1. Noise: No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which is a nuisance to surrounding inhabitants.
2. Atmospheric Emissions: No dust, dirt, smoke, odor or noxious gases that would not normally be associated with a residential district shall be disseminated beyond the boundaries of any lot in a residential district where any use is located.
3. Glare and Heat: Any outdoor lighting fixture shall be shielded in such a manner that:
 - a. The edge of the shield is below the light source;
 - b. Direct rays from the light source are confined to the immediate area to be illuminated and to the extent practicable confined to the property boundary; and
 - c. Direct rays are prevented from escaping toward the sky.

For the purpose of these provisions, light source includes any refractor, reflector or globe. Outdoor lighting shall be of substantially minimum intensity needed for the particular purpose. No heat shall be produced that is perceptible beyond the boundaries of the lot on which such source is located.

4. Industrial and Commercial Wastes: No solid or liquid wastes, including solvents, greasecutters, paint thinners, oils, pesticides, herbicides, heavy metals, or radioactive materials shall be discharged into any public sewer, common or private sewage disposal system, stream or on or into the ground, except in strict conformance with the standards approved by the NYSDOH and NYSDEC, or with the standards established by any applicable local law or ordinance, or other duly empowered agency. Where more than one (1) standard exists, the most stringent shall apply. Radioactive material shall be stored in compliance with all applicable regulations of NYSDOH, New York State Labor Department, NYSDEC, and the Federal Environmental Protection Agency.

5. Radioactivity or Electromagnetic Disturbance: No activities shall be permitted which emit any radioactivity beyond the building in which such activity is located. No electrical disturbance adversely affecting the operation of any equipment other than that of the generator of such disturbance shall be permitted. No emission or discharge of radioactive gases, liquids or solids shall be permitted. The handling and disposal of radioactive materials or waste by-products, whether or not licensed by the Nuclear Regulatory Commission, shall be conducted only in accordance with the standards established in Title 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation," as amended, and in accordance with any other applicable laws, regulations or ordinances including those established by the Town of Northumberland.
6. Fire and Explosion Hazards: All activities involving, and all storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting suppression equipment and devices standard in the industry. All applicable requirements of the New York State Uniform Fire Prevention and Building Code, as well as the provisions of the National Fire Protective Association (NFPA) Code, shall be fully observed. All burning of such waste materials in open fires is prohibited.
7. Maintenance of Developed Lots: 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 by other material.

B. Parking Standards and Design

In all districts, at the time any new building or structure is erected, any existing building or structure enlarged, new or changed use of land or structure established, or subdivision completed, off-street parking and loading space shall be provided in accordance with the minimum standards set forth below. These parking spaces shall be satisfactorily maintained by the owner of the property for each building which, after the date this Ordinance becomes effective, is erected, enlarged, or altered for any use for any of the following purposes. All parking spaces provided pursuant to this Section shall be on the same lot with the building. The Planning Board may require additional off-street parking and loading spaces for any use if the Planning Board finds that the minimum standards are not sufficient.

1. Required Number of Off-Street Parking Spaces: The minimum number of parking spaces stated below shall be required in addition to one (1) parking space for each company vehicle associated with a commercial, business or light industrial use.

a. Residential Uses:

- Single-family dwelling 2 spaces
- Mobile home 2 spaces
- Two-family dwelling 4 spaces
- Boarding or rooming house,
Bed & Breakfast, Inn 1 space per bedroom plus
required spaces for resident
occupants of same and other
dwelling units

b. General Uses:

- Church or other place of worship,
meeting hall, membership club,
auditorium, theater or other place
of public seating assembly not
otherwise specified. 1 space per 3 seats or
50 sq. ft. of seating area
where fixed seating is not
provided
- School 1 space per 12 classroom
seats or the auditorium
requirements as specified
above, whichever is greater
- Cultural facility (museum, library),
art gallery or public/semi
public use 1 space for each 300 sq. ft.
of gross floor area plus
1 space for each employee
- Nursing home 1 space for each
2 beds

c. Accessory Uses:

- Home occupation 1 space per 250 sq. ft. of
such use, if customers or
clients routinely visit the
use plus 1 space per
employee, if applicable

d. Business Uses:

- Funeral home 1 space per 3 seats within
public areas, plus 1 space
per employee and business-
related vehicle

- Medical clinic and related health service office 5 spaces per professional, plus 1 space per employee
- General or other professional office 1 space per 300 sq. ft. of gross floor area, plus one space per employee
- Retail business, store or service shop 1 space per 200 sq. ft. of gross floor area, plus one space per employee
- Personal Service Establishment 1 space per 200 sq. ft. of floor area, plus one space per employee
- Hotel or motel 1 space per bedroom plus 10 per 1,000 sq. ft. of gross floor area non-guest room area, plus 1 space per employee
- Restaurant and Tavern 1 space per 3 seats or 50 sq. ft. of floor space available to patrons, whichever is greater, whether such seats or floor area are situated within an enclosed building or outdoor service area plus 1 space per employee

e. Recreational Uses:

- Indoor commercial recreation facility 2 spaces per alley, table, court, or similar measure
- Golf course 220 spaces for 18 holes; 110 spaces for 9 holes
- Park To be determined by the Planning Board upon recognition of park's size and type
- Stable/riding academy 1 space per 2 horse stalls

- Marina 1 space per 1.5 boats dock spaces, plus 1 space per employee

f. Industrial Uses:

- Industry and Manufacturing 1 space per number of employees on largest shift, or 800 sq. ft. gross floor area, whichever is greater, plus 1 space per company vehicle
- Warehouse 1 space per 2 employees and 1 space per company vehicle

g. Miscellaneous

- Kennel 1 space per 10 dogs capable of accommodation plus 1 space per employee
- Airport To be determined by the Planning Board upon recognition of airport's size and type
- Veterinarian Clinic/Hospital 4 spaces per veterinarian plus 1 space per employee
- Day care center 1 space per 4 children (Total children = # of children per session) plus 1 space per employee
- Composting center To be determined by the Planning Board upon recognition of Center's size and type
- Recyclables and transfer center To be determined by the Planning Board upon recognition of Center's size and type

For uses not specifically listed, the requirement shall be the same as for the most similar use listed as determined by the Planning Board at the time

of special permit and/or site plan review, as provided for in Articles IX. and X., respectively, of this Ordinance.

In the case of a combination of uses on a single parcel, the requirement for off-street parking spaces shall be the sum of the requirements for the various individual uses, unless it can be established by the applicant to the satisfaction of the Planning Board that staggered hours of use would permit modification.

Alternative off-street parking standards to those in 1 (a-g), above, shall be accepted by the Planning Board if the applicant demonstrates that such standards better reflect local conditions.

2. Design Standards for Off-Street Parking Spaces:

- a. Areas which may be considered as meeting off-street parking space requirements may include a garage, carport or other properly developed area available for parking;
- b. Parking shall not encroach within fifteen (15) feet of any public right-of-way, side or rear property line, except that if abutting a residential district a minimum of twenty (20) feet separation shall be maintained;
- c. In all districts, each parking space provided shall be at least nine (9) feet wide and eighteen (18) feet long. Parking spaces for the physically handicapped shall measure twelve (12) feet in width. Each space shall have direct and usable driveway access to a street and adequate maneuvering area between spaces;

The average parking lot area per automobile parking space shall not be less than three hundred (300) square feet, including adjacent circulation areas;

- d. All parking areas shall be suitably drained. Except for one or two-family dwellings, parking lot surfacing requirements shall be established by the Planning Board under site plan review, as provided for in Article X. of this Ordinance, with particular consideration given to the number of vehicles accommodated and the proposed intensity and season(s) of use;
- e. All non-residential off-street parking areas shall be designed to eliminate the need to back out onto any public street, road, or highway and where feasible for residential;

shall be located within fifty (50) feet of any street intersection, nor shall any off-street loading berth encroach on any required front yard or required side yard, accessway or off-street parking area, except that in a commercial district off-street parking areas may be used for loading and unloading, provided that such areas shall not be so used or restricted for any more than three (3) hours during the daily period that the establishment is open for business.

- c. Permitted or required loading berths, open or enclosed, may be provided in spaces designed to serve jointly two (2) or more adjacent establishments.

D. Swimming Pools

Any outdoor swimming pool, whirlpool or hot tub, as defined in Section II.B. of this Ordinance, shall be subject to the following requirements:

1. The outdoor swimming pool, whirlpool or hot tub shall be enclosed on all sides by a security fence not less than four (4) feet nor more than six (6) feet in height, or, in the case of whirlpool or hot tub, a securely locked cover may be provided in lieu of a fence;
2. Such security fence, as may be applicable, shall be provided with a locking gate to prevent accidental entry or unauthorized use of the outdoor swimming pool, whirlpool or hot tub;
3. Height restrictions shall not apply to swimming pools;
4. Compliance with all other requirements of the New York State Uniform Fire Prevention and Building Code.

E. Fences and Walls

1. All fences shall be sited in such a manner to allow proper maintenance of same on both sides without entering upon an adjoining property unless an easement is provided by the neighbor to permit this maintenance;
2. Except as otherwise provided in E.3 or E.4 of this Section, in any residential or commercial district, fences and walls shall not exceed eight (8) feet in height when erected in rear or side yards nor four (4) feet in height when erected within the front yard;
3. In the Industrial (I) District, fences and walls shall not exceed eight (8) feet in height;

4. In any district, all fences and walls shall conform to the requirements of Article XI.M. as pertains to corner lots where special sight clearance considerations are necessary to protect traffic safety;
5. The side designed to be viewed shall face outward, away from the area/use being fenced.

F. Automobile Junk Yards

No automobile junk yard shall be hereinafter established in the Town of Northumberland. Existing lawfully established junk yards shall be operated in full compliance with the following standards:

1. No automobile junk yard shall be located within one hundred fifty (150) feet of any residential building (except that belonging to the owner of the junk yard), public park, church, educational center, nursing home, public building or other place of public gathering, or any stream, lake, pond, marsh, swamp or other body of water.
2. The junk yard shall be operated so as to minimize the fire hazard therefrom and to prevent improper trespass thereon by children and others;
3. There must be erected and maintained an eight (8) foot fence adequate to prohibit the entrance of children and others into the area of the activity or business and to contain within such fence the materials dealt with by the operator of the junk yard. All the materials dealt with by the operator of the junk yard shall be kept within such fence at all times. Whenever the junk yard is not open for business, or temporarily not supervised, this fence, and any gate thereto, shall be secured or locked to prevent entry. Where a junk yard is or would be visible from a public highway or from neighboring properties, the fence shall be of wood or other materials sufficient to totally screen the junk yard from view. As an alternative, the Planning Board may permit such screening by adequate planting of evergreen trees or shrubbery. The Board may also waive the requirements of fencing where topography or other natural conditions effectively prohibit the entrance of children and others;
4. Adequate means of fire protection shall be maintained on the premises at all times;
5. The junk yard shall not be used as a dump area by the public and there will be no burning of automobiles or other materials except in connection with the periodic crushing and removal of automobiles or other materials from such yards in compliance with applicable New York State Ordinance regarding outdoor burning.

G. 100 Year Flood Hazard Areas

All proposed uses that occur in federally designated 100-year flood hazard areas shall, in addition to complying with Local Law No. 1 of 1995, meet the following:

1. All structures shall be designed and anchored to prevent floatation, collapse, or lateral movement due to flood water related forces;
2. All construction materials and utility equipment used shall be resistant to flood damage;
3. Construction practices and methods shall be employed which minimize potential flood damage;
4. Adequate drainage shall be provided to reduce flood hazard exposure; and
5. All public utilities and facilities shall be located and constructed to minimize or eliminate potential flood damage.

H. Principal Buildings Per Lot

Unless otherwise specified, there shall be only one (1) principal use and building per lot in all districts.

I. Through Lots

For any through lot, fronting on parallel or abutting streets, or a street and shoreline, both frontages shall comply with the front yard requirements of the district in which it is located.

J. Frontage Upon a Street

Every principal building shall be built upon a lot with frontage upon a street improved to meet the standards of the Town of Northumberland.

1. The minimum required frontage for one principal building shall be twenty-five (25) feet; and such frontage shall provide actual physical access to and from the lot to be built upon for such purposes of ingress and egress to the lot by emergency vehicles such as fire trucks and/or ambulances.

K. Special Lot Regulations

1. Existing Substandard Lots. Notwithstanding the limitations imposed by any other provisions of this Ordinance, the erection of a building on any lot separately owned or under contract of sale and containing, at the time of the passage of this Ordinance, an area or a width smaller than that required for a

permitted use shall be allowed without requiring a variance. The minimum side yard requirements are reduced in proportion to the reduction of lot width over the specified minimum lot width for the district. This provision applies only where such lot is not adjacent to other property owned by the applicant.

2. Front yard depth. Notwithstanding the limitations imposed by any other provisions of this Ordinance, each building hereafter erected may have a front yard equal in depth to the average front yard depth of the building within one hundred (100) feet adjacent thereto on either or both sides.
3. Reduction in rear yards. When a lot is less than the minimum area prescribed for the district in which it is located at the time of passage of this Ordinance or subsequent amendments thereto which may affect the area requirement of the particular lot, the rear yard may be reduced in proportion to the reduction in lot depth over the specified minimum lot depth for the district. However, no rear yard shall be less than fifteen (15) feet in depth, except that an accessory building may be placed no closer than ten (10) feet to the rear lot line.
4. Corner lot transition. On every corner lot there shall be provided on the side street a side yard equal in depth to the required front yard depth on said side-street.

L. Unregistered Vehicles

No more than one (1), unregistered motor vehicle may be stored in an unenclosed area in any zoning district, except for unregistered vehicles utilized for active agricultural purposes.

M. Obstructions at Street Intersections

On a corner lot in any district, any fence or wall built within fifty (50) feet of the pavement edge of the intersecting streetline shall be of open construction, such as wire, wood, picket, or iron, and shall not exceed four (4) feet in height, except for such fences as may be installed as a safety precaution surrounding swimming pools. For safety at intersections, corner lots shall not have any structure, plantings, signs, or other objects that obstruct the view of traffic on the intersecting street from motor vehicle operators.

N. Outdoor Storage on Residential Lots

Not more than two (2) commercial vehicles in excess of twenty (20) feet in length nor more than a total of two (2) camping trailers or boats may be stored outdoors on a lot in a residential district. All such outdoor storage shall occur as inconspicuously as practicable on the lot and may not occur within the minimum required front yard whenever a suitable side or rear yard exists. No such vehicle,

boat, or trailer shall be stored within twenty five (25) feet of an adjoining residential lot line, unless a dense natural screen is planted and maintained, in which case the above-stated minimum distance may be reduced to fifteen (15) feet.

O. Garage Sales

Garage sales shall not exceed three (3) days in duration and not occur more than five (5) times in a calendar year.

P. Required Screening

Any enclosed or unenclosed commercial or light industrial use permitted by this Ordinance may be required by the Planning Board to be enclosed by a fence, screen and/or landscaping sufficient to provide a year round buffer to obscure objectionable aspects of such use from view from adjoining properties in residential districts and/or public rights-of-way.

1. Any use which is not conducted within a completely enclosed building, including but not limited to junk yards, storage yards, and parking lots, and which use abuts, is adjacent to, or is located within a residential district or use or fronts a public right-of-way, may be required by the Planning Board to be obscured from view from such residential districts and uses and public rights-of-way in an effective manner;
2. Any required fences, screens and landscaping, installed in accordance with this Ordinance shall be maintained in good order to achieve the objectives stated herein. Failure to maintain fencing or to replace dead or diseased landscaping shall be considered a violation of this Ordinance.

Q. Mobile Homes

1. Mobile homes in the Town of Northumberland shall be installed in accordance with the applicable provisions of the New York State Uniform Fire Prevention and Building Code.
2. Each mobile home lot shall be improved to provide a permanent foundation or a poured concrete slab with a minimum of six (6) tie down positions, per each frame rail, for anchoring said mobile home.
3. Each mobile home shall be placed upon the land so that rain water and surface water shall run off and drain away from the mobile home and not interfere with adjoining properties.
4. Within sixty (60) days of placement on a lot each mobile home shall be equipped with a skirt of metal, fiberglass, masonry, or suitable fire retardant

material. The skirt shall be securely fastened and shall extend from the outside wall of the mobile home to ground level around the entire perimeter of the mobile home.

R. Conservation Design Subdivision

I. Purpose and Intent

- a. To allow for greater flexibility and creativity in the design of residential developments;
- b. To encourage the preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources and historical resources in a manner that is consistent with the goals and objectives of Town of Northumberland Comprehensive Land Use Plan;
- c. To encourage a more efficient form of development that consumes less open land and conforms to existing topography and natural features better than conventional or grid subdivision;
- d. To minimize the total amount of disturbance on the site;
- e. To preserve and enhance the community's rural character;
- f. To preserve and protect agriculturally significant land;
- g. To protect community waterways and water supplies;
- h. To protect the value of real property;
- i. To provide for a diversified housing stock.
- j. To further the goals and policies of the Town of Northumberland Comprehensive Land Use Plan.

II. Definitions

Conservation Design Subdivision (CDS)

The subdivision of land creating five (5) or more lots or consisting of ten (10) or more acres of property for residential use, the design of which, requires the identification and the preservation of the important natural, cultural, and scenic resources of the site, subject to the requirements of the Town's Conservation Design Subdivision Regulation.

Conservation Area

Those areas identified on the subdivision parcel which because of environmental constraints or important natural, cultural, or scenic attributes are not to be used for developmental purposes

Conservation Area Analysis

An analysis of the various conservation values and features of a proposed subdivision site to be prepared by the applicant and provided to the Planning Board to assist in the proper design of a Conservation Design Subdivision. This analysis shall include the submittal of a Conservation Analysis Checklist for the site and all relevant site information required by this regulation.

Conventional Subdivision Design

A conventional subdivision design consistent with the Town's Subdivision Regulation which shows the number of lots which can be sited on the subdivision plat.

Dedicated Open Space

Lands within or related to a development that are to be preserved as open space, and which are designed and intended for the common use or enjoyment of the residents of the subdivision or the Town. These are lands intentionally set aside for the protection of open space areas such as woodlands, farmland, and scenic viewsheds. These lands may include complementary structures and improvements. Public access may be permitted through easements or other means.

Development Areas

Those areas identified on the subdivision parcel which exclude all identified conservation areas and are suitable for residential construction.

Rural Road

A roadway utilizing two 18' travel lanes with 2' shoulders designed to serve low volumes of rural subdivision traffic while accommodating a variety of residential service vehicles.

III. Design Standards

The following design standards shall guide the design and approval of all Conservation Design Subdivisions in the Town of Northumberland:

- The creation of a Conservation Design Subdivision begins with an analysis of the particular parcel to be subdivided. The applicant and the planning board must understand the unique landscape features of the parcel, and the relationship of the parcel to adjoining lands.

- Conservation Areas are the first areas to be identified when designing the subdivision. Development Areas are identified only after Conservation Areas have been designated. The applicant and the Planning Board shall select Conservation Areas and Development Areas as early as possible in the subdivision review process (during the Pre-Application Conference stage). Agreement on the conceptual design of a Conservation Design Subdivision at this early stage is intended to ensure that the greater expense of a more detailed, engineering-level design is not undertaken on a layout that is inconsistent with the town's goals for development.
- Conservation of important natural, cultural, and scenic resources shall be the starting point for the design of subdivisions using the CDS process. Protection of wetlands, floodplains, steep slopes and streams shall be the guiding principle in designating a subdivision's conservation area. Additional lands that contribute to the unique character of the parcel to be subdivided may also be included in the subdivision's conservation area. Such lands shall contain important open space resources including, but not limited to:
 - a. Existing farms,
 - b. Land suitable for agricultural use,
 - c. Land for recreational use including potential trail linkages to adjoining lands
 - d. Environmentally sensitive lands,
 - e. Lands that are inappropriate for development,
 - f. Lands that adjoin other conservation lands and larger tracts of land which have the potential to create continuous networks of open space,
 - g. Rural character of the surrounding area, and
 - h. Scenic rural roads and viewsheds.

Land designated for permanent conservation shall be limited to the following uses:

- a. Farm operation land (farm operation land shall not include agricultural buildings except fences)
 - b. Public open space
 - c. Private open space
 - d. Forestry or forest farming operations
- The designation of land for development with Conservation Design Subdivisions shall be made in consideration of the town's desire to:
 - a. Avoid locating buildings in open fields. Preference will be to locate structures at the edges of fields along more heavily vegetated areas.
 - b. Site buildings so that they do not protrude above treetops

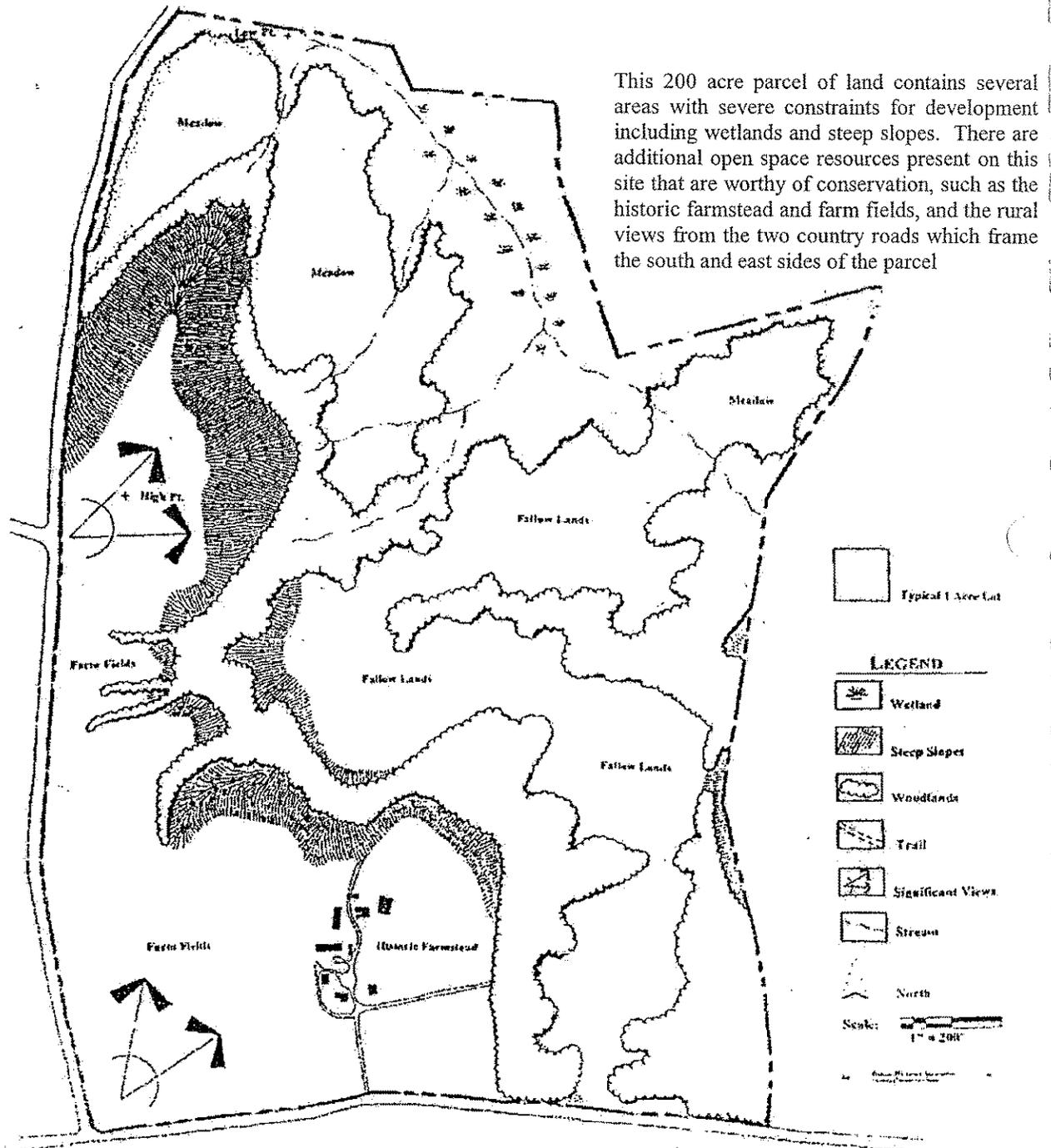
and the crest lines of hills. Buildings shall be sited so as to use existing vegetation to buffer the view of new structures from pre-existing public places and roads.

- c. Retain and re-use existing farm roads and country lanes instead of constructing new roads or driveway.
 - d. Minimize clearing of vegetation at the edge of existing roads, clearing only as much as necessary to create a driveway entrance with adequate sight distance.
 - e. Minimize the disturbances of natural features of the landscape.
 - f. Minimize the number of curb-cuts on existing town, county, and state roads.
 - g. Use curves in driveways and new roads to increase the screening of buildings.
 - h. Consider the potential impact of new homes on existing neighbors when new structures are located.
 - i. Avoid locating new homes near existing farms and farmlands.
 - j. Build new homes only on lands that are most suitable for development and associated wells and septic systems.
- Conservation design for subdivisions is preferred to conventional subdivision design because it is a development process which allows the preservation of significant areas of important open space within the Town. Because the minimum lot size and other area requirements are reduced for these subdivisions, there is considerably more room for creativity in subdivision design. This flexibility allows important site features and open space resources to be conserved, while allowing homes to be located on the most suitable lands. It also provides the ability to situate the homes in harmony with the land landscape.
- The design flexibility provided by the CDS process is intended to ensure that important site features and open space resources are conserved, and the rural character of the Town of Northumberland is protected. This is why these regulations have been adopted.
- There is no “one-size fits-all” solution to creating a subdivision that conserves significant features of the landscape while locating homes to take maximum advantage of the open space amenity created. However, the following illustrations demonstrate a recommended design process for subdivisions that utilize the Conservation Design Subdivision approach.
- The most important idea contained in these regulations is to design with the landscape. The design process illustrated on the following pages provides a “way of thinking” about the layout of a rural

subdivision. This way of thinking, which starts with the identification of conservation areas, should be foremost in the mind of an applicant when designing a subdivision, and shall guide the Planning Board when reviewing applications.

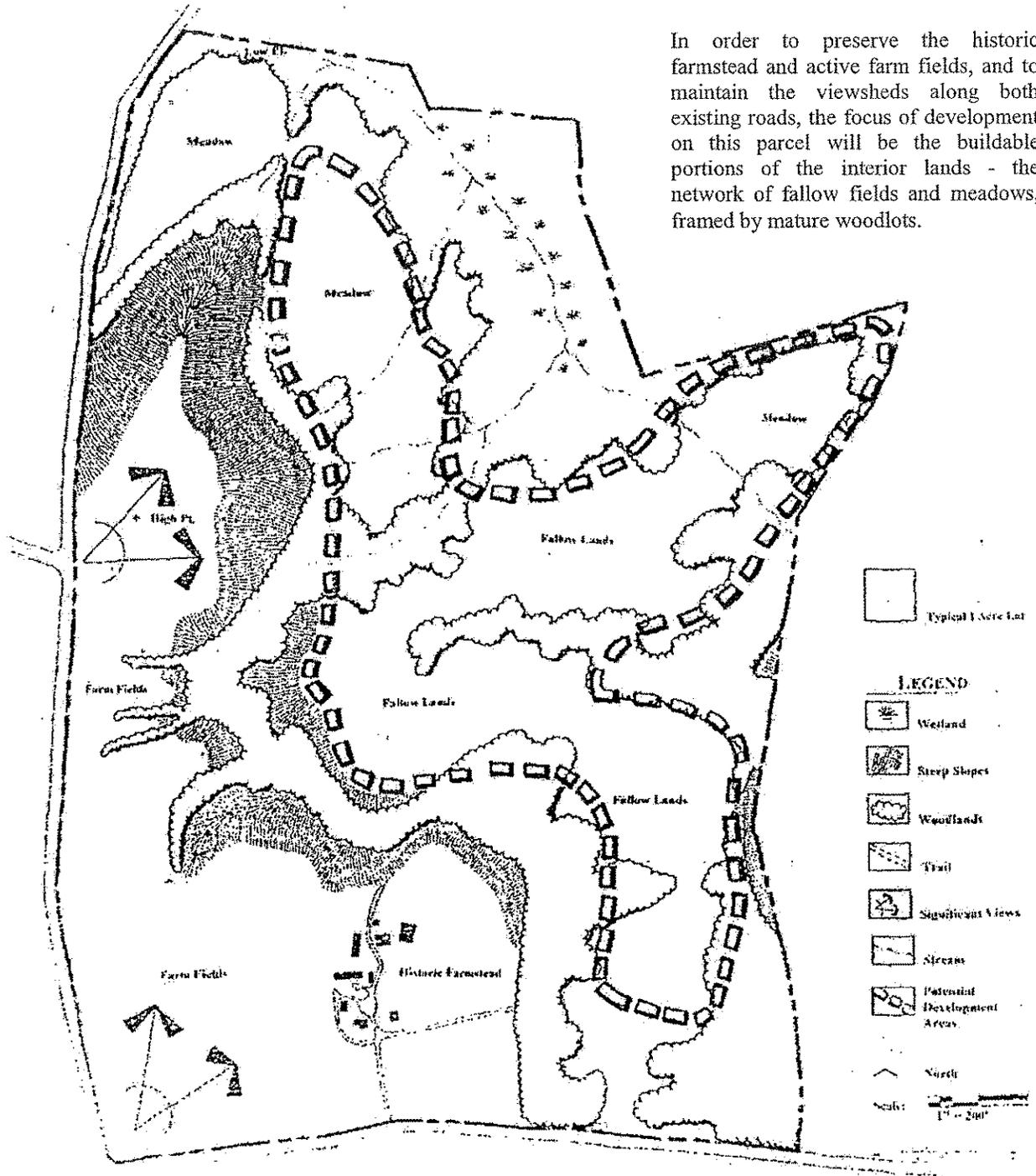
The Design Process For Conservation Design Subdivision Options

Step 1: Analyze the unique landscape features of the parcel to be subdivided and identify lands with severe constraints to development and other areas that are worthy of conservation. These will be the potential Conservation Areas.



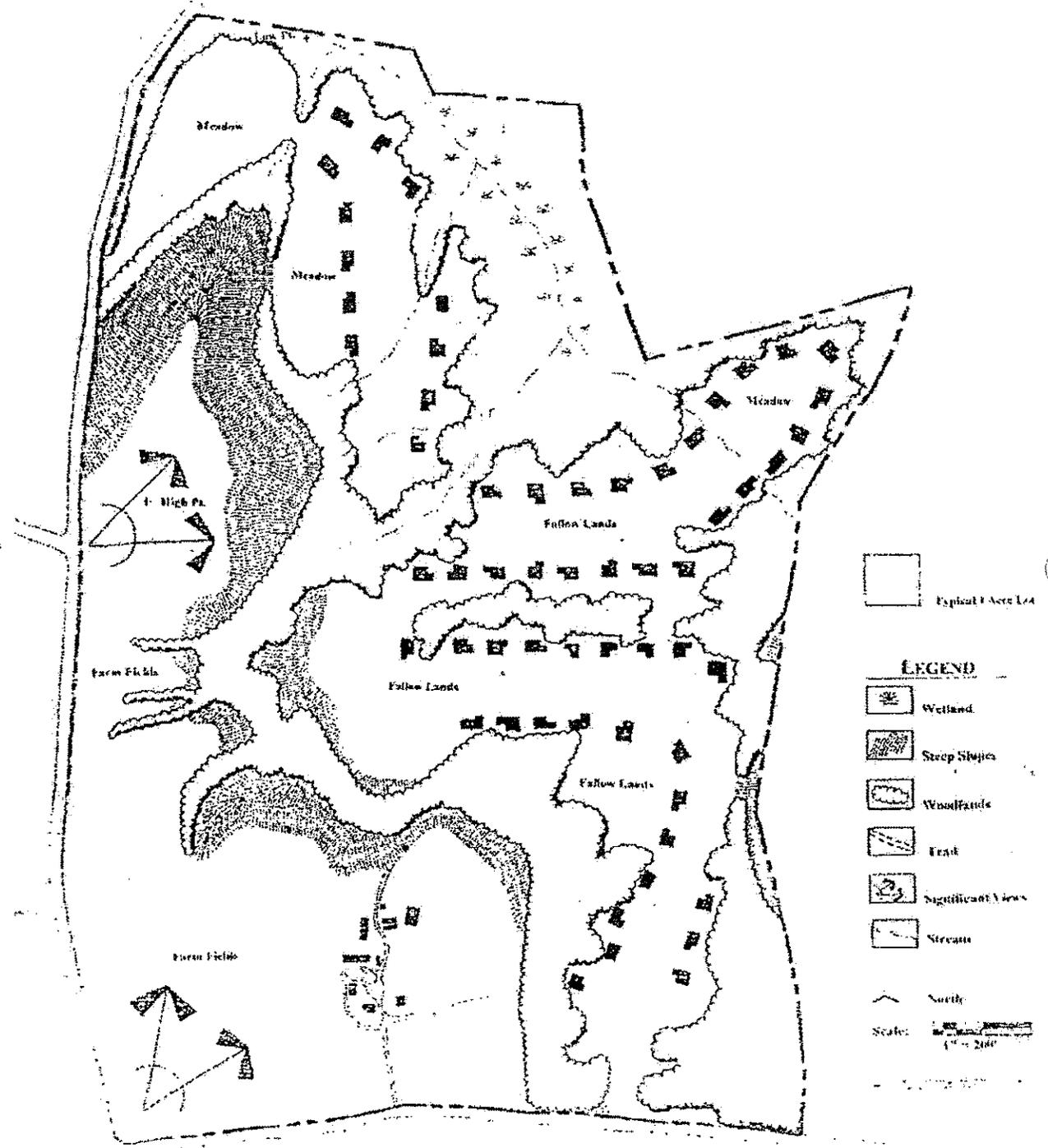
The Design Process for Conservation Design Subdivisions

Step 2: Based on the identification of conservation areas in Step 1, identify remaining areas that are suitable for development. These will be the potential Development Areas.



The Design Process for Conservation Design Subdivisions

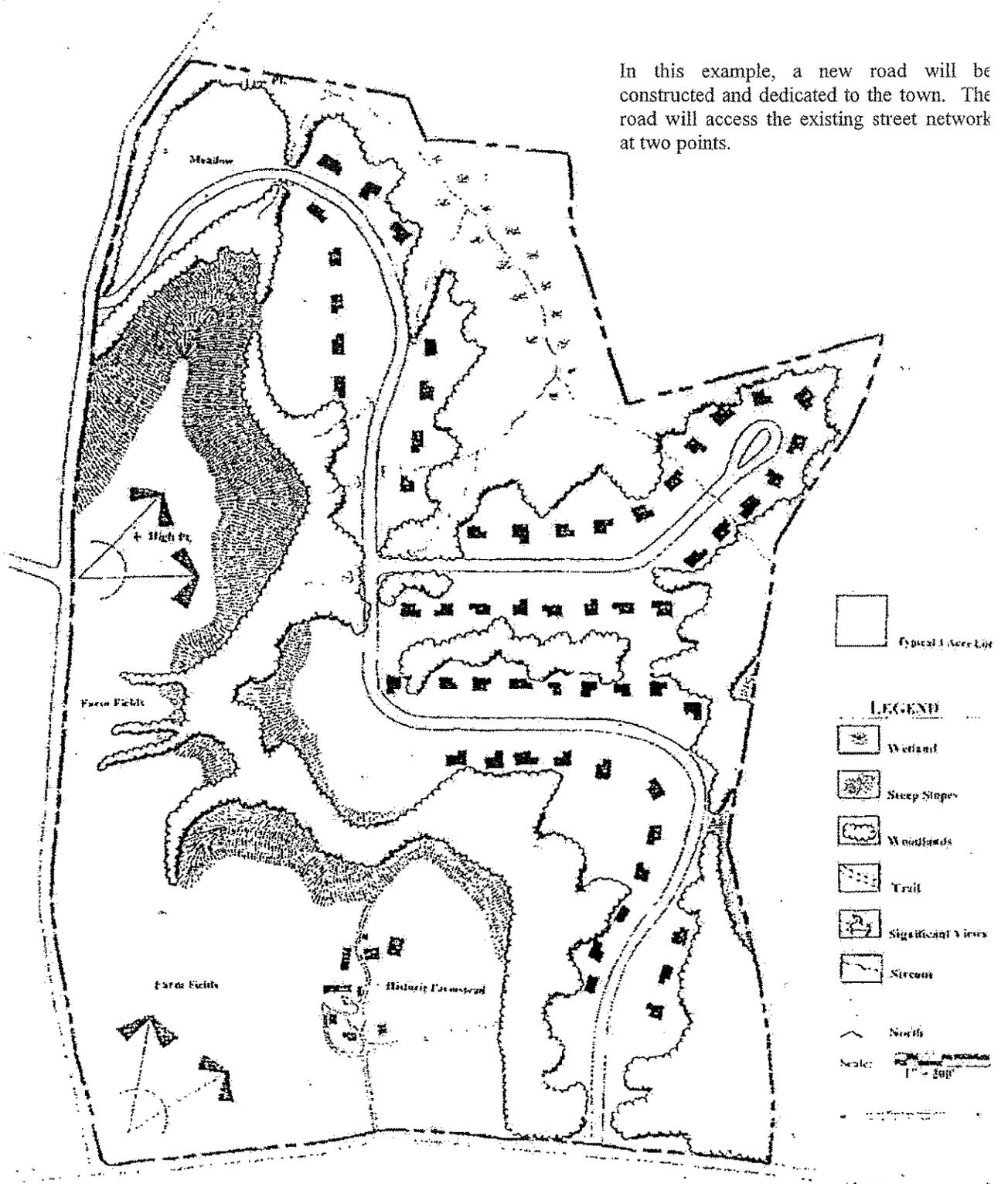
Step 3: Locate homes in the potential Development Areas.



The Design Process for Conservation Design Subdivisions

Step 4: Align roads to provide access to each of the homes.

In this example, a new road will be constructed and dedicated to the town. The road will access the existing street network at two points.



The Design Process for Conservation Design Subdivisions

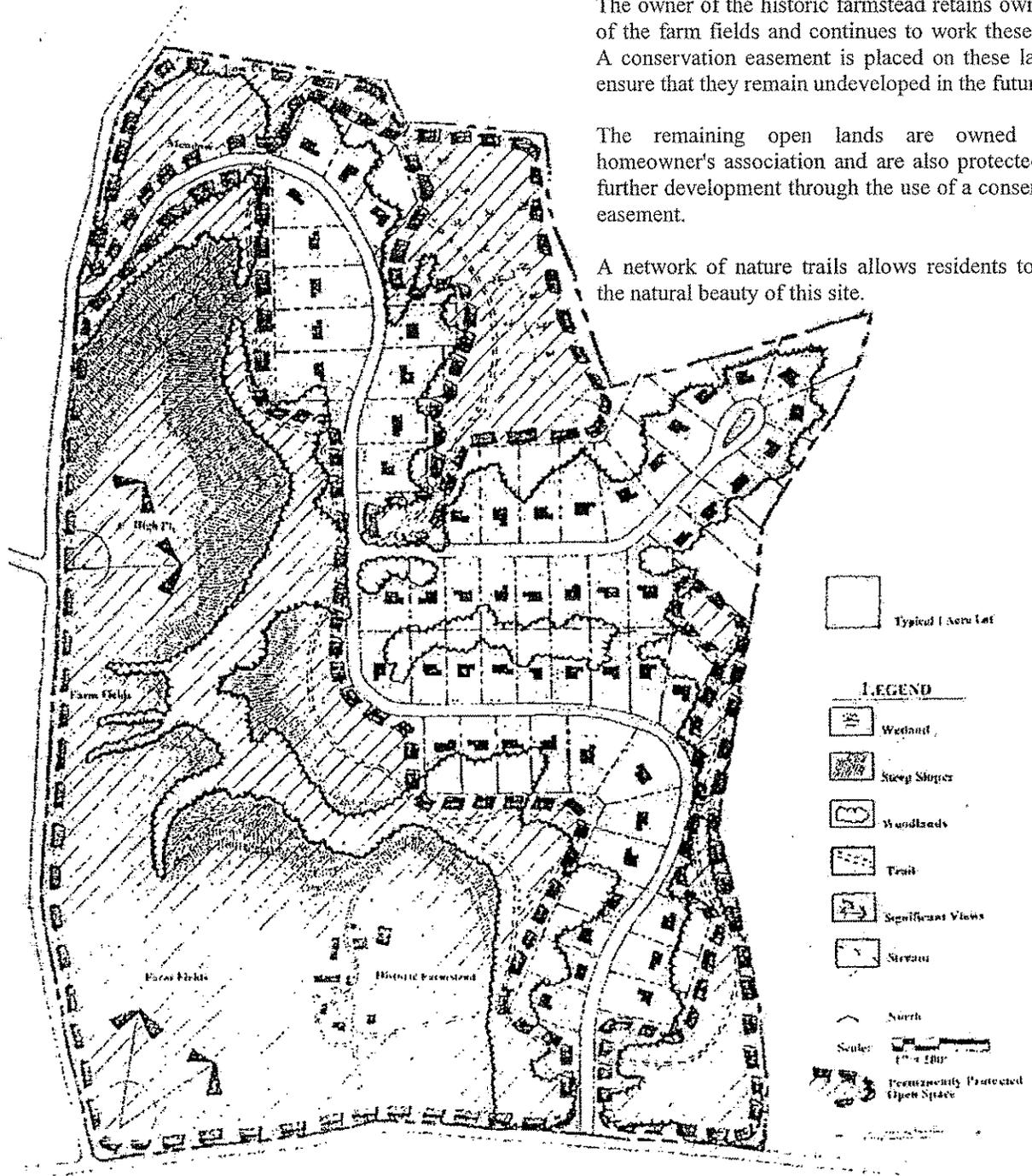
Step 5: Draw in lot lines and determine ownership and necessary accommodations for the permanently protected open space created from this subdivision.

In this example, the 59 new housing lots range in size from the minimum 1 acre (as required under zoning), to about 2 acres.

The owner of the historic farmstead retains ownership of the farm fields and continues to work these lands. A conservation easement is placed on these lands to ensure that they remain undeveloped in the future.

The remaining open lands are owned by a homeowner's association and are also protected from further development through the use of a conservation easement.

A network of nature trails allows residents to enjoy the natural beauty of this site.



IV. Procedures

- A. All applicants required to prepare a Conservation Design Subdivision shall provide the Planning Board with a conceptual conventional subdivision design as well as a proposed layout for a conceptual Conservation Design Subdivision during the Pre-Application Conference. During Pre-Application Conference, the applicant should demonstrate how the conservation subdivision design process was utilized to arrive at the conceptual design.

The following items shall be required as part of the Conceptual Subdivision submittals:

- A site map showing the parcel with USGS topography
- A soils map of the site
- An aerial photograph of the site
- A NYS wetlands map of the site
- A Conservation Analysis Checklist (Town will provide)

As part of the CDS conceptual design, the applicant utilizing the above information shall prepare and submit to the Planning Board a conservation analysis consisting of inventory maps, description of the land, and an analysis of the conservation value of the various site features (utilizing a Conservation Analysis Checklist available from the Town). The Conservation analysis shall show lands with conservation value, included but not limited to site lands exhibiting present or potential recreational, historic, ecological, agricultural, water resource, scenic or other natural resource value. The Planning Board, utilizing the conceptual conventional subdivision design and the conceptual conservation subdivision design and the aforementioned conservation analysis, shall determine the usable Development Area and the number of residential building units which will be allowed to be constructed pursuant within the proposed Conservation Design Subdivision.

- B. The Preliminary and Final Subdivision approval process as outlined in the Town of Northumberland's Subdivision Regulations shall be utilized for all Conservation Design Subdivision. The Planning Board has the final authority to designate all Conservation Areas and Development Areas.

V. Rural Road Design Option

The applicant shall have the opportunity to submit a rural road design, which after review, consultation, and approval by the Planning Board and the Town's Highway Superintendent may be utilized within the CDS.

VI. Reduction of Dimensional Requirements

- A.** The Planning Board encourages applicants to modify lot size, shape and other requirements for dimensional lots within a CDS, subject to the following limitations:
1. Lots having reduced area or frontage shall not have frontage on a street or road other than a street or road created by the CDS; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) will further the goals of this regulation.
 2. At least 50% of the required setbacks for the district shall be maintained in the CDS unless a reduction is otherwise authorized by the Planning Board.

VII. Open Space Requirements

- A.** Open Space. A minimum of fifty percent (50%) of the tract shown on the development plan shall be open space. Any proposed open space, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.
1. The percentage of the open space that is wetlands shall not normally exceed the percentage of the tract that is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in such open space upon demonstration that such inclusion promotes the purposes of this regulation.
 2. The open space shall be contiguous. Contiguous shall be defined as being connected. Open space will still be considered connected if it is separated by roadway or an accessory amenity. The Planning Board may waive this requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this regulation and/or protect identified primary and secondary conservation areas.
 3. The open space shall be used for wildlife habitat, conservation and/or the following additional purposes: agriculture, historic preservation, recreation, trail, park purposes, horticulture, forestry, and a combination of these uses and shall be served by suitable access for such purposes. The Planning Board may permit open space to be paved or built upon

for structures accessory to the dedicated use or uses of such open space (i.e. pedestrian walks, bike paths, etc.)

4. Wastewater and storm water management systems serving the CDS may be located within the open space. Surface systems, such as retention and detention ponds, shall not qualify towards the minimum open space requirement.
5. Ownership of the Open Space. The open space shall, at the Planning Board's election, be conveyed to:
 - a. A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above;
 - b. A corporation or trust owned jointly by or in common by the owners of lots within the CDS. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust that shall provide for mandatory assessments for the maintenance expenses to each lot.
 - c. An individual property owner with deed restrictions or conservation easements.
 - d. The Town of Northumberland (requires Town Board approval).

S. Solid Waste Management and/or Resource Recovery Facilities

Solid waste management and resource recovery facilities in the Town of Northumberland are regulated by Local Law #1 of 1992.

T. Soil Disturbance

Soil disturbance within the Town of Northumberland is regulated by Local Law #2 of 1991. Any soil disturbing activity which affects five (5) or more acres of land within the Town of Northumberland shall undergo site plan review and receive such permit prior to commencing said activity.

1. Exceptions:

Nothing contained within this Ordinance will preclude soil disturbing

activities in the event of a bona fide emergency for authorized governmental activities or for the customary cultivation of farmland associated with agricultural activities or the conversion of various lands for agricultural purposes or for the non-commercial selective cutting of trees for firewood and/or woodland management purposes.

U. Commercial Timber Harvesting

Local Law #1 of 2006 requires a permit from the Town for commercial timber harvests which removes more than ~~10,000~~^{15,000} board feet or ten ~~(10)~~²⁰ cords of wood.

V. Watercourse Protection

Watercourse protection within the Town of Northumberland is regulated by Local Law #1 of 1991.

1. Regulated Watercourse Areas.

These watercourse protection standards are applicable to all streams within the Town of Northumberland which are delineated on the most recent edition of the U.S. Geological Survey's 7.5 minute quadrangle maps for the Town of Northumberland and to all adjacent areas lying within one hundred feet (100') measured horizontally from the centerline of the stream in each direction.

Said maps are on file and copies are available for reference at the Town Clerk's Office.

2. Prohibited Activities.

The following activities shall be prohibited within the regulated watercourse areas:

- a. The installation of any septic tank, leach fields or other on-site sewage disposal facility.
- b. The storage or dumping of any waste material, junk, refuse, or other debris.
- c. Substantial clearing or grading, or any building construction. Substantial clearing shall be defined as removal of more than 50 percent of the existing vegetation.
- d. The piping or culvert of streams in excess of 50 feet.

3. Activities subject to site plan review and approval:

The following activities shall require site plan approval before being undertaken in the regulated watercourse areas:

- a. The alteration, repair, or removal of any existing buildings or structures.
 - b. The repair or replacement of existing faulty or deteriorating sewage facilities.
 - c. Culverts and bridges.
 - d. Discharges.
 - e. Agricultural activities within fifty feet (50') of a regulated watercourse.
4. Exempt Activities.

The following activities shall, to the extent provided, be exempt from site plan review:

- a. Active agricultural activities greater than 50' from a regulated watercourse which do not involve a point discharge to said watercourse.
- b. Watercourse maintenance activities, if carried out in accordance with applicable New York State DEC standards, requirements, and permits.
- c. The following activities related to the necessary, normal maintenance and upkeep of property:
 - (i) Ordinance care (required by decree, law or ordinance – municipal regulation)
 - (ii) Gardening
 - (iii) Tree and shrub care
 - (iv) Removal of dead and deteriorating vegetation
- d. Municipal utility and road crossings.
- e. Maintenance and reconstruction of municipal utilities and roads.

W. Right to Farm Law

The Town of Northumberland encourages the maintenance and preservation of farming within its boundaries. Local Law #7 of 1991, as amended by Local Law

#1 of 1992, known as the Right to Farm Law, has been adopted by the Town of Northumberland and requires the following public notification be included on all building permits and subdivision plats:

"This property may border a farm, as defined in Town of Northumberland Local Law No. 7 of the year 1991. Residents should be aware that farmers have the right to undertake farm practices which may generate dust, odor, smoke, noise and vibration."

X. Travel Trailers

Any travel trailer sited on property within the Town of Northumberland and actively used for more than thirty (30) consecutive days or forty-five (45) days aggregate in any one calendar year shall be considered a mobile home.

Y. Construction Trailers

Construction trailers are allowed to be located on active construction sites subject to the issuance of a temporary building permit which requires their removal within thirty (30) days after the completion of construction.

Z. Stormwater Management

The Zoning Administrator and the Town Planning Board shall require all applicants who will be disturbing one (1) acre or more of land due to construction-related activities to secure NYS Phase 2 stormwater management general permit coverage and provide all pertinent information, including a copy of the state-required Stormwater Pollution Prevention Plan (SWPPP) and proof of state general permit coverage approval, to the aforesaid parties for their review prior to the issuance of any local permits or approvals.